

(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.)

**Editorial Notes**

AMENDMENTS

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

**Statutory Notes and Related Subsidiaries**

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.

**Editorial Notes**

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 pro-

vided 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.

**Editorial Notes**

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