

AMENDMENT TO H.R. 4350

OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

At the appropriate place in title V, insert the following:

1 **SEC. 5 ____ . MODERNIZATION OF THE SELECTIVE SERVICE**
2 **SYSTEM.**

3 (a) REFERENCE.—Except as expressly provided oth-
4 erwise, any reference in this section to a section or other
5 provision shall be deemed to be a reference to that section
6 or other provision of the Military Selective Service Act (50
7 U.S.C. 3801 et seq.).

8 (b) PURPOSE OF SELECTIVE SERVICE.—Section 1(b)
9 (50 U.S.C. 3801(b)) is amended—

10 (1) by striking “armed strength” and inserting
11 “military strength”;

12 (2) by striking “insure” and inserting “ensure”;
13 and

14 (3) by inserting before the period at the end the
15 following: “by ensuring adequate personnel with the
16 requisite capabilities to meet the mobilization needs
17 of the Department of Defense during a national
18 emergency and not solely to provide combat replace-
19 ments”.

1 (c) SOLEMNITY OF MILITARY SERVICE.—Section 3
2 (50 U.S.C. 3802) is amended by adding at the end the
3 following:

4 “(c) Regulations prescribed pursuant to subsection
5 (a) shall include methods to convey to every person re-
6 quired to register the solemn obligation for military service
7 in the event of a military draft.”.

8 (d) EXPANDED REGISTRATION TO ALL AMERI-
9 CANS.—

10 (1) Section 3(a) (50 U.S.C. 3802(a)) is amend-
11 ed—

12 (A) by striking “male citizen” and insert-
13 ing “citizen”;

14 (B) by striking “male person” and insert-
15 ing “person”;

16 (C) by striking “present himself” and in-
17 serting “appear”; and

18 (D) by striking “so long as he” and insert-
19 ing “so long as such alien”.

20 (2) Section 4(e) (50 U.S.C. 3803(e)) is amend-
21 ed by striking “enlisted men” and inserting “en-
22 listed persons”.

23 (3) Section 5 (50 U.S.C. 3805) is amended—
24 (A) in subsection (a)(1)—

1 (i) by striking “race or color” and in-
2 serting “race, color, sex, or gender”; and

3 (ii) by striking “call for men” and in-
4 serting “call for persons”; and

5 (B) in subsection (b), by striking “men”
6 each place it appears and inserting “persons”.

7 (4) Section 6 (50 U.S.C. 3806) is amended—

8 (A) in subsection (a)(1)—

9 (i) by striking “enlisted men” and in-
10 serting “enlisted persons”; and

11 (ii) by striking “accrue to him” and
12 inserting “accrue to such alien”; and

13 (B) in subsection (h)—

14 (i) by striking “(other than wives
15 alone, except in cases of extreme hard-
16 ship)”; and

17 (ii) by striking “wives and children”
18 and inserting “spouses and children”.

19 (5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is
20 amended—

21 (A) by striking “the President is re-
22 quested” and all that follows through “within
23 its jurisdiction” and inserting “the President is
24 requested to appoint the membership of each
25 local board so that each board has both male

1 and female members and, to the maximum ex-
2 tent practicable, it is proportionately represent-
3 ative of the race, national origin, and sex of
4 those registrants within its jurisdiction”; and

5 (B) by striking “race or national origin”
6 and inserting “race, sex, or national origin”.

7 (6) Section 16(a) (50 U.S.C. 3814(a)) is
8 amended by striking “men” and inserting “persons”.

9 (e) MAINTAINING THE HEALTH OF THE SELECTIVE
10 SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is
11 amended by adding at the end the following new para-
12 graph:

13 “(5) The Selective Service System shall conduct
14 exercises periodically of all mobilization plans, sys-
15 tems, and processes to evaluate and test the effec-
16 tiveness of such plans, systems, and processes. Once
17 every 4 years, the exercise shall include the full
18 range of internal and interagency procedures to en-
19 sure functionality and interoperability and may take
20 place as part of the Department of Defense mobili-
21 zation exercise under section 10208 of title 10,
22 United States Code. The Selective Service System
23 shall conduct a public awareness campaign in con-
24 junction with each exercise to communicate the pur-
25 pose of the exercise to the public.”.

1 (f) DUE PROCESS FOR FAILURE TO REGISTER.—

2 (1) Section 12 (50 U.S.C. 3811) is amended—

3 (A) in subsection (f)—

4 (i) in paragraph (2), by inserting be-
5 fore the period at the end “or proof of reg-
6 istration in accordance with subsection
7 (g)”;

8 (ii) in paragraph (3)—

9 (I) in the first sentence, by strik-
10 ing “compliance” and inserting “com-
11 pliance or proof of registration”; and

12 (II) in the second sentence, by
13 inserting before the period at the end
14 “or proof of registration”; and

15 (iii) in paragraph (4), in the second
16 sentence—

17 (I) by striking “thereunder” and
18 inserting “thereunder, or failure to
19 provide proof of registration in ac-
20 cordance with subsection (g),”; and

21 (II) by inserting before the pe-
22 riod at the end “or has registered in
23 accordance with subsection (g)”;

24 (B) in subsection (g)—

1 (i) in paragraph (1), by striking “;
2 and” and inserting “and the person shows
3 by a preponderance of the evidence that
4 the failure of the person to register was
5 not a knowing and willful failure to reg-
6 ister; or”; and

7 (ii) by amending paragraph (2) to
8 read as follows:

9 “(2) the person was provided notice of the per-
10 son’s failure to register and the person registered
11 within 30 days with the Selective Service System, re-
12 gardless of the person’s age at the time of registra-
13 tion.”.

