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M E M O R A N D U M

TO: William Burrus
Thomas A. Neill

FROM: Susan L. Catler *SLC*

DATE: March 4, 1987

RE: Public Law 121 (1953)

At your request, I have researched the current status of Public Law 121 of the 83rd Congress (1953). Based on that research it appears that Public Law 83-121 has expired by its own terms.

According to Public Law 83-121, its benefits shall be provided to:

any person (1) who serves in the Armed Forces of the United States at any time after June 30, 1950 and prior to the expiration of the authority to induct persons into the Armed Forces under the Universal Military Training and Service Act, as amended... [Emphasis added.]

The Universal Military Training and Service Act, as amended, to which Public Law 83-121 refers was originally recorded at 65 Stat. 75. Section 17(c) of the Universal Military Training and Service Act provides:

(c) Notwithstanding any provisions of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1955 except persons now or hereafter deferred under Section 6 of this title after the basis for such deferment ceases to exist. [Emphasis added.]

Messrs. Burrus & Neill
March 4, 1987
Page 2

65 Stat. 87. This section was codified at 50 U.S.C. App. §467(c).

The provision relating to authority for induction, 50 U.S.C. §467(c), has been revised several times. Each time the termination date was extended. The final extension, contained in subsection (c) of Public Law 92-129, extended the termination date from July 1, 1971 to July 1, 1973.

The Universal Military Training and Service Act was renamed the Military Selective Service Act of 1967 by Public Law 90-40 §1(1) on June 30, 1967. 81 Stat. 100. It is now designated the Military Selective Service Act by Public Law 92-129, Title 1, §101(a)(1), passed September 28, 1971. 85 Stat. 348.

"The expiration of the authority to induct persons into the Armed Forces under the Universal Military Training and Service Act, as amended", the last date for commencement of service for eligibility for Public Law 83-121's benefits, occurred either when the law was renamed on June 30, 1967 or when the authority for induction contained in 50 U.S.C. App. §467(c) finally expired on July 1, 1973. In either case, persons leaving the military now are not entitled to the benefits of Public Law 83-121. Someone entering Service on the last possible date, June 30, 1973, who served no more than the four years stipulated in Section 2(b) of Public Law 83-121 and applied within 90 days of separation or release from hospitalization continuing not more than one year after separation from active duty, id. at Section 2(a)(3), would have applied to enter the Postal Service in 1978.

I have attached copies of the following documents for your reference:

1. Public Law 83-121, 67 Stat. 173-4 (1953)
2. Universal Military Training and Service Act, Public Law 82-51, 65 Stat. 75, 87 (1951)
3. 50 U.S.C. App. §476, including Historical Note.

SLC:mjm

Enclosures

(2) serves more than four years after the date of entering upon active duty, or serves beyond the date upon which he is able to obtain orders relieving him from active duty following four years of service, in the Armed Forces (other than for the purpose of determining his physical fitness) whether or not voluntarily, in response to an order or call to active duty.

Restriction on
compensation.

SEC. 3. No person shall be entitled to any basic compensation by reason of the enactment of this Act for any period prior to the date of his probational appointment in accordance with this Act.

Approved July 16, 1953.

Public Law 122

CHAPTER 199

AN ACT

July 16, 1953
[H. R. 4823]

To convey by quitclaim deed certain land to the State of Texas.

Texas.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is hereby authorized to convey by quitclaim deed to the State of Texas, for public park and recreational purposes only, such areas within the portion of Denison Dam and Reservoir project, Texas, designated as Eisenhower State Park, as he shall deem essential to provide building sites for permanent buildings and other improvements for public park and recreational purposes, but not to exceed one hundred and sixty acres, at fair market value as determined by him, which in no event shall be less than the cost to the Government of acquiring such areas, and under such terms and conditions as he shall deem advisable to assure that the use of said areas by the State will not interfere with the operation of said dam and reservoir project and such additional terms and conditions as he shall deem advisable in the public interest.

The conveyance authorized by this Act shall not pass any right, title, or interest in oil, gas, fissionable materials, or other minerals.

In the event actual construction of the said buildings and improvements has not commenced within five years from the effective date of this Act, or in the event said property shall cease to be used for public park and recreational purposes for a period of two successive years, then title thereto shall immediately revert to the United States.

