

2. Executive Order No. 10478 of August 5, 1953, as amended by Executive Order No. 10658 of February 15, 1956, is hereby revoked.

DWIGHT D. EISENHOWER.

EX. ORD. NO. 10776. DELEGATION OF PRESIDENT'S
AUTHORITY

Ex. Ord. No. 10776, July 28, 1958, 23 F.R. 5683, provided: By virtue of the authority vested in me by title 3 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces, there is hereby delegated to the Secretary of Defense the authority (relating to the prescribing of rules and regulations modifying the standards and requirements with respect to induction of persons into the armed forces) vested in the President by the last proviso of section 4(a) of the Universal Military Training and Service Act [50 U.S.C. 3803(a)], added by the act of July 28, 1958 [Pub. L. 85-564]. The Secretary of Defense is hereby authorized to re-delegate that authority to any official of the Department of Defense who is required to be appointed by and with the advice and consent of the Senate. No person shall be inducted into the armed forces for training and service who does not meet the standards and requirements specified in the rules and regulations prescribed by the Secretary or his designee pursuant to this order.

DWIGHT D. EISENHOWER.

§ 3804. Volunteer service of physicians and dentists; minimum period

Any physician or dentist who meets the qualifications for a reserve commission in the respective military departments shall, so long as there is a need for the services of such a physician or dentist, be afforded an opportunity to volunteer for a period of active duty of not less than twenty-four months. Any physician or dentist who so volunteers his service, and meets the qualifications for a reserve commission shall be ordered to active duty for not less than twenty-four months, notwithstanding the grade or rank to which such physician or dentist is entitled under the provisions of the Act of September 9, 1950, as amended.

(June 29, 1953, ch. 158, §7, 67 Stat. 89.)

Editorial Notes

REFERENCES IN TEXT

Act of September 9, 1950, as amended, referred to in text, is act Sept. 9, 1950, ch. 939, 64 Stat. 826. Section 7 of the Act, as amended (71 Stat. 208), provided that the Act, except for sections 3 and 5, shall terminate as of June 30, 1957. Section 3 of the Act amended section 202 of the National Security Act of 1947, by adding subsections (g) to (i) which were classified to section 171a(g) to (i) of former Title 5 and which were later omitted from the Code following the codification of section 202(a) to (f) and (j) of the National Security Act of 1947 in Title 10, Armed Forces, by Pub. L. 87-651, Sept. 7, 1972, 76 Stat. 506. Section 5 of the Act was classified to section 234b of former Title 37, and was later omitted from the Code following the enactment of Title 37, Pay and Allowances of the Uniformed Services, by Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 451.

CODIFICATION

Section was formerly classified to section 454e of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Section was not enacted as part of the Military Selective Service Act, title I of which comprises this chapter.

§ 3805. Manner of selection of men for training and service; quotas

(a) Manner of selection

(1) The selection of persons for training and service under section 3803 of this title shall be made in an impartial manner, under such rules and regulations as the President may prescribe, from the persons who are liable for such training and service and who at the time of selection are registered and classified, but not deferred or exempted: *Provided*, That in the selection of persons for training and service under this chapter, and in the interpretation and execution of the provisions of this chapter, there shall be no discrimination against any person on account of race or color: *Provided further*, That in the classification of registrants within the jurisdiction of any local board, the registrants of any particular registration may be classified, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after the registrants of any prior registration or registrations; and in the selection for induction of persons within the jurisdiction of any local board and within any particular classification, persons who were registered at any particular registration may be selected, in the manner prescribed by and in accordance with rules and regulations prescribed by the President, before, together with, or after persons who were registered at any prior registration or registrations: *And provided further*, That nothing herein shall be construed to prohibit the selection or induction of persons by age group or groups under rules and regulations prescribed by the President: *And provided further*, That—

(1) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen unless there is not within the jurisdiction of such local board a sufficient number of persons who are deemed by such local board to be available for induction and who have attained the age of nineteen to enable such local board to meet a call for men which it has been ordered to furnish for induction;

(2) no local board shall order for induction for training and service in the Armed Forces of the United States any person who has not attained the age of nineteen, if there is any person within the jurisdiction of such local board who (i) is as much as ninety days older, (ii) has not attained the age of nineteen, and (iii) is deemed by the local board to be available for induction; and

(3) no local board shall order for induction for training and service in the Armed Forces of the United States an alien unless such alien shall have resided in the United States for one year.

(2) Repealed. Pub. L. 91-124, §2, Nov. 26, 1969, 83 Stat. 220.

