

Stat. 790; Pub. L. 92-129, title I, §101(a)(23), Sept. 28, 1971, 85 Stat. 351; Pub. L. 93-508, title IV, § 405, Dec. 3, 1974, 88 Stat. 1600; Pub. L. 107-296, title XVII, §1704(e)(11)(D), Nov. 25, 2002, 116 Stat. 2315.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), 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 459 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-296 substituted "Secretary of a military department, and the Secretary of Homeland Security with respect to the Coast Guard," for "Secretaries of Army, Navy, Air Force, or Transportation".

1974—Subsecs. (b), (c). Pub. L. 93-508, §405(1), (2), redesignated subsecs. (i) and (j) as (b) and (c), respectively. Former subsecs. (b) and (c), relating to reemployment rights and consideration of training and service in the armed forces as furlough or leave of absence, were struck out.

Subsecs. (d) to (h). Pub. L. 93-508, §405(1), repealed subsecs. (d) to (h) relating to jurisdiction of district courts to enforce compliance with the reemployment provisions, legal assistance by United States attorneys to claimants of reemployment benefits, reemployment by Federal Government, priority of rights to reemployment, and reemployment benefits to persons enlisting or called to active duty.

Subsecs. (i), (j). Pub. L. 93-508, §405(2), redesignated subsecs. (i) and (j) as (b) and (c), respectively.

1971—Subsec. (j). Pub. L. 92-129 substituted "or Transportation" for "or Treasury".

1968—Subsec. (c)(3). Pub. L. 90-491, §1(1), added par. (3).

Subsec. (d). Pub. L. 90-491, §1(2), included cases where any private employer fails or refuses to comply with provisions of subsec. (c)(3) of this section.

Subsec. (g)(1). Pub. L. 90-491, §1(3), substituted "does not exceed five years, provided that the service in excess of four years after August 1, 1961, is at the request and for the convenience of the Federal Government" for "does not exceed four years".

Subsec. (g)(2). Pub. L. 90-491, §1(4), designated existing provisions as par. (A) and added par. (B).

1961—Subsec. (g)(1). Pub. L. 87-391 permitted four years service after Aug. 1, 1961, in addition to four years service between June 24, 1948, and Aug. 1, 1961, without loss of reemployment rights.

Subsec. (g)(2). Pub. L. 87-391 permitted four years service after Aug. 1, 1961, in addition to four years service between June 24, 1948, and Aug. 1, 1961, without loss of reemployment rights.

Subsec. (g)(4). Pub. L. 87-391 struck out requirement that persons who are rejected for military service must have requested a leave of absence from their employers for purpose of determining their physical fitness to enter Armed Forces in order to insure reemployment rights.

Subsec. (g)(5), (6). Pub. L. 87-391 added par. (5) and redesignated former par. (5) as (6).

1960—Subsec. (g)(2). Pub. L. 86-632, §1(1), inserted "and other than for training" after "physical fitness" in parenthetical phrase.

Subsec. (g)(3). Pub. L. 86-632, §1(2), substituted the existing reemployment provisions for provisions granting a leave of absence to perform training duty or to be ex-

amined to determine fitness to enter the armed forces and requiring application for reinstatement to be made within thirty days following release from training duty or rejection for service.

Subsec. (g)(4), (5). Pub. L. 86-632, §1(3), added pars. (4) and (5).

1956—Subsec. (d). Act July 9, 1956, inserted reference to subsection (g) of this section.

1955—Subsec. (a). Act July 12, 1955, inserted proviso removing requirement for a final physical examination for inductees who continue on active duty in another status in the Armed Forces.

1951—Subsec. (g). Act June 19, 1951, clarified reemployment rights with respect to restoration to a position of like seniority, status, and pay.

1950—Subsec. (g)(1). Act Sept. 27, 1950, §1(7), struck out "or the Coast Guard (other than a reserve component)" and "or the Coast Guard" after "(other than in a reserve component)".

Subsec. (g)(2). Act Sept. 27, 1950, §1(8), struck out "the Coast Guard" after "United States".

Subsec. (h). Act Sept. 27, 1950, §1(9), struck out "the Coast Guard" after "United States".