Approved July 16, 1953.

Public Law 123

CHAPTER 200

AN ACT

July 16, 1953
[S. 1544]

To repeal the authority to purchase discharge from the Army, the Navy, the Air Force, and the Marine Corps.

10 USC 651.
34 USC 196.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of June 16, 1890 (26 Stat. 158), and that part of the Act of March 3, 1893 (27 Stat. 717), which provides "and in time of peace the President may in his discretion, and under such rules and upon such conditions as he may prescribe, permit any enlisted man to purchase his discharge from the Navy, or the Marine Corps, the amounts received therefrom to be covered into the Treasury", are hereby repealed.

Approved July 16, 1953.

should be withdrawn or modified or a quota established, it shall make and publish a report stating its findings and conclusions.

SEC. 8. (a) In any case where the Secretary of Agriculture determines and reports to the President and to the Tariff Commission with regard to any agricultural commodity that due to the perishability of the commodity a condition exists requiring emergency treatment, the Tariff Commission shall make an immediate investigation under the provisions of section 22 of the Agricultural Adjustment Act, as amended, or under the provisions of section 7 of this Act to determine the facts and make recommendations to the President for such relief under those provisions as may be appropriate. The President may take immediate action however, without awaiting the recommendations of the Tariff Commission if in his judgment the emergency requires such action. In any case the report and findings of the Tariff Commission and the decision of the President shall be made at the earliest possible date and in any event not more than 25 calendar days after the submission of the case to the Tariff Commission.

(b) Subsection (f) of section 22 of the Agricultural Adjustment Act, as amended, is hereby amended to read as follows:

“(f) No trade agreement or other international agreement heretofore or hereafter entered into by the United States shall be applied in a manner inconsistent with the requirements of this section.”

SEC. 9. (a) The second sentence of section 2 (a) of the Act entitled “An Act to amend the Tariff Act of 1930”, approved June 12, 1934, as amended, is amended by striking out the word “sections” and inserting in lieu thereof the word “section” and by striking out “and 516 (b)”.

(b) Subsection (c) of section 17 of the Customs Administrative Act of 1938, as amended, is hereby repealed.

SEC. 10. The enactment of this Act shall not be construed to determine or indicate the approval or disapproval by the Congress of the Executive Agreement known as the General Agreement on Tariffs and Trade.

SEC. 11. The President shall, as soon as practicable, take such measures as may be necessary to prevent the importation of ermine, fox, kolinsky, marten, mink, muskrat, and weasel furs and skins, dressed or undressed, which are the product of the Union of Soviet Socialist Republics or of Communist China.

Approved June 16, 1951.

Perishable agricultural commodities.
Emergency action.

49 Stat. 773.
7 U. S. C. § 624.
Ante, p. 74.

62 Stat. 1250.
7 U. S. C. § 624 (f).

48 Stat. 944.
19 U. S. C. §§ 1001,
1201.

52 Stat. 1066.
19 U. S. C. § 1516
note.
GATT.

61 Stat., Pts. 5 and 6.

Importation of certain furs.
Restriction.

Public Law 51

CHAPTER 144

AN ACT

To provide for the common defense and security of the United States and to permit the more effective utilization of manpower resources of the United States by authorizing universal military training and service, and for other purposes.

June 19, 1951
[S. 1]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SECTION 1. The Selective Service Act of 1948 (62 Stat. 604), as amended, is further amended as follows:

(a) Section 1 (a) of such Act is amended to read as follows:

“SECTION 1. (a) This Act may be cited as the ‘Universal Military Training and Service Act.’”

1951 Amendments to the Universal Military Training and Service Act.
Selective Service Act of 1948, amendments.
50 U. S. C. app. § 451 (a).
Short title of Act.

ing, determining his physical fitness to enter, or performing training duty in, the Armed Forces of the United States. Upon his release from training duty or upon his rejection, such employee shall, if he makes application for reinstatement within thirty days following his release, be reinstated in his position without reduction in his seniority, status, or pay except as such reduction may be made for all employees similarly situated."

