

excluded from the operation of the Administrative Procedure Act (60 Stat. 237) [5 U.S.C. 551 et seq. and 701 et seq.] except as to the requirements of section 3 of such Act [5 U.S.C. 552]. Notwithstanding the foregoing sentence, no regulation issued under this Act shall become effective until the expiration of thirty days following the date on which such regulation has been published in the Federal Register. After the publication of any regulation and prior to the date on which such regulation becomes effective, any person shall be given an opportunity to submit his views to the Director on such regulation, but no formal hearing shall be required on any such regulation. The requirements of this subsection may be waived by the President in the case of any regulation if he (1) determines that compliance with such requirements would materially impair the national defense, and (2) gives public notice to that effect at the time such regulation is issued.

(c) In computing the lump-sum payments made to Air Force reserve officers under the provisions of section 2 of the Act of June 16, 1936, as amended and to reserve officers of the Navy or to their beneficiaries under section 12 of the Act of August 4, 1942, as amended, no credit shall be allowed for any period of active service performed from the effective date of this title [June 24, 1948] to the date on which this title [sections 451 to 471a of this Appendix] shall cease to be effective. Each such lumpsum payment shall be prorated for a fractional part of a year of active service in the case of any reserve officer subject to the provisions of either such section, if such reserve officer performs continuous active service for one or more years (inclusive of such service performed during the period in which this title [said sections] is effective) and such active service includes a fractional part of a year immediately prior to the effective date of this title [June 24, 1948], or immediately following the date on which this title [said sections] shall cease to be effective, or both.

(June 24, 1948, ch. 625, title I, §13, 62 Stat. 623; June 19, 1951, ch. 144, title I, §1(t), 65 Stat. 87; Pub. L. 88-110, §6, Sept. 3, 1963, 77 Stat. 136; Pub. L. 92-129, title I, §101(a)(32), Sept. 28, 1971, 85 Stat. 353.)

#### REFERENCES IN TEXT

The second sentence of subsection (a) of section 9 of the Act of August 2, 1939, referred to in subsec. (a), was classified to section 118i(a) of former Title 5 and was repealed by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenacted as section 7324(a)(2) of Title 5, Government Organization and Employees. Section 7324 of Title 5 was omitted and a new section 7324 enacted in the general amendment of subchapter III of chapter 73 of Title 5 by Pub. L. 103-94, §2(a), Oct. 6, 1993, 107 Stat. 1001. See section 7323(b)(2)(A) of Title 5.

The Administrative Procedure Act, referred to in subsec. (b), is act June 11, 1946, ch. 324, 60 Stat. 237, as amended, which was classified to sections 1001 to 1011 of former Title 5 and which was repealed by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenacted as subchapter II (§551 et seq.) of chapter 5, and chapter 7 (§701 et seq.), of Title 5, Government Organization and Employees.

This Act, referred to in subsec. (b), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, 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 451 of this Appendix and Tables.

Section 2 of the Act of June 16, 1936, as amended, referred to in subsec. (c), is section 2 of act June 16, 1936, ch. 587, 49 Stat. 1524, as amended Apr. 3, 1939, ch. 35, §11, 53 Stat. 559; June 3, 1941, ch. 165, §6, 55 Stat. 240; July 25, 1947, ch. 323, 61 Stat. 424; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501, which is not classified to the Code.

Section 12 of the Act of August 4, 1942, as amended, referred to in subsec. (c), is section 12 of act Aug. 4, 1942, ch. 547, 56 Stat. 738, as amended Oct. 25, 1943, ch. 275, §1, 57 Stat. 574; July 25, 1947, ch. 323, 61 Stat. 424, which is not classified to the Code.

Date on which this title shall cease to be effective, referred to in subsec. (c), is defined in section 467 of this Appendix.

#### AMENDMENTS

1971—Subsec. (b). Pub. L. 92-129 inserted provisions covering the publication of regulations in the Federal Register.

1963—Subsec. (a). Pub. L. 88-110 substituted “sections 203, 205, or 207 of title 18 of the United States Code” for “sections 281, 283, or 284 of title 18 of the United States Code, in section 190 of the Revised Statutes (U.S.C., title 5, sec. 99)”.

1951—Subsec. (a). Act June 19, 1951, brought within its provisions members of the National Selective Service Appeal Board.

#### § 464. Repealed. Pub. L. 108-189, §2(a), Dec. 19, 2003, 117 Stat. 2865

Section, acts June 24, 1948, ch. 625, title I, §14, 62 Stat. 623; Sept. 27, 1950, ch. 1059, §1(11), 64 Stat. 1074, provided that the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, was applicable to all persons in the United States armed forces.

#### § 465. Notice of requirements of Act; voluntary enlistments unaffected

(a) Every person shall be deemed to have notice of the requirements of this title [sections 451 to 471a of this Appendix] upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3 [section 453 of this Appendix].

(b) It shall be the duty of every registrant to keep his local board informed as to his current address and changes in status as required by such rules and regulations as may be prescribed by the President.

(c) If any provision of this title [sections 451 to 471a of this Appendix], or the application thereof to any person or circumstance, is held invalid, the remainder of the title [said sections], and the application of such provision to other persons or circumstances, shall not be affected thereby.

(d) Except as provided in section 4(c) [section 454(c) of this Appendix], nothing contained in this title [sections 451 to 471a of this Appendix] shall be construed to repeal, amend, or suspend the laws now in force authorizing voluntary enlistment or reenlistment in the Armed Forces of the United States, including the reserve components thereof, except that no person shall be accepted for enlistment after he has been issued an order to report for induction unless authorized by the Director and the Secretary of Defense and except that, whenever the Congress or the President has declared that the national interest is imperiled, voluntary enlistment or reenlistment in such forces, and their reserve components, may be suspended by the President to such extent as he may deem necessary in the interest of national defense.

(e) In order to assist the Armed Forces in recruiting individuals for voluntary service in the Armed Forces, the Director shall, upon the request of the Secretary of Defense or the Secretary of Homeland Security, furnish to the Secretary the names and addresses of individuals registered under this Act. Names and addresses furnished pursuant to the preceding sentence may be used by the Secretary of Defense or Secretary of Homeland Security only for recruiting purposes.

(June 24, 1948, ch. 625, title I, §15, 62 Stat. 624; Pub. L. 92-129, title I, §101(a)(33), Sept. 28, 1971, 85 Stat. 353; Pub. L. 97-86, title IX, §916(c), Dec. 1, 1981, 95 Stat. 1129; Pub. L. 107-296, title XVII, §1704(e)(11)(E), Nov. 25, 2002, 116 Stat. 2316.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (e), is act June 24, 1948, ch. 625, 62 Stat. 604, as amended, 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 451 of this Appendix and Tables.

#### AMENDMENTS

2002—Subsec. (e). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” in two places.

1981—Subsec. (e). Pub. L. 97-86 added subsec. (e).

1971—Subsec. (d). Pub. L. 92-129 inserted provision empowering the Director and the Secretary of Defense to authorize voluntary enlistments and reenlistments in the Armed Forces after a person has been issued an order to report for induction and struck out reference to section 454(g) of this Appendix.

#### 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.

### § 466. Definitions

When used in this title [sections 451 to 471a of this Appendix]—

(a) The term “between the ages of eighteen and twenty-six” shall refer to men who have attained the eighteenth anniversary of the day of their birth and who have not attained the twenty-sixth anniversary of the day of their birth; and other terms designating different age groups shall be construed in a similar manner.

(b) The term “United States”, when used in a geographical sense, shall be deemed to mean the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(c) The term “armed forces” shall be deemed to include the Army, the Navy, the Marine Corps, the Air Force, and the Coast Guard.

(d) The term “district court of the United States” shall be deemed to include the courts of the United States for the Territories and possessions of the United States.

(e) The term “local board” shall be deemed to include an intercounty local board in the case of any registrant who is subject to the jurisdiction of an intercounty local board.

(f) The term “Director” shall be deemed to mean the Director of the Selective Service System.

(g)(1) The term “duly ordained minister of religion” means a person who has been ordained,

in accordance with the ceremonial, ritual, or discipline of a church, religious sect, or organization established on the basis of a community of faith and belief, doctrines and practices of a religious character, to preach and to teach the doctrines of such church, sect, or organization and to administer the rites and ceremonies thereof in public worship, and who as his regular and customary vocation preaches and teaches the principles of religion and administers the ordinances of public worship as embodied in the creed or principles of such church, sect, or organization.

(2) The term “regular minister of religion” means one who as his customary vocation preaches and teaches the principles of religion of a church, a religious sect, or organization of which he is a member, without having been formally ordained as a minister of religion, and who is recognized by such church, sect, or organization as a regular minister.

(3) The term “regular or duly ordained minister of religion” does not include a person who irregularly or incidentally preaches and teaches the principles of religion of a church, religious sect, or organization and does not include any person who may have been duly ordained a minister in accordance with the ceremonial, rite, or discipline of a church, religious sect or organization, but who does not regularly, as a bona fide vocation, teach and preach the principles of religion and administer the ordinances of public worship as embodied in the creed or principles of his church, sect, or organization.

(h) The term “organized unit”, when used with respect to a reserve component, shall be deemed to mean a unit in which the members thereof are required satisfactorily to participate in scheduled drills and training periods as prescribed by the Secretary of Defense.

(i) The term “reserve components of the armed forces” shall, unless the context otherwise requires, be deemed to include the federally recognized National Guard of the United States, the federally recognized Air National Guard of the United States, the Officers’ Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Navy Reserve, the Marine Corps Reserve, and the Coast Guard Reserve, and shall include, in addition to the foregoing, the Public Health Service Reserve when serving with the armed forces.

(June 24, 1948, ch. 625, title I, §16, 62 Stat. 624; Sept. 27, 1950, ch. 1059, §1(12), (13), 64 Stat. 1074; June 19, 1951, ch. 144, title I, §1(v), 65 Stat. 87; Pub. L. 86-70, §36, June 25, 1959, 73 Stat. 150; Pub. L. 86-624, §39, July 12, 1960, 74 Stat. 422; Pub. L. 92-129, title I, §101(a)(34), Sept. 28, 1971, 85 Stat. 353; Pub. L. 109-163, div. A, title V, §515(g)(3)(B), Jan. 6, 2006, 119 Stat. 3236.)

#### AMENDMENTS

2006—Subsec. (i). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

1971—Subsec. (g)(3). Pub. L. 92-129 inserted “bona fide” before “vocation”.

1960—Subsec. (b). Pub. L. 86-624 struck out “Hawaii,” before “Puerto Rico”.

1959—Subsec. (b). Pub. L. 86-70 struck out “Alaska,” after “District of Columbia.”

1951—Subsec. (b). Act June 19, 1951, brought “Guam” within definition of “United States”.