

35th President of the United States: 1961 - 1963

Executive Order 11098—Amending the Selective Service Regulations

March 14, 1963

By virtue of the authority vested in me by the Universal Military Training and Service Act (62 Stat. 604), as amended, I hereby prescribe the following amendments of the Selective Service Regulations prescribed by Executive Orders No. 10001 of September 17, 1948, No. 10008 of October 18, 1948, No. 10202 of January 12, 1951, No. 10292 of September 25, 1951, No. 10420 of December 17, 1952, No. 10469 of July 11, 1953, No. 10594 of January 31, 1955, No. 10659 of February 15, 1956, No. 10714 of June 13, 1957, No. 10735 of October 17, 1957, No. 10809 of March 19, 1959, and No. 10984 of January 5, 1962, and constituting portions of Chapter XVI of Title 32 of the Code of Federal Regulations:

1. Section 1621.9 of Part 1621, *Preparation for Classification*, is amended to read as follows:

"§ 1621.9 *Mailing Classification Questionnaire (SSS Form No. 100)*.

(a) Except as provided in paragraph (c) of this section, the local board shall mail a Classification Questionnaire (SSS Form No. 100) to each registrant to whom it has not previously mailed such questionnaire in strict accordance with the dates of birth of the registrants of the local board, in chronological order, commencing with the registrant having the earliest date of birth. Whenever a registrant registers after his date of birth has been reached in the mailing of Classification Questionnaires (SSS Form No. 100), his questionnaire shall be mailed immediately.

"(b) The date upon which the Classification Questionnaire (SSS Form No. 100) is mailed shall be entered on the Classification Record (SSS Form No. 102).

"(c) Whenever the local board determines that a registrant who is on active duty in the Armed Forces of the United States may be classified properly from information available to it, the Classification Questionnaire (SSS Form No. 100) need not be mailed to the registrant until he is separated from active duty."

2. (a) Paragraph (a) of section 1622.13 of Part 1622, *Classification Rules and Principles*, is amended by striking out "persons referred to in paragraph (a) of this section, or".

(b) (1) Paragraph (a) of section 1622.30 of Part 1622, is amended to read as follows:

" (a) In Class III-A shall be placed any registrant who has a child or children with whom he maintains a bona fide family relationship in their home and who is not a physician, dentist, or veterinarian."

(2) Paragraph (c) of section 1622.30 is amended to read as follows:

"(c) (1) The term 'child' as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the registrant in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

" (2) As used in this section, the term 'physician' means a registrant who has received from a school, college, university, or similar institution of learning the degree of doctor of medicine or the degree of bachelor of medicine, the term 'dentist' means a registrant who has likewise received the degree of doctor of dental surgery or the degree of doctor of dental medicine, and the term 'veterinarian'

means a registrant who has likewise received the degree of doctor of veterinary surgery or the degree of doctor of veterinary medicine.

"(3) No registrant shall be placed in Class III-A under paragraph (a) of this section because he has a child which is not yet born unless prior to the time the local board mails him an order to report for induction which is not subsequently canceled there is filed with the local board the certificate of a licensed physician stating that the child has been conceived, the probable date of its delivery, and the evidence upon which his positive diagnosis of pregnancy is based."

3. Paragraph (a) of section 1625.3 of Part 1625, *Reopening and Considering Anew Registrant's Classification*, is amended to read as follows:

" (a) The local board shall reopen and consider anew the classification of a registrant upon the written request of the State Director of Selective Service or the Director of Selective Service and upon receipt of such request shall immediately cancel any Order to Report for Induction (SSS Form No. 252) or Order to Report for Civilian Work and Statement of Employer (SSS Form No. 153) which may have been issued to the registrant."

4. (a) Paragraph (a) of section 1626.2 of Part 1626, *Appeal to Appeal Board*, as amended to read as follows:

"(a) The registrant, any person who claims to be a dependent of the registrant, any person who prior to the classification appealed from filed a written request for the current occupational deferment of the registrant, or the government appeal agent may appeal to an appeal board from the classification of a registrant by the local board."

(b) Paragraph (a) of section 1626.26 of Part 1626 is amended to read as follows:

"(a) The appeal board shall classify the registrant, giving consideration to the various-classes in the same manner in which the local board gives consideration thereto when it classifies a registrant."

5. (a) Sections 1628.1, 1628.2, and 1628.3 of Part 1628, *Physical Examination*, are amended to read as follows:

"§ 1628.1 *Purpose of medical interview.*

"The Surgeon General of the Department of the Army shall, from time to time, prescribe or approve a list enumerating various medical conditions or physical defects that disqualify registrants for service in the Armed Forces. A medical interview of certain registrants by the medical advisor to the local board shall be accomplished for the purpose of screening and disqualifying at the local board those registrants who have conditions or defects enumerated in the list."

"§ 1628.2 *Registrants to be given medical interview.*

"(a) Whenever the local board is of the opinion that a registrant in Class I-A, Class I-A-O, or Class I-O has one or more of the disqualifying medical conditions or physical defects which appear in the list described in section 1628.1, it shall order the registrant to present himself for medical interview at a specified time and place by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form No. 219).

"(b) Whenever a registrant who is in Class I-A, Class I-A-O, or Class I-O claims that he has one or more of the disqualifying medical conditions or physical defects which appear in the list described in section 1628.1, the local board shall order him to present himself for interview with the medical advisor to the local board at the time and place specified by the local board by mailing to such registrant a Notice to Registrant to Appear for Medical Interview (SSS Form No. 219).

"(c) Whenever because of a medical condition or physical defect, a registrant is unable personally to present himself for medical interview, a reputable physician may file an affidavit, or an authorized

representative of a Federal or State agency may file an official statement with the local board, stating (1) the character of the condition or defect, (2) that the physician has personal professional knowledge thereof, or that the representative has official knowledge thereof, and (3) that the registrant is unable personally to present himself for medical interview due to the character of the condition or defect. The local board shall refer such affidavit or official statement which it receives to the medical advisor to the local board for review."

"§ 1628.3 Duties of medical advisor to local board.

"(a) When the registrant is referred to the medical advisor to the local Board for medical interview, the medical advisor shall make only such examination as he deems is necessary to determine whether the registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in section 1628.1. No laboratory or X-ray work shall be authorized but reports of laboratory or X-ray work performed previously and presented by the registrant may be given consideration by the medical advisor. It shall be the duty of the registrant to present himself to the medical advisor to the local board at the time and place designated and to submit to examination.

"(b) The medical advisor to the local board shall (1) give each registrant who presents himself for medical interview such examination as he deems necessary or (2) review each affidavit of a reputable physician or official statement of a representative of a Federal or State agency referred to him by the local board. From such examination or review, the medical advisor to the local board shall determine whether the registrant has one or more of the disqualifying medical conditions or physical defects which appear in the list described in section 1628.1 and shall record his findings in Section II of the Record of Induction (DD Form No. 47) ."

(b) Paragraphs (d) and (e) of section 1628.4 of Part 1628 are amended to read as follows:

"(d) If the local board determines that the registrant has a disqualifying medical condition or physical defect which appears in the list described in section 1628.1, the following action shall be taken:

(1) The local board shall file the original and one copy of the Record of Induction (DD Form No. 47) in the registrant's Cover-Sheet (SSS Form No. 101) and forward two copies of the Record of Induction (DD Form No. 47) to the State Director of Selective Service who shall forward one copy to the Surgeon General, Department of the Army, Washington, D.C., and retain one copy.

(2) The local board shall review the classification of the registrant and if it finds under the provisions of Part 1622 of this chapter that he should be placed in some other class, reopen his classification and classify him anew and mail him a Notice of Classification (SSS Form No. 110).

(3) The local board shall cancel any Order to Report for Armed Forces Physical Examination (SSS Form No. 223) which it has mailed to the registrant and advise him in writing of such cancellation.

(4) The local board shall note in the 'Disposition' column of the Physical Examination List (SSS Form No. 225), if the registrant's name appears thereon, that he has been found not qualified for service in the Armed Forces.

"(e) If the local board determines that the registrant does not have a disqualifying medical condition or physical defect which appears in the list described in section 1628.1, or if the local board has any doubt concerning the existence of any such condition or defect, the local board shall order the registrant to report for armed forces physical examination as provided in section 1628.11."

(c) Paragraph (b) of section 1628.17 of Part 1628 is amended to read as follows:

"(b) As each registrant's name is called he shall be observed by a member or clerk of the local board. If the member or clerk of the local board knows or sees a registrant who he believes may be disqualified for service in the Armed Forces because of a medical condition or physical defect which

appears in the list described in section 1628.1, the registrant shall not be forwarded for armed forces physical examination on that day but shall be given a local board medical interview as provided in section 1628.2 and if after such medical interview it is determined that the registrant is not disqualified he shall then be forwarded for an armed forces physical examination."

6. Part 1629, *Disqualifying Obvious Defects and Manifest Conditions*, is revoked.

7. (a) Subparagraph (3) of paragraph (a) of section 1631.7 of Part 1631, *Quotas and Calls*, is amended to read as follows:

" (3) Nonvolunteers who have attained the age of 19 years and have not attained the age of 26 years in the order of their dates of birth with the oldest being selected first."

(b) Subparagraph (4) of paragraph (a) of section 1631.7 is revoked and subparagraphs (5) and (6) of paragraph (a) are redesignated as subparagraphs (4) and (5), respectively.

(c) Paragraph (b) of section 1631.7 is revoked and paragraph (c) of section 1631.7 is redesignated as paragraph (b) .

JOHN F. KENNEDY

THE WHITE HOUSE,

March 14, 1963

John F. Kennedy, Executive Order 11098—Amending the Selective Service Regulations Online by Gerhard Peters and John T. Woolley, The American Presidency Project
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