

lective 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.C. 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 registration, 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, reproduced, forged, counterfeited, or altered; or (6) who knowingly violates or evades any of the provisions of this chapter or rules and regulations promulgated pursuant thereto relating to the issuance, transfer, or possession of such certificate, shall, upon conviction, be fined not to exceed \$10,000 or be imprisoned for not more than five years, or both. Whenever on trial for a violation of this subsection the defendant is shown to have or to have had possession of any certificate not duly issued to him, such possession shall be deemed sufficient evidence to establish an intent to use such certificate for purposes of false identification or representation, unless the defendant explains such possession to the satisfaction of the jury.

(c) Expeditious prosecution by Department of Justice

The Department of Justice shall proceed as expeditiously as possible with a prosecution under this section, or with an appeal, upon the request of the Director of Selective Service System or shall advise the House of Representatives and the Senate in writing the reasons for its failure to do so.

(d) Statute of limitations

No person shall be prosecuted, tried, or punished for evading, neglecting, or refusing to perform the duty of registering imposed by section 3802 of this title unless the indictment is found within five years next after the last day before such person attains the age of twenty-six, or within five years next after the last day before such person does perform his duty to register, whichever shall first occur.

(e) Information furnished for purpose of enforcement

The President may require the Secretary of Health and Human Services to furnish to the Director, from records available to the Secretary, the following information with respect to individuals who are members of any group of individuals required by a proclamation of the President under section 3802 of this title to present themselves for and submit to registration under such section: name, date of birth, social security account number, and address. Information fur-