(b) Basis for determination of quotas

Quotas of men to be inducted for training and service under this chapter shall be determined for each State, Territory, possession, and the District of Columbia, and for subdivisions there-

of, on the basis of the actual number of men in the several States, Territories, possessions, and the District of Columbia, and the subdivisions thereof, who are liable for such training and service but who are not deferred after classification, except that credits shall be given in fixing such quotas for residents of such subdivisions who are in the armed forces of the United States on the date fixed for determining such quotas. After such quotas are fixed, credits shall be given in filling such quotas for residents of such subdivisions who subsequently become members of such forces. Until the actual numbers necessary for determining the quotas are known, the quotas may be based on estimates, and subsequent adjustments therein shall be made when such actual numbers are known. All computations under this subsection shall be made in accordance with such rules and regulations as the President may prescribe.

(c) Terminated

(d) Rules and regulations

Whenever the President has provided for the selection of persons for training and service in accordance with random selection under subsection (a) of this section, calls for induction may be placed under such rules and regulations as he may prescribe, notwithstanding the provisions of subsection (b) of this section.

(e) Number of inductees

Notwithstanding any other provision of this Act, not more than 130,000 persons may be inducted into the Armed Forces under this Act in the fiscal year ending June 30, 1972, and not more than 140,000 in the fiscal year ending June 30, 1973, unless a number greater than that authorized in this subsection for such fiscal year or years is authorized by a law enacted after September 28, 1971.

(June 24, 1948, ch. 625, title I, § 5, 62 Stat. 608; June 19, 1951, ch. 144, title I, § 1(k), 65 Stat. 83; Pub. L. 85-62, §§ 4, 5, June 27, 1957, 71 Stat. 207; Pub. L. 90-40, § 1(3), June 30, 1967, 81 Stat. 100; Pub. L. 91-124, § 2, Nov. 26, 1969, 83 Stat. 220; Pub. L. 92-129, title I, § 101(a)(8), (9), Sept. 28, 1971, 85 Stat. 349.)

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 chapter, referred to in subssecs. (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.

This Act, referred to in subsec. (e), 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 455 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1971—Subsec. (a)(1). Pub. L. 92-129, § 101(a)(8), added cl. (3) covering induction orders for aliens residing in the United States for one year, to last proviso.

Subsecs. (d), (e). Pub. L. 92-129, § 101(a)(9), added subssecs. (d) and (e).

1969—Subsec. (a). Pub. L. 91-124 repealed cl. (2) which prohibited President from effecting any change in method of determining relative order of induction.

1967—Subsec. (a). Pub. L. 90-40 designated existing provisions as par. (1) and added par. (2).

1957—Subsec. (a). Pub. L. 85-62, §§ 4, 9, temporarily, substituted third and fourth provisos for former third proviso "that nothing herein shall be construed to prohibit the selection or induction of persons by age group or groups under rules and regulations prescribed by the President:". See Effective and Termination Dates of 1957 Amendment note below.

Subsec. (c). Pub. L. 85-62, §§ 5, 9, temporarily added subsec. (c). See Effective and Termination Dates of 1957 Amendment note below.

1951—Subsec. (a). Act June 19, 1951, inserted last two provisos.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 1957 AMENDMENT

Amendment by Pub. L. 85-62 to take effect on July 1, 1957, and terminate on July 1, 1973, see section 9 of Pub. L. 85-62, set out as a note under section 3803 of this title.

Executive Documents

PROC. NO. 3945. RANDOM SELECTION FOR MILITARY SERVICE

Proc. No. 3945, Nov. 26, 1969, 34 F.R. 19017, 83 Stat. 972, provided:

WHEREAS section 5(a)(1) of the Military Selective Service Act of 1967, as amended (50 U.S.C. App. 455(a)(1)) [now the Military Selective Service Act, 50 U.S.C. 3805(a)(1)], provides that selection of persons for training and service under that Act shall be made in an impartial manner without discrimination on account of race or color, under such rules and regulations as the President may prescribe; and

WHEREAS section 5(a)(2) of that Act (50 U.S.C. App. 455(a)(2)) [now 50 U.S.C. 3805(a)(2)] limited the President's authority to prescribe rules and regulations by requiring, in effect, the selection of registrants through a method known as "oldest first"; and

WHEREAS such section 5(a)(2) has been repealed by Public Law 91-124 of November 26, 1969:

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me by section 5(a) of the Military Selective Service Act of 1967, as amended, and having determined that a method of random selection will provide the most equitable basis for selection of registrants for military training and service, do hereby proclaim the following:

That a random selection sequence will be established by a drawing to be conducted in Washington, D.C., on December 1, 1969, and will be applied nationwide. The random selection method will use 366 days to represent the birthdays (month and day only) of all registrants who, prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth. The drawing, commencing with the first day selected and continuing until all 366 days are drawn, shall be accomplished impartially.

