

a substitute for that training or service. No person may be enlisted, inducted, or appointed in an armed force as a substitute for another. No person liable for training and service under section 3803 of this title may escape that training and service or be discharged before the end of his period of training and service by paying money or any other valuable thing as consideration for his release from that training and service or liability therefor.

(June 24, 1948, ch. 625, title I, §8, 62 Stat. 614; Aug. 10, 1956, ch. 1041, §22(d), 70A Stat. 630.)

TERMINATION OF INDUCTION FOR TRAINING AND SERVICE

For provisions relating to termination of induction for training and service in the Armed Forces after July 1, 1973, see section 3815(c) of this title.

REFERENCES IN TEXT

This Act, referred to in text, 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 458 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Section 8 of act June 24, 1948, 62 Stat. 614, cited as a credit to this section, was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641, 678, and provisions thereof (as applicable to induction) were restated in this section by section 22(d) of act Aug. 10, 1956. Provisions of such section 8 (less applicability to induction) were restated by first section of act Aug. 10, 1956, as section 514 of Title 10, Armed Forces.

AMENDMENTS

1956—Act Aug. 10, 1956, struck out provisions which prohibited payment of any bounty to induce any person to enlist into Armed Forces. See section 514 of Title 10, Armed Forces.

§ 3808. Separation from service

(a) Certificate recording proficiency and merit; physical examination

Any person inducted into the armed forces under this chapter for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 3803(b) of this title shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the armed forces under this chapter for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this chapter, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided*, That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to

whom it pertains: *Provided further*, That, if upon completion of training and service under this chapter, such person continues on active duty without an interruption of more than seventy-two hours as a member of the Armed Forces of the United States, a physical examination upon completion of such training and service shall not be required unless it is requested by such person, or the medical authorities of the Armed Force concerned determine that the physical examination is warranted.

(b) Right to vote; manner; poll tax

Any person inducted into the armed forces for training and service under this chapter shall, during the period of such service, be permitted to vote in person or by absentee ballot in any general, special, or primary election occurring in the State of which he is a resident, whether he is within or outside such State at the time of such election, if under the laws of such State he is otherwise entitled so to vote in such election; but nothing in this subsection shall be construed to require granting to any such person a leave of absence or furlough for longer than one day in order to permit him to vote in person in any such election. No person inducted into, or enlisted in, the armed forces for training and service under this chapter shall, during the period of such service, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, be required to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

(c) Reports on separated personnel

The Secretary of a military department, and the Secretary of Homeland Security with respect to the Coast Guard, shall furnish to the Selective Service System hereafter established a report of separation for each person separated from active duty.

(June 24, 1948, ch. 625, title I, §9, 62 Stat. 614; Sept. 27, 1950, ch. 1059, §1(7)–(10), 64 Stat. 1074; June 19, 1951, ch. 144, title I, §1(s), 65 Stat. 86; July 12, 1955, ch. 327, 69 Stat. 295; July 9, 1956, ch. 523, §1, 70 Stat. 509; Pub. L. 86-632, §1, July 12, 1960, 74 Stat. 467; Pub. L. 87-391, Oct. 4, 1961, 75 Stat. 821; Pub. L. 90-491, §1, Aug. 17, 1968, 82 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.)

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 delisting 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 examined 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".

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: