

SEC. 3. The Attorney General, with respect to the applications and related files transferred to him by Section 2 of this Order, shall take all actions appropriate or necessary to complete the clemency process and shall expeditiously report to the President his findings and recommendations as to whether Executive clemency should be granted or denied in any case. In performing his responsibilities under this Order, the Attorney General shall apply the relevant criteria and comply with the appropriate and applicable instructions and procedures established by Executive Order No. 11803 of September 16, 1974, as amended [set out above], Proclamation No. 4313 of September 16, 1974, as amended [set out above], Executive Order No. 11804 of September 16, 1974 [set out above], and, to the extent that he deems appropriate, the regulations of the Presidential Clemency Board and the Selective Service System issued pursuant to the foregoing Executive orders.

SEC. 4. The Director of the Office of Management and Budget is hereby designated and empowered to take such action as he deems necessary to ensure the orderly and prompt termination of the activities of the Presidential Clemency Board and the assignment of responsibilities directed by this Order.

SEC. 5. Departments and agencies in the Executive branch shall, to the extent permitted by law, cooperate with and assist the Attorney General, the Director of the Selective Service and the Director of the Office of Management and Budget in the performance of their responsibilities under this Order.

SEC. 6. The responsibilities assigned under this Order are to be completed no later than March 31, 1976, at which time the Attorney General shall submit his final recommendations to the President.

GERALD R. FORD.

EX. ORD. NO. 11967. IMPLEMENTATION OF PARDON FOR VIOLATIONS OF ACT, AUGUST 4, 1964 TO MARCH 28, 1973

Ex. Ord. No. 11967, Jan. 21, 1977, 42 F.R. 4393, provided: The following actions shall be taken to facilitate Presidential Proclamation of Pardon of January 21, 1977 [Proc. No. 4483, set out above]:

1. The Attorney General shall cause to be dismissed with prejudice to the Government all pending indictments for violations of the Military Selective Service Act [see References in Text note set out under section 3801 of this title] alleged to have occurred between August 4, 1964 and March 28, 1973 with the exception of the following:

(a) Those cases alleging acts of force or violence deemed to be so serious by the Attorney General as to warrant continued prosecution; and

(b) Those cases alleging acts in violation of the Military Selective Service Act by agents, employees or officers of the Selective Service System arising out of such employment.

2. The Attorney General shall terminate all investigations now pending and shall not initiate further investigations alleging violations of the Military Selective Service Act [see References in Text note set out under section 3801 of this title] between August 4, 1964 and March 28, 1973, with the exception of the following:

(a) Those cases involving allegations of force or violence deemed to be so serious by the Attorney General as to warrant continued investigation, or possible prosecution; and

(b) Those cases alleging acts in violation of the Military Selective Service Act by agents, employees or officers of the Selective Service System arising out of such employment.

3. Any person who is or may be precluded from reentering the United States under [former] 8 U.S.C. 1182(a)(22) or under any other law, by reason of having committed or apparently committed any violation of the Military Selective Service Act [see References in Text note set out under section 3801 of this title] shall be permitted as any other alien to reenter the United States.

The Attorney General is directed to exercise his discretion under 8 U.S.C. 1182(d)(5) or other applicable law

to permit the reentry of such persons under the same terms and conditions as any other alien.

This shall not include anyone who falls into the exceptions of paragraphs 1(a) and (b) and 2(a) and (b) above.

4. Any individual offered conditional clemency or granted a pardon or other clemency under Executive Order 11803 [set out above] or Presidential Proclamation 4313, dated September 16, 1974 [set out above], shall receive the full measure of relief afforded by this program if they are otherwise qualified under the terms of this Executive Order.

JIMMY CARTER.

### § 3812. Nonapplicability of certain laws

#### (a) Certain provisions in title 18 or Act August 2, 1939

Nothing in sections 203, 205, or 207 of title 18 or in the second sentence of subsection (a) of section 9 of the Act of August 2, 1939 (53 Stat. 1148), entitled "An Act to prevent pernicious political activities", as amended, shall be deemed to apply to any person because of his appointment under authority of this chapter or the regulations made pursuant thereto as an uncompensated official of the Selective Service System, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant or noncombatant training because of conscientious objections, or as a member of the National Selective Service Appeal Board.

#### (b) Administrative Procedure Act

All functions performed under this chapter shall be 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) Certain provisions of Act June 16, 1936, or Act August 4, 1942; computation of lump-sum payments

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 June 24, 1948, to the date on which this chapter 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 per-

forms continuous active service for one or more years (inclusive of such service performed during the period in which this chapter is effective) and such active service includes a fractional part of a year immediately prior to June 24, 1948, or immediately following the date on which this chapter 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

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.

Section 9 of the Act of August 2, 1939, referred to in subsec. (a), is section 9 of act Aug. 2, 1939, ch. 410, 53 Stat. 1148, which was classified to section 118i(a) of former title 5, prior to repeal by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378, and reenactment 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 (§7321 et seq.) 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, which was classified to sections 1001 to 1011 of former title 5 and which was repealed and reenacted as subchapter II (§551 et seq.) of chapter 5, and chapter 7 (§701 et seq.), of Title 5, Government Organization and Employees, by Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 378. See Short Title note preceding section 551 of Title 5.

This Act, referred to in subsec. (b), 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.

Section 2 of the Act of June 16, 1936, referred to in subsec. (c), is section 2 of act June 16, 1936, ch. 587, 49 Stat. 1524, which is not classified to the Code.

Section 12 of the Act of August 4, 1942, referred to in subsec. (c), is section 12 of act Aug. 4, 1942, ch. 547, 56 Stat. 738, which is not classified to the Code.

#### CODIFICATION

Section was formerly classified to section 463 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

#### 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” for “sections 281, 283, or 284 of title 18, in section 99 of title 5”.

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

### § 3813. Notice of requirements of this chapter; voluntary enlistments unaffected

#### (a) Deeming of notice upon publication

Every person shall be deemed to have notice of the requirements of this chapter upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 3802 of this title.

#### (b) Duty to inform local board of current address and changes in status

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) Separability of provisions

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.

#### (d) Voluntary enlistments or reenlistments; absence of affect

Except as provided in section 3803(c) of this title, nothing contained in this chapter 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) Furnishing of names and addresses to Secretary of Defense or Secretary of Homeland Security

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 chapter, referred to in subsecs. (a), (c), and (d), 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 465 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.