Subsec. (j). Act Sept. 27, 1950, §1(10), struck out "or" after "Navy" and inserted "or Treasury" after "Air Force".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF 1960 AMENDMENT

Pub. L. 86-632, §3, July 12, 1960, 74 Stat. 468, provided that: "This Act [amending this section and section 1013 of this title] shall take effect upon the expiration of sixty days from the date of its enactment [July 12, 1960]."

EFFECTIVE DATE OF 1956 AMENDMENT

Act July 9, 1956, ch. 523, §2, 70 Stat. 509, provided that: "The amendment made by the first section of this Act [amending this section] shall take effect as of June 19, 1951."

§ 3809. Selective Service System

(a) Establishment; construction; appointment of Director; termination and reestablishment of Office of Selective Service Records

(1) There is established in the executive branch of the Government an agency to be known as the Selective Service System, and a Director of Selective Service who shall be the head thereof.

(2) The Selective Service System shall include a national headquarters, at least one State headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, and the local boards, appeal boards, and other agencies provided for in subsection (b)(3) of this section.

(3) The Director shall be appointed by the President.

(4) The functions of the Office of Selective Service Records (established by the Act of March 31, 1947) and of the Director of the Office

of Selective Service Records are transferred to the Selective Service System and the Director of Selective Service, respectively. The personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Office of Selective Service Records are transferred to the Selective Service System. The Office of Selective Service Records shall cease to exist upon the taking effect of the provisions of this chapter: *Provided*, That, effective upon the termination of this chapter and notwithstanding such termination in other respects, (A) the said Office of Selective Service Records is reestablished on the same basis and with the same functions as obtained prior to June 24, 1948, (B) said reestablished Office shall be responsible for liquidating any other outstanding affairs of the Selective Service System, and (C) the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Selective Service System shall be transferred to such reestablished Office of Selective Service Records.

(b) Administrative provisions

The President is authorized to undertake the following:

(1) To prescribe the necessary rules and regulations to carry out the provisions of this chapter.

(2) To appoint, upon recommendation of the respective governor or comparable executive official, a State director of the Selective Service System for each headquarters in each State, Territory, and possession of the United States and for the District of Columbia, who shall represent the governor and be in immediate charge of the state headquarters of the Selective Service System: *Provided*, That no State director shall serve concurrently in an elected or appointed position of a State or local government; to employ such number of civilians, and, subject to subsection (e), to order to active duty with their consent and to assign to the Selective Service System such officers of the selective-service section of the State headquarters and headquarters detachments and such other officers of the federally recognized National Guard of the United States or other armed forces personnel (including personnel of the reserve components thereof), as may be necessary for the administration of the national and of the several State headquarters of the Selective Service System.

(3) To create and establish within the Selective Service System civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, assignment, delivery for induction, and maintenance of records of persons registered under this chapter, together with such other duties as may be assigned under this chapter: *Provided*, That no person shall be disqualified from serving as a counselor to registrants, including service as Government appeal agent, because of his member-

ship in a Reserve component of the Armed Forces. He shall create and establish one or more local boards in each county or political subdivision corresponding thereto of each State, territory, and possession of the United States, and in the District of Columbia. The local board and/or its staff shall perform their official duties only within the county or political subdivision corresponding thereto for which the local board is established, or in the case of an intercounty board, within the area for which such board is established, except that the staffs of local boards in more than one county of a State or comparable jurisdiction may be collocated or one staff may serve local boards in more than one county of a State or comparable jurisdiction when such action is approved by the Governor or comparable executive official or officials. Each local board shall consist of three or more members to be appointed by the President from recommendations made by the respective Governors or comparable executive officials. In making such appointments after September 28, 1971, the President is requested to appoint the membership of each local board so that to the maximum extent practicable it is proportionately representative of the race and national origin of those registrants within its jurisdiction, but no action by any local board shall be declared invalid on the ground that any board failed to conform to any particular quota as to race or national origin. No citizen shall be denied membership on any local board or appeal board on account of sex. After December 31, 1971, no person shall serve on any local board or appeal board who has served on any local board or appeal board for a period of more than 20 years. Notwithstanding any other provision of this paragraph, an intercounty local board consisting of at least one member from each component county or corresponding subdivision may, with the approval of the Governor or comparable executive official or officials, be established for an area not exceeding five counties or political subdivisions corresponding thereto within a State or comparable jurisdiction when the President determines, after considering the public interest involved, that the establishment of such local board area will result in a more efficient and economical operation. Any such intercounty local board shall have within its area the same power and jurisdiction as a local board has in its area. A local board may include among its members any citizen otherwise qualified under Presidential regulations, provided he is at least eighteen years of age. No member of any local board shall be a member of the Armed Forces of the United States, but each member of any local board shall be a civilian who is a citizen of the United States residing in the county or political subdivision corresponding thereto in which such local board has jurisdiction, and each intercounty local board shall have at least one member from each county or political subdivision corresponding thereto included within the intercounty local board area. Such local boards, or separate panels thereof each consisting of three or more members, shall, under rules and