(t) Section 13 (a) of such Act is amended to read as follows:

"(a) Nothing in sections 281, 283, or 284 of title 18 of the United States Code, in section 190 of the Revised Statutes (U. S. C. title 5, sec. 99), or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled 'An Act to prevent pernicious political activities', as amended, shall be deemed to apply to any person because of his appointment under authority of this title or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or non-combatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board."

(u) Section 10 of such Act is amended by (1) amending the sixth sentence of the proviso appearing in section 10 (b) (3) to read as follows: "There shall be not less than one appeal board located within the area of each Federal judicial district in the United States and within each Territory and possession of the United States, and such additional separate panels thereof, as may be prescribed by the President."; and (2) by adding at the end of section 10 a new subsection as follows:

"(g) The Director of Selective Service shall submit to the Congress, on or before the 3d day of January of each year, 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; and the number of deferments granted under this Act and the basis for such deferments."

(v) Section 16 (b) of such Act is amended by striking out the word "and" and inserting before the period at the end thereof a comma and the following words: "and Guam".

(w) Section 17 of such Act is amended to read as follows:

"Sec. 17. (a) Except as provided in this title all laws or any parts of laws in conflict with the provisions of this title are hereby repealed to the extent of such conflict.

"(b) There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title. All funds appropriated for the administrative expenses of the National Security Training Commission shall be appropriated directly to the Commission and all funds appropriated to pay the expenses of training carried out by the military departments designated by the Commission shall be appropriated directly to the Department of Defense.

"(c) Notwithstanding any other provisions of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1955, except persons now or hereafter deferred under section 6 of this title after the basis for such deferment ceases to exist."

(x) Section 21 of such Act is amended (1) by striking out "July 9, 1951," and inserting in lieu thereof "July 1, 1953," (2) by striking out "twenty-one" and inserting in lieu thereof "twenty-four", and (3) by adding the following at the end thereof: "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

62 Stat. 623.
50 U. S. C. app.
§ 463 (a).
62 Stat. 697, 698.
18 U. S. C. §§ 281,
283, 284.

5 U. S. C. § 1181.

62 Stat. 618.
50 U. S. C. app. § 460.

Appeal boards.

Report to Congress.

62 Stat. 624.
50 U. S. C. app.
§ 466 (b).

62 Stat. 625.
50 U. S. C. app. § 467.
Repeals.

Appropriations au-
thorized.

Induction prohibi-
tion after July 1, 1955.

Ante, p. 83.

64 Stat. 319.
50 U. S. C. app. § 471.

Release of certain
reservists.

Health Service, and of all other officers and employees of the Public Health Service, and all functions of all agencies of or in the Public Health Service transferred to Secretary of Health, Education, and Welfare by Reorg. Plan No. 3, of 1966, eff. June 25, 1966, 31 F.R. 8855, 80 Stat. 1610, set out in the Appendix to Title 5, Government Organization and Employees.

Legislative History. For legislative history and purpose of Act June 24, 1948, see 1948 U.S.Code Cong.Service, p. 1989. See, also, Act Sept. 27, 1950, 1950 U.S.Code Cong.Service, p. 3953; Act June 19, 1951, 1951 U.S.Code Cong. and Adm.Service, p. 1472; Pub.L. 86-70, 1959 U.S.Code Cong. and Adm.News, p. 1675; Pub.L. 88-624, 1960 U.S.Code Cong. and Adm.News, p. 2963; Pub.L. 92-129, 1971 U.S.Code Cong. and Adm.News, p. 1439.

Library References

Armed Services \Leftrightarrow 20.1(3).

C.J.S. Army and Navy § 25 et seq.

Notes of Decisions

1. Minister of religion

Record disclosing that Local Selective Service Board inquired whether defendant received compensation as minister and whether defendant was minister within terminology of religious sect and that Local Board and Appeal Board used other factors did not disclose that Local

Board and Appeal Board had employed erroneous standards in determining whether defendant was minister within meaning of subsec. (g) of this section. *U. S. v. Mientke*, D.C.Wis.1967, 278 F. Supp. 177, affirmed 387 F.2d 1009, certiorari denied 88 S.Ct. 1261, 390 U.S. 1011, 20 L.Ed.2d 162.

§ 467. Repeals; appropriations; termination date

(a) Except as provided in this title [sections 451 to 471a of this Appendix] all laws or any parts of laws in conflict with the provisions of the title [said sections] are repealed to the extent of such conflict.

(b) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this title [sections 451 to 471a of this Appendix]. All funds appropriated for the administrative expenses of the National Security Training Commission shall be appropriated directly to the Commission and all funds appropriated to pay the expenses of training carried out by the military departments designated by the Commission shall be appropriated directly to the Department of Defense.

(c) Notwithstanding any other provisions of this title [sections 451 to 471a of this Appendix], no person shall be inducted for training and service in the Armed Forces after July 1, 1973, except persons now or hereafter deferred under section 6 of this title [section 456 of this Appendix] after the basis for such deferment ceases to exist.

June 24, 1948, c. 625, Title I, § 17, 62 Stat. 625; June 23, 1950, c. 351, 64 Stat. 254; June 30, 1950, c. 445, § 1, 64 Stat. 318; June 19, 1951, c. 144, Title I, § 1(w), 65 Stat. 87; June 30, 1955, c. 250, Title I, § 102, 69 Stat. 224; Mar. 23, 1959, Pub.L. 86-4, § 1, 73 Stat. 13; Mar. 28, 1963, Pub.L. 88-2, § 1, 77 Stat. 4; June 30, 1967, Pub.L. 90-40, § 1(12), 81 Stat. 105; Sept. 28, 1971, Pub.L. 92-129, Title I, § 101(a)(35), 85 Stat. 353.

50 App. § 467 WAR AND NATIONAL DEFENSE
Note 1

Historical Note

1971 Amendment. Subsec. (c). Pub.L. 92-129 extended the termination date from July 1, 1971, to July 1, 1973.

1967 Amendment. Subsec. (c). Pub.L. 90-40 extended the termination date from July 1, 1967, to July 1, 1971.

1963 Amendment. Subsec. (c). Pub.L. 88-2 extended the termination date from July 1, 1963 to July 1, 1967.

1959 Amendment. Subsec. (c). Pub.L. 86-4 extended the termination date from July 1, 1959 to July 1, 1963.

1955 Amendment. Subsec. (c). Act June 30, 1955 extended the termination date from July 1, 1955 to July 1, 1959.

1951 Amendment. Act June 19, 1951 amended section generally to provide for repeal of all conflicting laws, to appropriate certain funds directly to the Commission, and to provide for the termination date of July 1, 1955.

1950 Amendments. Subsec. (b). Acts June 23, 1950, and June 30, 1950, extended the period of effectiveness for fifteen days until July 9, 1950, and again extended it from July 9, 1950, to July 9, 1951.

Effective Date of 1971 Amendment. Section 101(a)(35) of Pub.L. 92-129 provided in part that: "The amendment made by the preceding sentence [extending the termination date of the authority to induct and train persons for service in the Armed Forces from July 1, 1971, to July 1, 1973] shall take effect July 2, 1971."

Termination of National Security Training Commission. The National Security Training Commission expired June 30, 1957, pursuant to a Presidential letter on Mar. 25, 1957, following its own recommendation for its termination.

Legislative History. For legislative history and purpose of Act June 24, 1948, see 1948 U.S.Code Cong.Service, p. 1989. See, also, Act June 30, 1950, 1950 U.S.Code Cong.Service, p. 2669; Act June 19, 1951, 1951 U.S.Code Cong. and Adm.Service, p. 1472; Act June 30, 1955, 1955 U.S.Code Cong. and Adm.News, p. 2285; Pub.L. 86-4, 1959 U.S.Code Cong. and Adm.News, p. 1412; Pub.L. 88-2, 1963 U.S.Code Cong. and Adm.News, p. 609; Pub.L. 90-40, 1967 U.S.Code Cong. and Adm.News, p. 1308; Pub.L. 92-129, 1971 U.S.Code Cong. and Adm.News, p. 1439.

Library References

Armed Services § 20.1(1, 3).

C.J.S. Army and Navy §§ 4, 25 et seq.

Notes of Decisions

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ation of this Appendix except insofar as is necessary to preserve a structure that allows speedy induction of men into the Armed Forces. U. S. v. Carrillo, C.A. Cal.1974, 497 F.2d 559.