On the day designated above, a supplemental drawing or drawings will be conducted to determine alphabetically the random selection sequence by name among registrants who have the same birthday.

The random selection sequence obtained as described above shall determine the order of selection of reg-

istrants who prior to January 1, 1970, shall have attained their nineteenth year of age but not their twenty-sixth and who are not volunteers and not delinquents. New random selection sequences shall be established, in a similar manner, for registrants who attain their nineteenth year of age on or after January 1, 1970.

The random sequence number determined for any registrant shall apply to him so long as he remains subject to induction for military training and service by random selection.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of November, in the year of our Lord nineteen hundred and sixty-nine, and of the Independence of the United States of America the one hundred and ninety-fourth.

RICHARD NIXON.

§ 3806. Deferments and exemptions from training and service

(a) In general

(1) Commissioned officers, warrant officers, pay clerks, enlisted men, and aviation cadets of the Regular Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Environmental Science Services Administration;¹ cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Air Force Academy; cadets, United States Coast Guard Academy; midshipmen, Merchant Marine Reserve, members of the United States Navy Reserve; students enrolled in an officer procurement program at military colleges the curriculum of which is approved by the Secretary of Defense; members of the reserve components of the Armed Forces and the Coast Guard, while on active duty; and foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to be registered under section 3802 of this title and shall be relieved from liability for training and service under section 3803 of this title, except that aliens admitted for permanent residence in the United States shall not be so exempted: *Provided*, That any alien lawfully admitted for permanent residence as defined in paragraph (20) of section 1101(a) of title 8 and who by reason of occupational status is subject to adjustment to nonimmigrant status under paragraph (15)(A), (15)(E), or (15)(G) of such section 1101(a) but who executes a waiver in accordance with section 1257(b) of title 8 of all rights, privileges, exemptions, and immunities which would otherwise accrue to him as a result of that occupational status, shall be subject to registration under section 3802 of this title, but shall be deferred from induction for training and service for so long as such occupational status continues. Any person who subsequent to June 24, 1948, serves on active duty for a period of not less than twelve months in the armed forces of a nation with which the United States is associated in mutual defense activities as defined by the President, may be exempted from training

and service, but not from registration, in accordance with regulations prescribed by the President, except that no such exemption shall be granted to any person who is a national of a country which does not grant reciprocal privileges to citizens of the United States: *Provided*, That any active duty performed prior to June 24, 1948, by a person in the armed forces of a country allied with the United States during World War II and with which the United States is associated in such mutual defense activities, shall be credited in the computation of such twelve-month period: *Provided further*, That any person who is in a medical, dental, or allied specialist category not otherwise deferred or exempted under this subsection shall be liable for registration and training and service until the thirty-fifth anniversary of the date of his birth.

(2) Commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service while on active duty and assigned to staff the various offices and bureaus of the Public Health Service, including the National Institutes of Health, or assigned to the Coast Guard, the Bureau of Prisons, Department of Justice, the Environmental Protection Agency, or the Environmental Science Services Administration¹ or who are assigned to assist Indian tribes, groups, bands, or communities pursuant to the Act of August 5, 1954 (68 Stat. 674), as amended [42 U.S.C. 2001 et seq.], shall not be required to be registered under section 3802 of this title and shall be relieved from liability for training and service under section 3803 of this title. Notwithstanding the preceding sentence, commissioned officers of the Public Health Service and members of the Reserve of the Public Health Service who, prior to June 30, 1967, had been detailed or assigned to duty other than that specified in the preceding sentence shall not be required to be registered under section 3802 of this title and shall be relieved from liability for training and service under section 3803 of this title.

(b) Persons who served during World War II

(1) No person who served honorably on active duty between September 16, 1940, and June 24, 1948, for a period of twelve months or more, or between December 7, 1941, and September 2, 1945, for a period in excess of ninety days, in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this chapter, except after a declaration of war or national emergency made by the Congress subsequent to June 24, 1948.

(2) No person who served honorably on active duty between September 16, 1940, and June 24, 1948, for a period of ninety days or more but less than twelve months in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, the Public Health Service, or the armed forces of any country allied with the United States in World War II prior to September 2, 1945, shall be liable for induction for training and service under this chapter, except after a declaration of war or national emergency made by the Congress subsequent to June 24, 1948, if—

¹ See Transfer of Functions note below.