regulations prescribed by the President, have the power within the respective jurisdictions of such local boards to hear and determine, subject to the right of appeal to the appeal boards herein authorized, all questions or claims with respect to inclusion for, or exemption or deferment from, training and service under this chapter, of all individuals within the jurisdiction of such local boards. The decisions of such local board shall be final, except where an appeal is authorized and is taken in accordance with such rules and regulations as the President may prescribe. 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. Appeal boards within the Selective Service System shall be composed of civilians who are citizens of the United States and who are not members of the armed forces. The decision of such appeal boards shall be final in cases before them on appeal unless modified or changed by the President. The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this chapter, and the determination of the President shall be final. 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 3811 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. No person who is a civilian officer, member, agent, or employee of the Office of Selective Service Records or the Selective Service System, or of any local board or appeal board or other agency of such Office or System, shall be excepted from registration or deferred or exempted from training and service, as provided for in this chapter, by reason of his status as such civilian officer, member, agent, or employee.

(4) To appoint, and to fix, in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates, the basic pay of such officers, agents, and employees as he may deem necessary to carry out the provisions of this chapter, however, any officer of the armed forces or any officer or employee of any department or agency of the United States who may be assigned or detailed to any office or position to carry out the provisions of this chapter (except to offices or positions on local boards or appeal boards established or created pursuant to subsection (b)(3)) may serve in and perform the functions of such office or position without loss of or prejudice to

his status as such officer in the armed forces or as such officer or employee in any department or agency of the United States.

(5) To utilize the services of any or all departments and any and all officers or agents of the United States, and to accept the services of all officers and agents of the several States, Territories, and possessions, and subdivisions thereof, and the District of Columbia, and of private welfare organizations, in the execution of this chapter.

(6) To purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies upon orders placed by the Director of the Government Publishing Office or upon waivers issued in accordance with section 504 of title 44, and to obtain by purchase, loan, or gift such equipment and supplies for the Selective Service System, as he may deem necessary to carry out the provisions of this chapter, with or without advertising or formal contract.

(7) To prescribe eligibility, rules, and regulations governing the release for service in the armed forces, or for any other special service established pursuant to this chapter, of any person convicted of a violation of any of the provisions of this chapter.

(8) Subject to the availability of funds appropriated for such purpose, to procure such space as he may deem necessary to carry out the provisions of this chapter and the Act of March 31, 1947.

(9) Subject to the availability of funds appropriated for such purposes, to determine the location of such additional temporary installations as he may deem essential; to utilize and enlarge such existing installations; to construct, install, and equip, and to complete the construction, installation, and equipment of such buildings, structures, utilities, and appurtenances (including the necessary grading and removal, repair or remodeling of existing structures and installations), as may be necessary to carry out the provisions of this chapter; and, in order to accomplish the purpose of this chapter, to acquire lands, and rights pertaining thereto, or other interests therein, for temporary use thereof, by donation or lease, and to prosecute construction thereon prior to the approval of the chapter by the Attorney General as required by sections 3111 and 3112 of title 40.

(10) Subject to the availability of funds appropriated for such purposes, to utilize, in order to provide and furnish such services as may be deemed necessary or expedient to accomplish the purposes of this chapter, such personnel of the armed forces and of Reserve components thereof with their consent, and such civilian personnel, as may be necessary. For the purposes of this chapter, the provisions of section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress) with respect to the maximum limitations as to the number of civilian employees shall not be applicable to the Department of the Army, the Department of the Navy, or the Department of the Air Force.

(c) Delegation of President's authority

The President is authorized to delegate any authority vested in him under this chapter, and

to provide for the subdelegation of any such authority.

