

Public Law 90-40

AN ACT

To amend the Universal Military Training and Service Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Universal Military Training and Service Act is amended as follows:

(1) Section 1(a) (50 App. U.S.C. 451(a)) is amended to read as follows:

“(a) This Act may be cited as the ‘Military Selective Service Act of 1967.’”

(2) Section 4 (50 App. U.S.C. 454) is amended by:

(a) Inserting after the first proviso of subsection (a) the following: “*Provided further,* That, notwithstanding any other provision of law, any registrant who has failed or refused to report for induction shall continue to remain liable for induction and when available shall be immediately inducted.”, and

(b) Adding the following new subsection (g) to read as follows:

“(g) The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its duties under this subsection the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.”

(3) Section 5(a) (50 App. U.S.C. 455(a)) is amended by inserting “(1)” immediately after “Sec. 5. (a)”; and by adding at the end thereof a new paragraph as follows:

“(2) Notwithstanding the provisions of paragraph (1) of this subsection, the President in establishing the order of induction for registrants within the various age groups found qualified for induction shall not effect any change in the method of determining the relative order of induction for such registrants within such age groups as has been heretofore established and in effect on the date of enactment of this paragraph, unless authorized by law enacted after the date of enactment of the Military Selective Service Act of 1967.”

(4) Section 6(c)(2)(A) (50 App. U.S.C. 456(c)(2)(A)), is amended to read as follows:

“(2)(A) Any person, other than a person referred to in subsection (d) of this section, who—

“(i) prior to the issuance of orders for him to report for induction; or

“(ii) prior to the date scheduled for his induction and pursuant to a proclamation by the Governor of a State to the effect that the authorized strength of any organized unit of the National Guard of that State cannot be maintained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; or

“(iii) prior to the date scheduled for his induction and pursuant to a determination by the President that the strength of the Ready Reserve of the Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, or Coast Guard Reserve cannot be main-

June 30, 1967
[S. 1432]

Universal Military Training and Service Act, amendments.
65 Stat. 75.

Short title re-designation.

Induction liability.

Occupational deferment recommendations.

Order of induction, change prohibited.
62 Stat. 608.

Enlistment in Ready Reserve.
77 Stat. 134.

65 Stat. 83.

62 Stat. 604.
50 USC app. 451.471.

tained by the enlistment or appointment of persons who have not been issued orders to report for induction under this title; enlists or accepts appointment, before attaining the age of 26 years, in the Ready Reserve of any Reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this title so long as he serves satisfactorily as a member of an organized unit of such Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Enlistments or appointments under subparagraphs (ii) and (iii) of this clause may be accepted notwithstanding the provisions of subsection (h) of this section, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955. In no event shall the number of enlistments or appointments made under authority of this paragraph in any fiscal year in any Reserve component of the Armed Forces or in the Army National Guard or the Air National Guard cause the personnel strength of such Reserve component or the Army National Guard or the Air National Guard, as the case may be, to exceed the personnel strength for which funds have been made available by the Congress for such fiscal year."

(5) Section 6(a) (50 App. U.S.C. 456(a)) is hereby amended to read as follows:

"SEC. 6. (a) (1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, United States Naval Reserves; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces, and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4, except that aliens admitted for permanent residence in the United States shall not be so exempted. Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than eighteen months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the

62 Stat. 604.
50 USC app.
451-471.

72 Stat. 1438.
70A Stat. 610.

62 Stat. 624.
50 USC app. 465.
Post, p. 102.

Exemptions.
65 Stat. 83;
69 Stat. 223.

62 Stat. 605;
65 Stat. 76.
50 USC app.
453, 454.

United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such eighteen-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

Medical or
other specialists.

Public Health
Service officers.

“(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, or the Environmental Science Services Administration, shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to the enactment of this paragraph, had been detailed or assigned to duty other than that specified in the preceding sentence shall not be required to be registered under section 3 and shall be relieved from liability for training and service under section 4.”

62 Stat. 605;
65 Stat. 76.
50 USC app.
453, 454.

Student defer-
ments.
65 Stat. 83.