14 (g) TECHNICAL AND CONFORMING AMENDMENTS.—
15 The Military Selective Service Act is amended—

16 (1) in section 4 (50 U.S.C. 3803)—

17 (A) in subsection (a) in the third undesig-
18 nated paragraph—

19 (i) by striking “his acceptability in all
20 respects, including his” and inserting
21 “such person’s acceptability in all respects,
22 including such person’s”; and

23 (ii) by striking “he may prescribe”
24 and inserting “the President may pre-
25 scribe”;

1 (B) in subsection (c)—

2 (i) in paragraph (2), by striking “any
3 enlisted member” and inserting “any per-
4 son who is an enlisted member”; and

5 (ii) in paragraphs (3), (4), and (5), by
6 striking “in which he resides” and insert-
7 ing “in which such person resides”;

8 (C) in subsection (g), by striking “coordi-
9 nate with him” and inserting “coordinate with
10 the Director”; and

11 (D) in subsection (k)(1), by striking “find-
12 ing by him” and inserting “finding by the
13 President”;

14 (2) in section 5(d) (50 U.S.C. 3805(d)), by
15 striking “he may prescribe” and inserting “the
16 President may prescribe”;

17 (3) in section 6 (50 U.S.C. 3806)—

18 (A) in subsection (c)(2)(D), by striking
19 “he may prescribe” and inserting “the Presi-
20 dent may prescribe”;

21 (B) in subsection (d)(3), by striking “he
22 may deem appropriate” and inserting “the
23 President considers appropriate”; and

1 (C) in subsection (h), by striking “he may
2 prescribe” each place it appears and inserting
3 “the President may prescribe”;

4 (4) in section 10 (50 U.S.C. 3809)—

5 (A) in subsection (b)—

6 (i) in paragraph (3)—

7 (I) by striking “He shall create”
8 and inserting “The President shall
9 create”; and

10 (II) by striking “upon his own
11 motion” and inserting “upon the
12 President’s own motion”;

13 (ii) in paragraph (4), by striking “his
14 status” and inserting “such individual’s
15 status”; and

16 (iii) in paragraphs (4), (6), (8), and
17 (9), by striking “he may deem” each place
18 it appears and inserting “the President
19 considers”; and

20 (B) in subsection (c), by striking “vested
21 in him” and inserting “vested in the Presi-
22 dent”;

23 (5) in section 13(b) (50 U.S.C. 3812(b)), by
24 striking “regulation if he” and inserting “regulation
25 if the President”;

1 (6) in section 15 (50 U.S.C. 3813)—

2 (A) in subsection (b), by striking “his”
3 each place it appears and inserting “the reg-
4 istrant’s”; and

5 (B) in subsection (d), by striking “he may
6 deem” and inserting “the President considers”;

7 (7) in section (16)(g) (50 U.S.C. 3814(g))—

8 (A) in paragraph (1), by striking “who as
9 his regular and customary vocation” and insert-
10 ing “who, as such person’s regular and cus-
11 tomary vocation,”; and

12 (B) in paragraph (2)—

13 (i) by striking “one who as his cus-
14 tomary vocation” and inserting “a person
15 who, as such person’s customary voca-
16 tion,”; and

17 (ii) by striking “he is a member” and
18 inserting “such person is a member”;

19 (8) in section (18)(a) (50 U.S.C. 3816(a)), by
20 striking “he is authorized” and inserting “the Presi-
21 dent is authorized”;

22 (9) in section 21 (50 U.S.C. 3819)—

23 (A) by striking “he is sooner” and insert-
24 ing “sooner”;

1 (B) by striking “he” each subsequent place
2 it appears and inserting “such member”; and

3 (C) by striking “his consent” and inserting
4 “such member’s consent”;

5 (10) in section 22(b) (50 U.S.C. 38290(b)), in
6 paragraphs (1) and (2), by striking “his” each place
7 it appears and inserting “the registrant’s”; and

8 (11) except as otherwise provided in this sec-
9 tion—

10 (A) by striking “he” each place it appears
11 and inserting “such person”;

12 (B) by striking “his” each place it appears
13 and inserting “such person’s”;

14 (C) by striking “him” each place it ap-
15 pears and inserting “such person”; and

16 (D) by striking “present himself” each
17 place it appears in section 12 (50 U.S.C. 3811)
18 and inserting “appear”.

19 (h) CONFORMING AMENDMENTS TO OTHER LAWS.—

20 (1) Section 3328 of title 5, United States Code,
21 is amended by striking subsection (a) and inserting
22 the following:

23 “(a) An individual who was required to register under
24 section 3 of the Military Selective Service Act (50 U.S.C.
25 3803) but failed to meet the registration requirements of

1 section 3 of that Act shall be ineligible for appointment
2 to a position in an Executive agency, unless—

3 “(1) the requirement for the person to so reg-
4 ister has terminated or become inapplicable to the
5 person and the person shows by a preponderance of
6 the evidence that the failure of the person to register
7 was not a knowing and willful failure to register; or

8 “(2) the person was provided notice of the per-
9 son’s failure to register and the person registered
10 within 30 days with the Selective Service System, re-
11 gardless of the person’s age at the time of registra-
12 tion.”.

13 (2) Section 484(n) of the Higher Education Act
14 of 1965 (20 U.S.C. 1091(n)) is amended by striking
15 “(50 U.S.C. App. 462(f))” and inserting “(50
16 U.S.C. 3811(f))”.

17 (i) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on the date of the enactment
19 of this Act, except that the amendments made by sub-
20 sections (d) and (h)(1) shall take effect 1 year after such
21 date of enactment.

