

**§ 240f. Audits: selection of service providers for audit services**

The Department of Defense shall select service providers for auditing services based on the best value to the Department, as determined by the resource sponsor for an auditing contract, rather than based on the lowest price technically acceptable service provider.

(Added and amended Pub. L. 115-91, div. A, title X, §1002(g)(1), (2), Dec. 12, 2017, 131 Stat. 1542, §254b; renumbered §240f, Pub. L. 115-232, div. A, title X, §1002(a)(1)(A), Aug. 13, 2018, 132 Stat. 1945.)

CODIFICATION

Text of section, as added by Pub. L. 115-91, is based on text of section 892 of Pub. L. 114-328, div. A, title VIII, Dec. 23, 2016, 130 Stat. 2324, which was formerly set out as a note under section 2331 of this title, prior to repeal by Pub. L. 115-91, div. A, title X, §1002(g)(3), Dec. 12, 2017, 131 Stat. 1542.

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 254b of this title as this section.

2017—Pub. L. 115-91, §1002(g)(2), struck out “and audit readiness services” after “auditing services”.

NOTIFICATION REQUIREMENT FOR CERTAIN CONTRACTS FOR AUDIT SERVICES

Pub. L. 115-91, div. A, title X, §1007, Dec. 12, 2017, 131 Stat. 1545, provided that:

“(a) NOTIFICATION TO CONGRESS.—If the Under Secretary of Defense (Comptroller) makes a written finding that a delay in performance of a covered contract while a protest is pending would hinder the annual preparation of audited financial statements for the Department of Defense, and the head of the procuring activity responsible for the award of the covered contract does not authorize the award of the contract (pursuant to section 3553(c)(2) of title 31, United States Code) or the performance of the contract (pursuant to section 3553(d)(3)(C) of such title), the Secretary of Defense shall—

“(1) notify the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] within 10 days after such finding is made; and

“(2) describe any steps the Department of Defense plans to take to mitigate any hindrance identified in such finding to the annual preparation of audited financial statements for the Department.

“(b) COVERED CONTRACT DEFINED.—In this section, the term ‘covered contract’ means a contract for services to perform an audit to comply with the requirements of section 3515 of title 31, United States Code.”

**[§§ 251 to 254b. Renumbered §§ 240a to 240f]**

**CHAPTER 11—RESERVE COMPONENTS**

Sec.

241. Reference to chapters 1003, 1005, and 1007.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title X, §1081(a)(4), Aug. 13, 2018, 132 Stat. 1983, which directed amendment of the analysis of chapter 4 of this title by renumbering item 261 as 241, was executed by making the amendment in this analysis to reflect the probable intent of Congress.

1994—Pub. L. 103-337, div. A, title XVI, §1661(a)(2)(B), Oct. 5, 1994, 108 Stat. 2979, added item 261 and struck out former items 261 to 281.

1993—Pub. L. 103-160, div. A, title VIII, §828(c)(1), Nov. 30, 1993, 107 Stat. 1714, added item 279.

1984—Pub. L. 98-525, title XIV, §1405(7)(C), Oct. 19, 1984, 98 Stat. 2622, in item 264 substituted “armed

force” for “military department” and “Reserves” for “reserves” and struck out “; reports to Congress” at end.

1978—Pub. L. 95-485, title IV, §406(b)(2), Oct. 20, 1978, 92 Stat. 1616, struck out item 279 “Training reports”.

1967—Pub. L. 90-168, §2(7), Dec. 1, 1967, 81 Stat. 522, substituted “designation of general or flag officers of each military department; personnel and logistic support for reserves; reports to Congress” for “responsibility for” in item 264.

1960—Pub. L. 86-559, §1(2)(D), June 30, 1960, 74 Stat. 264, added item 281.

1958—Pub. L. 85-861, §1(6), Sept. 2, 1958, 72 Stat. 1439, added items 270, 271, 272 and 279.

**§ 241. Reference to chapters 1003, 1005, and 1007**

Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1661(a)(2)(B), Oct. 5, 1994, 108 Stat. 2980, §261; renumbered §241, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 261 of this title as this section.

EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

**CHAPTER 12—THE MILITIA**

Sec.

246. Militia: composition and classes.

247. Militia duty: exemptions.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title XII, §1241(a)(1), (o)(2), Dec. 23, 2016, 130 Stat. 2497, 2512, renumbered chapter 13 of this title “THE MILITIA” as chapter 12, redesignated item 311 “Militia: composition and classes” as item 246, and redesignated item 312 “Militia duty: exemptions” as item 247.

**§ 246. Militia: composition and classes**

(a) The militia of the United States consists of all able-bodied males at least 17 years of age and, except as provided in section 313 of title 32, under 45 years of age who are, or who have made a declaration of intention to become, citizens of the United States and of female citizens of the United States who are members of the National Guard.

(b) The classes of the militia are—

(1) the organized militia, which consists of the National Guard and the Naval Militia; and

(2) the unorganized militia, which consists of the members of the militia who are not members of the National Guard or the Naval Militia.

(Aug. 10, 1956, ch. 1041, 70A Stat. 14, §311; Pub. L. 85-861, §1(7), Sept. 2, 1958, 72 Stat. 1439; Pub. L. 103-160, div. A, title V, §524(a), Nov. 30, 1993, 107 Stat. 1656; renumbered §246, Pub. L. 114-328, div. A, title XII, §1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
311(a) .....	32:1 (less last 19 words).	June 3, 1916, ch. 134, § 57, 39 Stat. 197; June 28, 1947, ch. 162, § 7 (as applicable to § 57 of the Act of June 3, 1916, ch. 134), 61 Stat. 192.
311(b) .....	32:1 (last 19 words).	

