

“(2) The provisions of paragraph (1) of this subsection shall not apply in the case of any member of the Armed Forces against whom court-martial charges are pending, or in the case of any member who has been tried and convicted by a court-martial for an offense and whose case is being reviewed or appealed, or in the case of any member who has been tried and convicted by a court-martial for an offense and who is serving a sentence (or otherwise satisfying punishment) imposed by such court-martial, until final action (including completion of any punishment imposed pursuant to such court-martial) has been completed with respect to such charges, review, or appeal, or until the sentence has been served (or until any other punishment imposed has been satisfied), as the case may be. The President shall have authority to implement the provisions of this subsection by regulations.

“(3) Notwithstanding the amendment made by paragraph (2) of subsection (a) of this section [amending this section], except during the period of a war or a national emergency declared by Congress, the sole surviving son of any family in which the father or one or more sons or daughters thereof were killed in action before January 1, 1960, or died in line of duty before January 1, 1960, while serving in the Armed Forces of the United States, or died subsequent to such date as a result of injuries received or disease incurred before such date during such service shall not be inducted under the Military Selective Service Act [see References in Text note set out under section 3801 of this title] unless he volunteers for induction.”

#### PRIOR OBLIGATED SERVICE

Pub. L. 88-110, § 5, Sept. 3, 1963, 77 Stat. 136, provided that: “This Act [amending this section, section 3812 of this title and sections 270 and 12103 of Title 10, Armed Forces, and repealing section 1013 of this title] shall not affect any term of obligated service incurred before the effective date of this Act [Sept. 3, 1963]. In addition, the enactment of this Act [Sept. 3, 1963] shall not increase the minimum period of active duty or active duty for training that is required on the day before the effective date of this Act to earn an exemption from training and service under the Universal Military Training and Service Act, as amended (50 U.S.C. App. 451 et seq.) [now 50 U.S.C. 3801 et seq.], in the case of persons who entered the Armed Forces before the effective date of this Act.”

#### Executive Documents

##### TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard, and Commandant of Coast Guard, excepted from transfer when Coast Guard is operating as part of Navy under former sections 1 and 3 (now 101 and 103) of Title 14, Coast Guard.

Environmental Science Services Administration in Department of Commerce, including offices of Administrator and Deputy Administrator thereof, abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created National Oceanic and Atmospheric Administration in Department of Commerce and transferred personnel, property, records, and unexpended balances of funds of Environmental Science Services Administration to such newly created National Oceanic and Atmospheric Administration. Components of Environmental Science Services Administration thus transferred included Weather Bureau [now National Weather Service], Coast and Geodetic Survey [now National Ocean Survey], Environmental Data Service, National Environmental Satellite Center, and ESSA Research Laboratories.

In order to implement the provisions of Reorganization Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, the following organizational names appearing in chapter IX of subtitle B of Title 15, Code of Federal Regulations, which covers administration of National Oceanic and Atmospheric Administration, were changed by order of Acting Associate Administrator, 35 F.R. 19249, Dec. 19, 1970, as follows: Environmental Science Services Administration to National Oceanic and Atmospheric Administration (ESSA to NOAA); Coast and Geodetic Survey to National Ocean Survey; and Weather Bureau to National Weather Service.

Coast and Geodetic Survey consolidated with National Weather Bureau in 1965 to form Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318. Environmental Science Services Administration abolished in 1970 and its personnel, property, records, etc., transferred to National Oceanic and Atmospheric Administration by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090. By order of Acting Associate Administrator of National Oceanic and Atmospheric Administration, 35 F.R. 19249, Dec. 19, 1970, Coast and Geodetic Survey redesignated National Ocean Survey. See notes set out under section 311 of Title 15, Commerce and Trade.

Functions of Public Health Service, Surgeon General of Public Health Service, and all other officers and employees of Public Health Service, and functions of all agencies of or in 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. Secretary of Health, Education, and Welfare redesignated Secretary of Health and Human Services by section 3508(b) of Title 20, Education.

#### DELEGATION OF FUNCTIONS

Functions of President delegated to Director of Selective Service concerning establishment, implementation, and administration of program for return of Vietnam era draft evaders and military deserters, see Ex. Ord. No. 11804, Sept. 16, 1974, 39 F.R. 33299, set out under section 3811 of this title.

#### PROGRAM FOR RETURN OF VIETNAM ERA DRAFT EVADERS AND MILITARY DESERTERS

Proc. No. 4313, Sept. 16, 1974, 39 F.R. 33293, 88 Stat. 2504, set out under section 3811 of this title, provided for a program for return of Vietnam era draft evaders and military deserters.

#### EXECUTIVE ORDER NO. 11803

Ex. Ord. No. 11803, Sept. 16, 1974, 39 F.R. 33297, set out under section 3811 of this title, provided for review by Clemency Board of convictions of violations under subsec. (j) of this section.

#### EX. ORD. NO. 10028. DEFINITION OF NONCOMBATANT SERVICE AND NONCOMBATANT TRAINING

Ex. Ord. No. 10028, Jan. 13, 1949, 14 F.R. 211, provided: 1. The term “noncombatant service” shall mean (a) service in any unit of the armed forces which is unarmed at all times; (b) service in the medical department of any of the armed forces, wherever performed; or (c) any other assignment the primary function of which does not require the use of arms in combat; provided that such other assignment is acceptable to the individual concerned and does not require him to bear arms or to be trained in their use.

2. The term “noncombatant training” shall mean any training which is not concerned with the study, use, or handling of arms or weapons.

HARRY S TRUMAN.

#### § 3807. Bounties for induction; substitutes; purchase of release

No bounty may be paid to induce any person to be inducted into an armed force. A clothing

allowance authorized by law is not a bounty for the purposes of this section. No person liable for training and service under this Act may furnish 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.*

Editorial Notes

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 Sec-

retary 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.)

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.