(6) Section 6(h) (50 App. U.S.C. 456(h)) is amended to read as follows:

“(h) (1) Except as otherwise provided in this paragraph, the President shall, under such rules and regulations as he may prescribe, provide for the deferment from training and service in the Armed Forces of persons satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution of learning and who request such deferment. A deferment granted to any person under authority of the preceding sentence shall continue until such person completes the requirements for his baccalaureate degree, fails to pursue satisfactorily a full-time course of instruction, or attains the twenty-fourth anniversary of the date of his birth, whichever first occurs. Student deferments provided for under this paragraph may be substantially restricted or terminated by the President only upon a finding by him that the needs of the Armed Forces require such action. No person who has received a student deferment under the provisions of this paragraph shall thereafter be granted a deferment under this subsection, nor shall any such person be granted a deferment under subsection (i) of this section if he has been awarded a baccalaureate degree, except for extreme hardship to dependents (under regulations governing hardship deferments), or for graduate study, occupation, or employment necessary to the maintenance of the national health, safety, or interest. Any person who is in a deferred status under the provisions of subsection (i) of this section after attaining the nineteenth anniversary of the date of his birth, or who requests and is granted a student deferment under this paragraph, shall, upon the termination of such deferred status or deferment, and if qualified, be liable for induction as a registrant within the prime age group irrespective of his actual age, unless he is otherwise deferred under one of the exceptions specified in the preceding sentence. As used in this subsection, the term ‘prime age group’ means the age group which has been designated by the President as the age group from which selections for induction into the Armed Forces are first to be made after delinquents and volunteers.

“Prime age
group.”

Occupational
deferments.

“(2) Except as otherwise provided in this subsection the President is authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons whose employment in indus-

try, agriculture, or other occupations or employment, or whose continued service in an Office (other than an Office described in subsection (f)) under the United States or any State, territory, or possession, or the District of Columbia, or whose activity in graduate study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors is found to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That no person within any such category shall be deferred except upon the basis of his individual status: *Provided further*, That persons who are or may be deferred under the provisions of this section shall remain liable for training and service in the Armed Forces under the provisions of section 4(a) of this Act until the thirty-fifth anniversary of the date of their birth. This proviso shall not be construed to prevent the continued deferment of such persons if otherwise deferrable under any other provisions of this Act. The President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces (1) of any or all categories of persons in a status with respect to persons (other than wives alone, except in cases of extreme hardship) dependent upon them for support which renders their deferment advisable, and (2) of any or all categories of those persons found to be physically, mentally, or morally deficient or defective. For the purpose of determining whether or not the deferment of any person is advisable, because of his status with respect to persons dependent upon him for support, any payments of allowances which are payable by the United States to the dependents of persons serving in the Armed Forces of the United States shall be taken into consideration, but the fact that such payments of allowances are payable shall not be deemed conclusively to remove the grounds for deferment when the dependency is based upon financial considerations and shall not be deemed to remove the ground for deferment when the dependency is based upon other than financial considerations and cannot be eliminated by financial assistance to the dependents. Except as otherwise provided in this subsection, the President is also authorized, under such rules and regulations as he may prescribe, to provide for the deferment from training and service in the Armed Forces of any or all categories of persons who have children, or wives and children, with whom they maintain a bona fide family relationship in their homes. No deferment from such training and service in the Armed Forces shall be made in the case of any individual except upon the basis of the status of such individual. There shall be posted in a conspicuous place at the office of each local board a list setting forth the names and classifications of those persons who have been classified by such local board. The President may, in carrying out the provisions of this title, recommend criteria for the classification of persons subject to induction under this title, and to the extent that such action is determined by the President to be consistent with the national interest, recommend that such criteria be administered uniformly throughout the United States whenever practicable; except that no local board, appeal board, or other agency of appeal of the Selective Service System shall be required to postpone or defer any person by reason of his activity in study, research, or medical, dental, veterinary, optometric, osteopathic, scientific, pharmaceutical, chiropractic, chiropodial, or other endeavors found to be necessary to the maintenance of the national health, safety, or interest solely on the basis of any test, examination, selection system, class standing, or any other means conducted, sponsored, administered, or prepared by any agency or department of the Federal Government,

62 Stat. 611.
50 USC app.
456.

65 Stat. 76.
50 USC app.
454.

Dependents.

Posting of classification list.

Uniform classification criteria.

or any private institution, corporation, association, partnership, or individual employed by an agency or department of the Federal Government."

Conscientious
objectors.
62 Stat. 612.

(7) Section 6(j) (50 App. U.S.C. 456(j)) is amended to read as follows:

"Religious
training and
belief."

"(j) Nothing contained in this title shall be construed to require any person to be subject to combatant training and service in the armed forces of the United States who, by reason of religious training and belief, is conscientiously opposed to participation in war in any form. As used in this subsection, the term 'religious training and belief' does not include essentially political, sociological, or philosophical views, or a merely personal moral code. Any person claiming exemption from combatant training and service because of such conscientious objections whose claim is sustained by the local board shall, if he is inducted into the armed forces under this title, be assigned to noncombatant service as defined by the President, or shall, if he is found to be conscientiously opposed to participation in such noncombatant service, in lieu of such induction, be ordered by his local board, subject to such regulations as the President may prescribe, to perform for a period equal to the period prescribed in section 4(b) such civilian work contributing to the maintenance of the national health, safety, or interest as the local board pursuant to Presidential regulations may deem appropriate and any such person who knowingly fails or neglects to obey any such order from his local board shall be deemed, for the purposes of section 12 of this title, to have knowingly failed or neglected to perform a duty required of him under this title."

65 Stat. 78;
70A Stat. 630.
50 USC app.
454.

(8) Section 10(b)(3) (50 App. U.S.C. 460(b)(3)) is amended by:

62 Stat. 622.
50 USC app.
462.
Registrants'
counselors.
62 Stat. 619.

(a) Inserting the following new proviso at the end of the first sentence thereof: "*Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his membership in a Reserve component of the Armed Forces."

Local boards,
membership.

(b) Deleting the colon immediately preceding the first proviso, substituting a period therefor and inserting the following: "No member shall serve on any local board or appeal board for more than twenty-five years, or after he has attained the age of seventy-five. No citizen shall be denied membership on any local board or appeal board on account of sex. The requirements outlined in the preceding two sentences shall be fully implemented and effective not later than January 1, 1968."

Judicial re-
view.

(c) Inserting immediately before the last sentence thereof the following: "No judicial review shall be made of the classification or processing of any registrant by local boards, appeal boards, or the President, except as a defense to a criminal prosecution instituted under section 12 of this title, after the registrant has responded either affirmatively or negatively to an order to report for induction, or for civilian work in the case of a registrant determined to be opposed to participation in war in any form: *Provided*, That such review shall go to the question of the jurisdiction herein reserved to local boards, appeal boards, and the President only when there is no basis in fact for the classification assigned to such registrant."

Post, p. 105.

"Executive
secretary."

(9) Sections 10(b)(4) (50 App. U.S.C. 460(b)(4)) is amended by deleting the semicolon at the end of the paragraph, substituting a colon therefor, and adding the following: "*Provided further*, That an employee of a local board having supervisory duties with respect to other employees of one or more local boards shall be designated as the 'executive secretary' of the local board or boards: *And provided*

further, That the term of employment of such 'executive secretary' in such position shall in no case exceed ten years except when reappointed;".

(10) Section 10(g) (50 App. U.S.C. 460(g)) is amended to read as follows:

Report to
Congress.
65 Stat. 87.

"(g) The Director of Selective Service shall submit to the Congress semiannually a written report covering the operation of the Selective Service System and such report shall include, by States, information as to the number of persons registered under this Act; the number of persons inducted into the military service under this Act; the number of deferments granted under this Act and the basis for such deferments; and such other specific kinds of information as the Congress may from time to time request."

(11) Section 12 (50 App. U.S.C. 462) is amended by:

Legal proceed-
ings.
62 Stat. 622.