In subsection (a), the words “who have made a declaration of intention” are substituted for the words “who have or shall have declared their intention”. The words “at least 17 years of age and \* \* \* under 45 years of age” are substituted for the words “who shall be more than seventeen years of age and \* \* \* not more than forty-five years of age”. The words “except as provided in section 313 of title 32” are substituted for the words “except as hereinafter provided”, to make explicit the exception as to maximum age.

In subsection (b), the words “The organized militia, which consists of the National Guard and the Naval Militia” are substituted for the words “the National Guard, the Naval Militia”, since the National Guard and the Naval Militia constitute the organized militia.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
311(a) .....	32 App.1.	July 30, 1956, ch. 789, § 1, 70 Stat. 729.

The words “appointed as . . . under section 4 of this title” are omitted as surplusage.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 311 of this title as this section.

1993—Subsec. (a). Pub. L. 103-160 substituted “members” for “commissioned officers”.

1958—Subsec. (a). Pub. L. 85-861 included female citizens of the United States who are commissioned officers of the National Guard.

§ 247. Militia duty: exemptions

(a) The following persons are exempt from militia duty:

- (1) The Vice President.
- (2) The judicial and executive officers of the United States, the several States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.
- (3) Members of the armed forces, except members who are not on active duty.
- (4) Customhouse clerks.
- (5) Persons employed by the United States in the transmission of mail.
- (6) Workmen employed in armories, arsenals, and naval shipyards of the United States.
- (7) Pilots on navigable waters.
- (8) Mariners in the sea service of a citizen of, or a merchant in, the United States.

(b) A person who claims exemption because of religious belief is exempt from militia duty in a combatant capacity, if the conscientious holding of that belief is established under such regulations as the President may prescribe. However, such a person is not exempt from militia duty that the President determines to be non-combatant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 15, § 312; Pub. L. 100-456, div. A, title XII, § 1234(a)(3), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title

X, § 1057(a)(7), Jan. 6, 2006, 119 Stat. 3441; renumbered § 247, Pub. L. 114-328, div. A, title XII, § 1241(a)(2), Dec. 23, 2016, 130 Stat. 2497.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
312(a) .....	32:3 (less last 67 words).	June 3, 1916, ch. 134, § 59, 39 Stat. 197.
312(b) .....	32:3 (last 67 words).	

In subsection (a), the words “Members of the armed forces” are substituted for the words “persons in the military or naval service”. The words “except members who are not on active duty” are inserted to reflect an opinion of the Judge Advocate General of the Army (JAGA 1952/4374, 9 July 1952). The word “artificers” is omitted as covered by the word “workmen”. The words “naval shipyards” are substituted for the words “navy yards” to reflect modern terminology. The words “on navigable waters” are inserted to preserve the original coverage of the word “pilots”. The words “actually” and “without regard to age” are omitted as surplusage.

AMENDMENTS

2016—Pub. L. 114-328 renumbered section 312 of this title as this section.

2006—Subsec. (a)(2). Pub. L. 109-163 substituted “States, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands” for “States and Territories, and Puerto Rico”.

1988—Subsec. (a)(2). Pub. L. 100-456 substituted “and Puerto Rico” for “Puerto Rico, and the Canal Zone”.

CHAPTER 13—INSURRECTION

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|-------------------|---|
| Sec.              |   |
| 251. <sup>1</sup> | Federal aid for State governments.                            |
| 252. <sup>1</sup> | Use of militia and armed forces to enforce Federal authority. |
| 253. <sup>1</sup> | Interference with State and Federal law.                      |
| 254. <sup>1</sup> | Proclamation to disperse.                                     |
| 255.              | Guam and Virgin Islands included as “State”.                  |

PRIOR PROVISIONS

A prior chapter 13, consisting of sections 311 and 312, was renumbered chapter 12, and sections 311 and 312 were renumbered sections 246 and 247, respectively.

AMENDMENTS

2016—Pub. L. 114-328, div. A, title XII, § 1241(a)(1), (o)(2), Dec. 23, 2016, 130 Stat. 2497, 2512, renumbered chapter 15 of this title “INSURRECTION” as chapter 13, redesignated item 331 “Federal aid for State governments” as item 251, redesignated item 332 “Use of militia and armed forces to enforce Federal authority” as item 252, redesignated item 333 “Interference with State and Federal law” as item 253, redesignated item 334 “Proclamation to disperse” as item 254, and redesignated item 335 “Guam and Virgin Islands included as ‘State’” as item 255.

2008—Pub. L. 110-181, div. A, title X, § 1068(a)(3), (4)(A), Jan. 28, 2008, 122 Stat. 325, substituted “INSURRECTION” for “ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER” in chapter heading, added item 333, and struck out former item 333 “Major public emergencies; interference with State and Federal law”.

2006—Pub. L. 109-364, div. A, title X, § 1076(a)(3), (4)(B), Oct. 17, 2006, 120 Stat. 2405, substituted “ENFORCEMENT OF THE LAWS TO RESTORE PUBLIC ORDER” for “INSURRECTION” in chapter heading and “Major public emergencies; interference with State and Federal law” for “Interference with State and Federal law” in item 333.

1980—Pub. L. 96-513, title V, § 511(11)(C), Dec. 12, 1980, 94 Stat. 2921, added item 335.

<sup>1</sup>Items numbered 251 to 254 also appear in the analysis for chapter 9A of this title.