AMENDMENT TO H.R. 4350
OFFERED BY MS. HOULAHAN OF PENNSYLVANIA

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

SEC. 5. MODERNIZATION OF THE SELECTIVE SERVICE SYSTEM.

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

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

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

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

and

(3) by inserting before the period at the end the following: “by ensuring adequate personnel with the requisite capabilities to meet the mobilization needs of the Department of Defense during a national emergency and not solely to provide combat replacements”.
(c) SOLEMNITY OF MILITARY SERVICE.—Section 3 (50 U.S.C. 3802) is amended by adding at the end the following:

“(c) Regulations prescribed pursuant to subsection (a) shall include methods to convey to every person required to register the solemn obligation for military service in the event of a military draft.”.

(d) EXPANDED REGISTRATION TO ALL AMERICANS.—

(1) Section 3(a) (50 U.S.C. 3802(a)) is amended—

(A) by striking “male citizen” and inserting “citizen”;

(B) by striking “male person” and inserting “person”;

(C) by striking “present himself” and inserting “appear”; and

(D) by striking “so long as he” and inserting “so long as such alien”.

(2) Section 4(e) (50 U.S.C. 3803(e)) is amended by striking “enlisted men” and inserting “enlisted persons”.

(3) Section 5 (50 U.S.C. 3805) is amended—

(A) in subsection (a)(1)—
(i) by striking “race or color” and inserting “race, color, sex, or gender”; and
(ii) by striking “call for men” and inserting “call for persons”; and
(B) in subsection (b), by striking “men” each place it appears and inserting “persons”.

(4) Section 6 (50 U.S.C. 3806) is amended—
(A) in subsection (a)(1)—
(i) by striking “enlisted men” and inserting “enlisted persons”; and
(ii) by striking “accrue to him” and inserting “accrue to such alien”; and
(B) in subsection (h)—
(i) by striking “(other than wives alone, except in cases of extreme hardship)”; and
(ii) by striking “wives and children” and inserting “spouses and children”.

(5) Section 10(b)(3) (50 U.S.C. 3809(b)(3)) is amended—
(A) by striking “the President is requested” and all that follows through “within its jurisdiction” and inserting “the President is requested to appoint the membership of each local board so that each board has both male
and female members and, to the maximum extent practicable, it is proportionately representative of the race, national origin, and sex of those registrants within its jurisdiction”; and

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

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

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

“(5) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 10208 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise to the public.”.
(f) DUE PROCESS FOR FAILURE TO REGISTER.—

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

(A) in subsection (f)—

(i) in paragraph (2), by inserting before the period at the end “or proof of registration in accordance with subsection (g)”;

(ii) in paragraph (3)—

(I) in the first sentence, by striking “compliance” and inserting “compliance or proof of registration”; and

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

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

(I) by striking “thereunder” and inserting “thereunder, or failure to provide proof of registration in accordance with subsection (g),”; and

(II) by inserting before the period at the end “or has registered in accordance with subsection (g)”;

(B) in subsection (g)—
(i) in paragraph (1), by striking “;
and” and inserting “and the person shows
by a preponderance of the evidence that
the failure of the person to register was
not a knowing and willful failure to reg-
ister; or”; and

(ii) by amending paragraph (2) to
read as follows:
“(2) the person was provided notice of the per-
son’s failure to register and the person registered
within 30 days with the Selective Service System, re-
gardless of the person’s age at the time of registra-
tion.”.

(g) TECHNICAL AND CONFORMING AMENDMENTS.—
The Military Selective Service Act is amended—
(1) in section 4 (50 U.S.C. 3803)—
(A) in subsection (a) in the third undesig-
nated paragraph—
(i) by striking “his acceptability in all
respects, including his” and inserting
“such person’s acceptability in all respects,
including such person’s”; and

(ii) by striking “he may prescribe”
and inserting “the President may pre-
scribe”;
(B) in subsection (c)—

(i) in paragraph (2), by striking “any enlisted member” and inserting “any person who is an enlisted member”; and

(ii) in paragraphs (3), (4), and (5), by striking “in which he resides” and inserting “in which such person resides”;

(C) in subsection (g), by striking “coordinate with him” and inserting “coordinate with the Director”; and

(D) in subsection (k)(1), by striking “finding by him” and inserting “finding by the President”; 

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

(3) in section 6 (50 U.S.C. 3806)—

(A) in subsection (e)(2)(D), by striking “he may prescribe” and inserting “the President may prescribe”; 

(B) in subsection (d)(3), by striking “he may deem appropriate” and inserting “the President considers appropriate”; and
(C) in subsection (h), by striking “he may prescribe” each place it appears and inserting “the President may prescribe”;

(4) in section 10 (50 U.S.C. 3809)—

(A) in subsection (b)—

(i) in paragraph (3)—

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

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

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

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

(B) in subsection (e), by striking “vested in him” and inserting “vested in the President”;

(5) in section 13(b) (50 U.S.C. 3812(b)), by striking “regulation if he” and inserting “regulation if the President”;
(6) in section 15 (50 U.S.C. 3813)—

(A) in subsection (b), by striking “his” each place it appears and inserting “the registrant’s”; and

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

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

(A) in paragraph (1), by striking “who as his regular and customary vocation” and inserting “who, as such person’s regular and customary vocation,”; and

(B) in paragraph (2)—

(i) by striking “one who as his customary vocation” and inserting “a person who, as such person’s customary vocation,”; and

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

(8) in section (18)(a) (50 U.S.C. 3816(a)), by striking “he is authorized” and inserting “the President is authorized”;

(9) in section 21 (50 U.S.C. 3819)—

(A) by striking “he is sooner” and inserting “sooner”;
(B) by striking “he” each subsequent place it appears and inserting “such member”; and

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

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

(11) except as otherwise provided in this section—

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

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

(C) by striking “him” each place it appears and inserting “such person”; and

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

(h) CONFORMING AMENDMENTS TO OTHER LAWS.—

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

“(a) An individual who was required to register under section 3 of the Military Selective Service Act (50 U.S.C. 3803) but failed to meet the registration requirements of
section 3 of that Act shall be ineligible for appointment
to a position in an Executive agency, unless—

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

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

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

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