(a) Deleting the last sentence of subsection (a) and substituting the following in lieu thereof: "Precedence shall be given by courts to the trial of cases arising under this title, and such cases shall be advanced on the docket for immediate hearing, and an appeal from the decision or decree of any United States district court or United States court of appeals shall take precedence over all other cases pending before the court to which the case has been referred."

(b) Adding a new subsection (c) as follows:

"(c) The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so."

(12) Section 17(c) (50 App. U.S.C. 467(c)) is amended by striking out "July 1, 1967" and inserting in place thereof "July 1, 1971".

77 Stat. 4.

SEC. 2. Section 1 of the Act of August 3, 1950, chapter 537, as amended (77 Stat. 4), is amended by striking out "July 1, 1967" and inserting in place thereof "July 1, 1971".

10 USC 3201
note.

SEC. 3. Section 16 of the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2216), is amended by striking out "July 1, 1967" and inserting in place thereof "July 1, 1971".

77 Stat. 4.

SEC. 4. Section 9 of the Act of June 27, 1957, Public Law 85-62, as amended (77 Stat. 4), is amended by striking out "July 1, 1967" and inserting in place thereof "July 1, 1971".

50 USC app.
454 note.

SEC. 5. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1967" whenever that date appears and inserting in place thereof "July 1, 1971".

77 Stat. 4.

SEC. 6. Chapter 39 of title 10, United States Code, is amended—

70A Stat. 27.
10 USC 671-687.

(1) by inserting the following new section after section 673:

"§ 673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units

"(a) Notwithstanding any other provision of law, the President may order to active duty any member of the Ready Reserve of an armed force who—

"(1) is not assigned to, or participating satisfactorily in, a unit of the Ready Reserve;

"(2) has not fulfilled his statutory reserve obligation; and

"(3) has not served on active duty for a total of 24 months.

"(b) A member who is ordered to active duty under this section may be required to serve on active duty until his total service on active duty equals 24 months. If his enlistment or other period of military service would expire before he has served the required period under this section, it may be extended until he has served the required period.

“(c) To achieve fair treatment among members of the Ready Reserve who are being considered for active duty under this section, appropriate consideration shall be given to—

“(1) family responsibilities; and

“(2) employment necessary to maintain the national health, safety, or interest.”; and

(2) by inserting the following item in the analysis:

“673a. Ready Reserve: members not assigned to, or participating satisfactorily in, units.”

Approved June 30, 1967.

Public Law 90-41

June 30, 1967
[S. 617]

AN ACT

To authorize the States of North Dakota, South Dakota, Montana, and Washington to use the income from certain lands for the construction of facilities for State charitable, educational, penal, and reformatory institutions.

N. Dak., S. Dak.,
Mont., and Wash.
Use of income.

47 Stat. 150.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of the fourth paragraph of section 11 of the Act entitled “An Act to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States”, approved February 22, 1889 (25 Stat. 676), as amended, is amended to read as follows: “Rentals on leased land, proceeds from the sale of timber and other crops, interest on deferred payments on land sold, interest on funds arising from these lands, and all other actual income, shall be available for the acquisition and construction of facilities, including the retirement of bonds authorized by law for such purposes, and for the maintenance and support of such schools and institutions.”

Approved June 30, 1967.

Public Law 90-42

July 1, 1967
[H. R. 10730]

AN ACT

To amend the Older Americans Act of 1965 so as to extend its provisions.

Older Americans
Act Amendments
of 1967.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Older Americans Act Amendments of 1967”.

COMMUNITY PLANNING, SERVICES, AND TRAINING

79 Stat. 220.

SEC. 2. (a) (1) The first sentence of section 301 of the Older Americans Act of 1965 (42 U.S.C. 3021) is amended by striking out “four” and inserting in lieu thereof “six”.

Appropriation.

(2) The second sentence of such section is amended (1) by striking out “and” before “\$8,000,000” and (2) by striking “and for the fiscal year ending June 30, 1968, and each of the two succeeding years, such sums may be appropriated as the Congress may hereafter authorize by law,” and inserting in lieu thereof “\$10,550,000 for the fiscal year