(d) Acceptance of gifts and voluntary services

In the administration of this chapter, gifts of supplies, equipment, and voluntary services may be accepted.

(e) Assignment of armed forces personnel

The total number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) at any time may not be less than the number of such personnel determined by the Director of Selective Service to be necessary, but not to exceed 745 persons, except that the President may assign additional armed forces personnel to the Selective Service System during a time of war or a national emergency declared by Congress or the President.

(f) Settlement of travel claims, etc.

The Director is authorized to make final settlement of individual claims, for amounts not exceeding \$500, for travel and other expenses of uncompensated personnel of the Office of Selective Service Records, or the Selective Service System, incurred while in the performance of official duties, without regard to other provisions of law governing the travel of civilian employees of the Federal Government.

(g) Reports to Congress

The Director of Selective Service shall submit to the Congress annually 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 in to the military service under this Act; and 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.

(h) Maintenance of System after institution of all volunteer program for meeting manpower needs

The Selective Service system¹ shall be maintained as an active standby organization, with (1) a complete registration and classification structure capable of immediate operation in the event of a national emergency (including a structure for registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces), and (2) personnel adequate to reinstitute immediately the full operation of the System, including military reservists who are trained to operate such System and who can be ordered to active duty for such purpose in the event of a national emergency.

(June 24, 1948, ch. 625, title I, §10, 62 Stat. 618; Oct. 28, 1949, ch. 782, title XI, §1106(a), 63 Stat. 972; June 30, 1950, ch. 445, §3, 64 Stat. 319; Sept. 27, 1950, ch. 1059, §3(b), 64 Stat. 1074; June 19, 1951, ch. 144, title I, §1(u), 65 Stat. 87; Pub. L. 90-40, §1(8)-(10), June 30, 1967, 81 Stat. 104, 105; Pub. L. 92-129, title I, §101(a)(24)-(29), Sept. 28, 1971, 85 Stat. 351, 352; Pub. L. 93-176, §3, Dec. 5, 1973, 87 Stat. 693; Pub. L. 96-513, title V, §507(d),

Dec. 12, 1980, 94 Stat. 2919; Pub. L. 97-60, title II, §208, Oct. 14, 1981, 95 Stat. 1008; Pub. L. 98-473, title II, §234, Oct. 12, 1984, 98 Stat. 2031; Pub. L. 100-180, div. A, title VII, §715, Dec. 4, 1987, 101 Stat. 1113; Pub. L. 102-190, div. A, title X, §1091, Dec. 5, 1991, 105 Stat. 1486; Pub. L. 104-201, div. A, title IV, §414, Sept. 23, 1996, 110 Stat. 2508; Pub. L. 107-314, div. A, title X, §1062(o)(2), Dec. 2, 2002, 116 Stat. 2652; Pub. L. 112-166, §2(c)(3), Aug. 10, 2012, 126 Stat. 1284; Pub. L. 112-239, div. A, title X, §1076(l), Jan. 2, 2013, 126 Stat. 1956; Pub. L. 113-235, div. H, title I, §1301(d), Dec. 16, 2014, 128 Stat. 2537.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) to (d), 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 Act of March 31, 1947, referred to in subsecs. (a)(4) and (b)(8), is act Mar. 31, 1947, ch. 26, 61 Stat. 31, which is classified as a note under this section.

Section 14 of the Federal Employees' Pay Act of 1946 (Public Law 390, Seventy-ninth Congress), referred to in subsec. (b)(10), is section 14 of act May 24, 1946, ch. 270, 60 Stat. 219, which amended section 947 of former Title 5, Executive Departments and Government Officers and Employees, prior to repeal by act Sept. 12, 1950, ch. 946, title III, §301(85), 64 Stat. 843.

This Act, referred to in subsec. (g), is act June 24, 1948, ch. 625, 62 Stat. 604, known as the Military Selective Service Act. For complete classification of this Act to the Code, see References in Text note set out under section 3801 of this title and Tables.

CODIFICATION

Section was formerly classified to section 460 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

In subsec. (b)(9), "sections 3111 and 3112 of title 40" substituted for "section 355, Revised Statutes, as amended" on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2013—Subsec. (a)(3). Pub. L. 112-239, §1076(l), made technical amendment to directory language of Pub. L. 112-166, §2(c)(3). See 2012 Amendment note below.