3. Retroactive effect

1971 amendment to this section reinstated Local Board's authority to induct and did not revive order for induction issued pursuant to 1967 Selective Service Act, former sections 301 to 318 of this Appendix. U. S. v. Carrillo, C.A.Cal.1974, 497 F.2d 559.

The 1971 amendments of this section extending power of induction until July 1, 1973 are retroactive to July 2, 1971. Doyle v. Massachusetts Local Bd. No. 72. C.A.Mass.1971, 451 F.2d 1002.

Conviction on Mar. 16, 1971 in Elective Service case was not abated because of provisions of this section to effect that, notwithstanding other provisions, no person shall be inducted for training and service in Armed Forces after July 1,

1. Construction with other laws

Termination of power of Selective Service to induct into Armed Forces as of July 1, 1971, did not result in expiration of entire Selective Service Act, section 451 et seq. of this Appendix, including section 462 of this Appendix under which defendant had been indicted. U. S. v. Jones, D.C.Cal.1971, 336 F.Supp. 878.

2. Purpose

This section which terminated Local Board's induction authority on July 1, 1971, was designed to terminate the oper-



UNITED STATES POSTAL SERVICE

Labor Relations Department
475 L'Enfant Plaza, SW
Washington, DC 20260-4100

February 20, 1987

Mr. William Burrus
Executive Vice President
American Postal Workers
Union, AFL-CIO
1300 L Street, N.W.
Washington, DC 20005-3399

Dear Mr Burrus:

This is in further response to your August 29, 1986, letter regarding the special seniority provisions outlined in Article 37 and Public Law 83-121 as they apply to certain veteran employees.

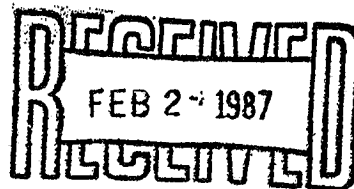
The U.S. Postal Service intends to continue to satisfy its obligations to all employees covered by Public Law 83-121, and will comply with the law with respect to all crafts. Because the law applies to a limited class of individuals who must satisfy certain specific requirements, it is impossible to respond more specifically unless there is a dispute involving a particular employee.

Should you have further questions regarding this matter, please contact Andrea Wilson at 268-5359.

Sincerely,

fml

John R. Mularski, General Manager
Programs and Policies Division
Office of Contract Administration



OFFICE OF
EXECUTIVE VICE PRESIDENT



American Postal Workers Union, AFL-CIO

817 14th Street, N.W., Washington, D.C. 20005

William Burrus
Executive Vice President
(202) 842-4246

August 29, 1986

Dear Mr. Fritsch:

National Executive Board

Moe Biller, President

William Burrus
Executive Vice President

Douglas C. Holbrook
Secretary-Treasurer

Thomas A. Neill
Industrial Relations Director

Kenneth D. Wilson
Director, Clerk Division

Richard I. Wevodau
Director, Maintenance Division

Donald A. Ross
Director, MVS Division

Samuel Anderson
Director, SDM Division

Ken Leiner
Director, Mail Handler Division

Regional Coordinators

Raydell R. Moore
Western Region

James P. Williams
Central Region

Philip C. Fleming, Jr.
Eastern Region

Neal Vaccaro
Northeastern Region

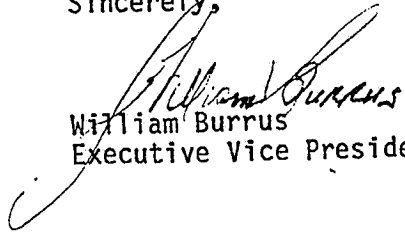
Archie Salisbury
Southern Region

This is to inquire regarding the position of the U.S. Postal Service as to its obligation to employees governed by provisions of Article 37, Section 2 D 6 and Public Law 121.

These provisions establish the rights of employees who lost a period of eligibility on the hiring register because of active military duty and were subsequently restored to a successor register following military duty. Such employees have entitlement to seniority rights, in-grade step increases and rate of compensation as though hired from the original register.

Please advise of the Postal Services intent in applying the above provisions.

Sincerely,



William Burrus
Executive Vice President

Tom Fritsch,
Assistant Postmaster General
Labor Relations
United States Postal Service
475 L'Enfant Plaza, S.W.
Washington, D.C. 20260

WB:mc