

of difficulty and responsibility of work, attendance, awards and commendations, and performance rating, was repealed by Pub. L. 91-375, § 6(c)(7)(A), Aug. 12, 1970, 84 Stat. 776. See section 1001 of Title 39, Postal Service.

#### **Statutory Notes and Related Subsidiaries**

##### **EFFECTIVE DATE**

Section effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of this title.

#### **§ 3328. Selective Service registration**

##### **(a) An individual—**

(1) who was born after December 31, 1959, and is or was required to register under section 3 of the Military Selective Service Act (50 U.S.C. 3802) and

(2) who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual,

shall be ineligible for appointment to a position in an Executive agency.

(b) Subsection (a) shall not apply to an individual—

(1) who is a veteran;

(2) who provides evidence of active duty service to the Executive agency in which the individual seeks an appointment; and

(3) for whom the requirement to register under section 3 of the Military Selective Service Act (50 U.S.C. 3802) has terminated or is now inapplicable due to age.

(c) The Office of Personnel Management, in consultation with the Director of the Selective Service System, shall prescribe regulations to carry out this section. Such regulations shall include provisions prescribing procedures for the adjudication of determinations of whether a failure to register was knowing and willful. Such procedures shall require that such a determination may not be made if the individual concerned shows by a preponderance of the evidence that the failure to register was neither knowing nor willful. Such procedures may provide that determinations of eligibility under the requirements of this section shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.

(d) In this section, the terms “active duty” and “veteran” have the meaning given those terms in section 101 of title 38.

(Added Pub. L. 99-145, title XVI, § 1622(a)(1), Nov. 8, 1985, 99 Stat. 777; amended Pub. L. 100-180, div. A, title XII, § 1249, Dec. 4, 1987, 101 Stat. 1167; Pub. L. 118-159, div. A, title XI, § 1108, Dec. 23, 2024, 138 Stat. 2089.)

#### **Editorial Notes**

##### **AMENDMENTS**

2024—Subsec. (a)(1). Pub. L. 118-159, § 1108(1), substituted “(50 U.S.C. 3802)” for “(50 U.S.C. App. 453)”.

Subsecs. (b), (c). Pub. L. 118-159, § 1108(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (d). Pub. L. 118-159, § 1108(4), added subsec. (d).

1987—Subsec. (b). Pub. L. 100-180 struck out “within the Office” after “for the adjudication” in second sentence and inserted at end “Such procedures may provide that determinations of eligibility under the re-

quirements of this section shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.”

#### **§ 3329. Appointments of military reserve technicians to positions in the competitive service**

(a) For the purpose of this section, the term “military reserve technician” has the meaning given the term “military technician (dual status)” by section 8401(30).

(b) The Secretary of Defense shall take such steps as may be necessary to ensure that, except as provided in subsection (d), any military reserve technician who is involuntarily separated from technician service, after completing at least 15 years of such service and 20 years of service creditable under section 12732 of title 10, by reason of ceasing to satisfy the condition described in section 8401(30)(B)<sup>1</sup> shall, if appropriate written application is submitted within 1 year after the date of separation, be provided placement consideration in a position described in subsection (c) through a priority placement program of the Department of Defense.

(c)(1) The position for which placement consideration shall be provided to a former military technician under subsection (b) shall be a position—

(A) in either the competitive service or the excepted service;

(B) within the Department of Defense; and

(C) in which the person is qualified to serve, taking into consideration whether the employee in that position is required to be a member of a reserve component of the armed forces as a condition of employment.

(2) To the maximum extent practicable, the position shall also be in a pay grade or other pay classification sufficient to ensure that the rate of basic pay of the former military technician, upon appointment to the position, is not less than the rate of basic pay last received by the former military technician for technician service before separation.

(d) This section shall not apply in the case of—

(1) an involuntary separation for cause on charges of misconduct or delinquency; or

(2) a technician who, as of the date of application under this section, is eligible for immediate (including for disability) or early retirement under subchapter III of chapter 83 or under chapter 84.

(e) The Secretary of Defense shall, in consultation with the Director of the Office of Personnel Management, prescribe such regulations as may be necessary to carry out this section.

(Added Pub. L. 102-484, div. A, title V, § 544(a), Oct. 23, 1992, 106 Stat. 2415; amended Pub. L. 104-106, div. A, title X, § 1037(a), Feb. 10, 1996, 110 Stat. 431; Pub. L. 105-85, div. A, title XI, § 1103, Nov. 18, 1997, 111 Stat. 1923; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(f)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-293.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Section 8401(30) of this title, referred to in subsecs. (a) and (b), was amended generally by Pub. L. 106-65, div.

<sup>1</sup> See References in Text note below.