2012—Subsec. (a)(3). Pub. L. 112-166, §2(c)(3), as amended by Pub. L. 112-239, §1076(l), struck out "by and with the advice and consent of the Senate" before period at end.

2002—Subsec. (b)(8). Pub. L. 107-314 substituted "the Act of March 31, 1947" for "Public Law 26, Eightieth Congress, approved March 31, 1947, by lease pursuant to existing statutes, except that the provisions of the Act of June 30, 1932 (47 Stat. 412), as amended by section 15 of the Act of March 3, 1933 (47 Stat. 1517), shall not apply to any lease entered into under the authority of this chapter".

1996—Subsec. (b). Pub. L. 104-201, §414(b)(1), substituted "authorized to undertake the following:" for "authorized—" in introductory provisions.

Subsec. (b)(1). Pub. L. 104-201, §414(b)(2), (4), substituted "To" for "to" at beginning and a period for a semicolon at end.

Subsec. (b)(2). Pub. L. 104-201, §414(a)(1), (b)(2), (4), substituted "To" for "to" at beginning, inserted "subject to subsection (e)," after "to employ such number of civilians, and", and substituted a period for a semicolon at end.

Subsec. (b)(3) to (7). Pub. L. 104-201, §414(b)(2), (4), substituted "To" for "to" at beginning and a period for a semicolon at end.

¹ So in original. Probably should be capitalized.

Subsec. (b)(8), (9). Pub. L. 104-201, §414(b)(3), (4), substituted “Subject” for “subject” at beginning and a period for a semicolon at end.

Subsec. (b)(10). Pub. L. 104-201, §414(b)(3), substituted “Subject” for “subject” at beginning.

Subsec. (e). Pub. L. 104-201, §414(a)(2), added subsec. (e).

1991—Subsec. (b)(2). Pub. L. 102-190, §1091(1), struck out “without the approval of the Director” after “local government”.

Subsec. (g). Pub. L. 102-190, §1091(2), substituted “annually” for “semiannually”.

1987—Subsec. (h). Pub. L. 100-180 substituted “The Selective Service system shall” for “If at any time calls under this section for the induction of persons for training and service in the Armed Forces are discontinued because the Armed Forces are placed on an all volunteer basis for meeting their active duty manpower needs, the Selective Service System, as it is constituted on September 28, 1971, shall, nevertheless,” and directed the insertion of “(including a structure for registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces)” after “national emergency”, which was inserted in cl. (1) as the probable intent of Congress.

1984—Subsec. (b)(7). Pub. L. 98-473 substituted “release” for “parole”.

1981—Subsec. (b)(3). Pub. L. 97-60 struck out provision that had prohibited service on local boards or appeal boards by persons who had attained the age of 65.

1980—Subsec. (b)(4). Pub. L. 96-513 substituted “however, any officer of the armed forces” for “however, any officer on the active or retired list of the armed forces, or any reserve component thereof with his consent,” and struck out “or reserve component thereof,” after “without loss of or prejudice to his status as such officer in the armed forces”.

1973—Subsec. (b)(4). Pub. L. 93-176 substituted “the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and General Schedule pay rates, the basic pay” for “the Classification Act of 1949, the compensation” and struck out provisos that compensation of employees of local boards and appeal boards may be fixed without regard to Classification Act of 1949, that employees of local boards having supervisory duties with respect to other employees of one or more local boards be designated as the executive secretary of the local board or boards, and that the term of employment of executive secretaries not exceed ten years except when reappointed.

1971—Subsec. (a)(3). Pub. L. 92-129, §101(a)(24), struck out provisions setting compensation of Director.

Subsec. (b)(2). Pub. L. 92-129, §101(a)(25), inserted proviso that no State director shall serve concurrently in an elected or appointed position of a State or local government without the approval of the Director.

Subsec. (b)(3). Pub. L. 92-129, §101(a)(26), inserted provisions requiring that local boards and their staffs perform their duties only within the counties or political subdivisions for which they are established with special provisions for intercounty boards and the collocation or multiple use of staffs with executive approval, provided for board membership proportionately representative of the area served, reduced the maximums applicable to board members from 75 years of age or 25 years of service on the board to 65 years of age or 20 years of service respectively, and authorized local boards to include among their members any citizens otherwise qualified under Presidential regulations provided they are at least 18 years of age.

Subsec. (e). Pub. L. 92-129, §101(a)(27), struck out subsec. (e) which authorized Chief of Finance of the United States Army to act as the fiscal, disbursing, and accounting agent of Director.

Subsec. (f). Pub. L. 92-129, §101(a)(28), substituted “\$500” for “\$50”.

Subsec. (h). Pub. L. 92-129, §101(a)(29), added subsec. (h).

1967—Subsec. (b)(3). Pub. L. 90-40, §1(8), prohibited disqualification of members of armed forces reserve

components from serving as counselors to registrants, including services as government appeal agents, merely because of such membership in the reserve, set 25 years as maximum length of service on local and appeal boards and 75 years as age after attainment of which members may not serve, prohibited discrimination as to service on boards because of sex, with new limitations on age and sex to be implemented not later than January 1, 1968, and prohibited judicial review of classification or processing of registrants except as a defense to a criminal prosecution instituted under section 3811 of this title, and then only after registrant has responded either affirmatively or negatively to an order to report for induction or for civilian work and to question of jurisdiction reserved to local boards, appeal boards, and President only when there is no basis in fact for classification.

Subsec. (b)(4). Pub. L. 90-40, §1(9), provided for designation of a local board employee having supervisory duties with respect to other employees of one or more local boards as “executive secretary”, with such employee to serve in that position for a maximum of ten years except when reappointed.

Subsec. (g). Pub. L. 90-40, §1(10), substituted “semiannually” for “on or before the 3rd day of January of each year,” as time for submission of Director’s written report to Congress, and inserted “such other specific kinds of information as the Congress may from time to time request” to enumeration of subjects to be covered by the report.

1951—Subsec. (b)(3). Act June 19, 1951, §1(u)(1), provided for one appeal board in each Federal judicial district in the United States, its territories and possessions, and such necessary panels as the President deems necessary.

Subsec. (g). Act June 19, 1951, §1(u)(2), added subsec. (g).

1950—Subsec. (b)(3). Act Sept. 27, 1950, inserted “, or separate panels thereof each consisting of three or more members” after “Such local boards” in sixth sentence.

Subsec. (b)(4). Act June 30, 1950, struck out comma between “the compensation of” and “such officers”.

1949—Subsec. (b)(4). Act Oct. 28, 1949, substituted “Classification Act of 1949” for “Classification Act of 1923”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Director of the Government Publishing Office” substituted for “Public Printer” in subsec. (b)(6) on authority of section 1301(d) of Pub. L. 113-235, set out as a note under section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-239, div. A, title X, §1076(l), Jan. 2, 2013, 126 Stat. 1956, provided that the amendment by section 1076(l) is effective as of Aug. 10, 2012, and as if included in Pub. L. 112-166 as enacted.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Nov. 1, 1987, and applicable only to offenses committed after the taking effect of such amendment, see section 235(a)(1) of Pub. L. 98-473, set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-176, § 4, Dec. 5, 1973, 87 Stat. 694, provided that: "This Act [amending this section and section 5102 of Title 5, Government Organization and Employees, and enacting provisions set out as notes under this section] shall take effect not later than the beginning of the first pay period which begins on or after the ninth day following the date of the enactment of this Act [Dec. 5, 1973]."

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89-554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

COMPENSATION INCREASES FOR EMPLOYEES OF LOCAL OR APPEAL BOARDS

Pub. L. 93-176, § 2, Dec. 5, 1973, 87 Stat. 693, provided that: "The rate of basic pay of each employee in a position under a local board or appeal board of the Selective Service System on and immediately prior to the effective date of this Act [designated as a date not later than the beginning of the first pay period which begins on or after the 90th day following Dec. 5, 1973] shall be adjusted, as of such effective date, under the provisions of section 5334(d) of title 5, United States Code."

Act June 5, 1952, ch. 369, Ch. VII, § 701, 66 Stat. 109, authorized increases in the rate of compensation of any employees of local or appeal boards effective as of the first day of the first pay period which began after June 30, 1951 and within ninety days from June 5, 1952, pursuant to the authority contained in section 3809 of this title.

COMPENSATION OF DIRECTOR OF SELECTIVE SERVICE

Compensation of Director, see section 5315 of Title 5, Government Organization and Employees.

OFFICE OF SELECTIVE SERVICE RECORDS

Act Mar. 31, 1947, ch. 26, 61 Stat. 31; Pub. L. 96-513, title V, § 507(c), Dec. 12, 1980, 94 Stat. 2919, related to liquidation of the Selective Service System established by the Selective Training and Service Act of 1940 [act Sept. 16, 1940, ch. 720, 54 Stat. 885, see Tables for classification] and establishment of the Office of Selective Service Records for the preservation of Selective Service records accumulated under the 1940 Act, prior to termination of the Office and transfer of its functions and the functions of its Director to the Selective Service System under this chapter and the Director of Selective Service under this chapter. See subsec. (a)(4) of this section.

[Act Mar. 31, 1947, ch. 26, classified as a note above, was formerly classified to sections 321 to 329 of the former Appendix to this title prior to editorial reclassification as this note.]

Pub. L. 85-844, title I, Aug. 28, 1958, 72 Stat. 1073, related to use of Selective Service System appropriations for destruction of records accumulated under the Selective Training and Service Act of 1940 [act Sept. 16, 1940, ch. 720, 54 Stat. 885, see Tables for classification].

[Title I of Pub. L. 85-844, classified as a note above, was formerly classified to section 330 of the former Appendix to this title prior to editorial reclassification as this note.]

Executive Documents

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Director of Selective Service, see Parts 1, 2, and 23 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

EX. ORD. NO. 10271. DELEGATION OF PRESIDENT'S AUTHORITY

Ex. Ord. No. 10271, July 7, 1951, 16 F.R. 6659, set out as a note under section 3819 of this title, delegates to the Secretary of Defense the President's authority to order members and units of Reserve components into active Federal service.

EX. ORD. NO. 11623. DELEGATION OF AUTHORITY TO ISSUE RULES AND REGULATIONS TO DIRECTOR OF SELECTIVE SERVICE

Ex. Ord. No. 11623, Oct. 12, 1971, 36 F.R. 19963, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617; Ex. Ord. No. 13286, § 60, Feb. 28, 2003, 68 F.R. 10629, provided:

By virtue of the authority vested in me by the Constitution and statutes of the United States, including the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 *et seq.* [now 50 U.S.C. 3801 *et seq.*], hereinafter referred to as the Act), and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

SECTION 1. The Director of Selective Service (hereinafter referred to as the Director) is authorized to prescribe the necessary rules and regulations to carry out the provisions of the Act. Regulations heretofore issued by the President to carry out such provisions shall continue in effect until amended or revoked by the Director pursuant to the authority conferred by this Order.

SEC. 2. (a) In carrying out the provisions of this Order, the Director shall cause any rule or regulation which he proposes to issue hereunder to be published in the FEDERAL REGISTER as required by section 13(b) of the Act [50 U.S.C. 3812(b)]. Prior to such publication, the Director shall request the views of the Secretary of Defense, the Attorney General, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Homeland Security (when the Coast Guard is serving under the Department of Homeland Security), the Director of the Office of Emergency Preparedness, and the Chairman of the National Selective Service Appeal Board with regard to such proposed rule or regulation, and shall allow not less than 10 days for the submission of such views before publication of the proposed rule or regulation.

(b) Any proposed rule or regulation as published by the Director shall be furnished to the officials required to be consulted pursuant to subsection (a). The Director may (not less than 30 days after publication in the FEDERAL REGISTER) issue such rule or regulation as published unless, within 10 days after being furnished with the proposed rule or regulation as published, any such official shall notify the Director that he disagrees therewith and requests that the matter be referred to the President for decision.

(c) Any rule or regulation issued by the Director pursuant to this Order shall be published in the FEDERAL REGISTER with (1) a statement reciting compliance with the prepublication requirement of section 13(b) of the Act [50 U.S.C. 3812(b)], and (2) either (i) approval of such rule or regulation by the President, or (ii) a certification of the Director that he has requested the views of the officials required to be consulted pursuant to subsection (a) and that none of them has timely requested that the matter be referred to the President for decision. Such rule or regulation shall be effective upon such publication in the FEDERAL REGISTER or on such later date as may be specified therein.

SEC. 3. Nothing in this Order shall be deemed to (i) authorize the exercise by the Director of the President's authority to waive the requirements of section 13(b) of the Act [50 U.S.C. 3812(b)], or (ii) derogate from the authority of the President himself to waive the requirements of such section 13(b), or (iii) derogate from the authority of the President himself to issue such rules or regulations as he may deem necessary to carry out the provisions of the Act.

§ 3810. Emergency medical care

Under such rules and regulations as may be prescribed by the President, funds available to carry out the provisions of this chapter shall also be available for the payment of actual and reasonable expenses of emergency medical care, including hospitalization, of registrants who suffer illness or injury, and the transportation and burial of the remains of registrants who suffer death, while acting under orders issued under the provisions of this chapter, but such burial expenses shall not exceed the maximum that the Secretary of Veterans Affairs may pay under the provisions of section 2303 of title 38 regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section in any one case.

(June 24, 1948, ch. 625, title I, § 11, 62 Stat. 621; Pub. L. 92-129, title I, § 101(a)(30), Sept. 28, 1971, 85 Stat. 352; Pub. L. 102-54, § 13(t), June 13, 1991, 105 Stat. 282; Pub. L. 102-83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-315, title II, § 2202(b)(2), Jan. 5, 2021, 134 Stat. 4985.)

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 461 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2021—Pub. L. 116-315 substituted “section 2303 of title 38 regarding veterans described in subparagraph (B) or (C) of subsection (a)(2) of such section” for “section 2302(a) of title 38”.

1991—Pub. L. 102-83 substituted “section 2302(a) of title 38” for “section 902(a) of title 38”.

Pub. L. 102-54 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

1971—Pub. L. 92-129 substituted “the maximum that the Administrator of Veterans’ Affairs may pay under the provisions of section 902(a) of title 38” for “\$150”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 116-315 applicable to deaths that occur on or after the date that is two years after Jan. 5, 2021, see section 2202(d) of Pub. L. 116-315, set out as a note under section 113 of Title 38, Veterans’ Benefits.

§ 3811. Offenses and penalties

(a) In general

Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this chapter, or the rules or regulations made or directions given thereunder, who shall knowingly fail or neglect to perform such duty, and any person charged with such duty, or having and exercising any authority under said chapter, rules, regulations, or directions who shall knowingly make, or be a party to the making, of any false, improper, or incorrect registra-

tion, classification, physical or mental examination, deferment, induction, enrollment, or muster, and any person who shall knowingly make, or be a party to the making, of any false statement or certificate regarding or bearing upon a classification or in support of any request for a particular classification, for service under the provisions of this chapter, or rules, regulations, or directions made pursuant thereto, or who otherwise evades or refuses registration or service in the armed forces or any of the requirements of this chapter, or who knowingly counsels, aids, or abets another to refuse or evade registration or service in the armed forces or any of the requirements of this chapter, or of said rules, regulations, or directions, or who in any manner shall knowingly fail or neglect or refuse to perform any duty required of him under or in the execution of this chapter, or rules, regulations, or directions made pursuant to this chapter, or any person or persons who shall knowingly hinder or interfere or attempt to do so in any way, by force or violence or otherwise, with the administration of this chapter or the rules or regulations made pursuant thereto, or who conspires to commit any one or more of such offenses, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than \$10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this chapter unless such person has been actually inducted for the training and service prescribed under this chapter or unless he is subject to trial by court martial under laws in force prior to June 24, 1948.

(b) Making or possession of false identification or representation; forgery, destruction, or mutilation of certificate; knowing violation or evasion of provisions

Any person (1) who knowingly transfers or delivers to another, for the purpose of aiding or abetting the making of any false identification or representation, any registration certificate, alien’s certificate of nonresidence, or any other certificate issued pursuant to or prescribed by the provisions of this chapter, or rules or regulations promulgated hereunder; or (2) who, with intent that it be used for any purpose of false identification or representation, has in his possession any such certificate not duly issued to him; or (3) who forges, alters, knowingly destroys, knowingly mutilates, or in any manner changes any such certificate or any notation duly and validly inscribed thereon; or (4) who, with intent that it be used for any purpose of false identification or representation, photographs, prints, or in any manner makes or executes any engraving, photograph, print, or impression in the likeness of any such certificate, or any colorable imitation thereof; or (5) who has in his possession any certificate purporting to be a certificate issued pursuant to this chapter, or rules and regulations promulgated hereunder, which he knows to be falsely made, repro-