AMENDMENT TO H.R. 4350
OFFERED BY MS. SPEIER OF CALIFORNIA

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

SEC. 5. MODIFICATIONS TO MILITARY SELECTIVE SERVICE ACT.

(a) Restriction of Registration Requirement to Periods of National Emergencies.—

(1) National emergency registration requirement.—Section 3(a) of the Military Selective Service Act (50 U.S.C. 3802(a)) is amended by inserting “during any period in which a declaration of national emergency is in effect under subsection (c),” after “this title,”.

(2) Procedure for declaring national emergencies.—Section 3 of the Military Selective Service Act (50 U.S.C. 3802) is further amended by adding at the end the following new subsections:

“(c) Declaration of national emergency.—The President shall have the authority to declare a period of national emergency for not longer than one year, which may be renewed, during which the registration requirements of subsection (a) shall apply. The President shall
provide for the prompt termination of the declaration of national emergency upon the termination of the national emergency. Any declaration of national emergency under this section must include a finding that military personnel end-strength provided through voluntary accession processes is insufficient to address the cause of the emergency.

“(d) Suspension of Registration Requirement Except During National Emergencies.—On and after July 1, 2023, no person shall be required to present themself for and submit to registration under subsection (a) unless a declaration of national emergency is in effect, as declared by the President after that date. The President shall provide for the prompt termination of any declaration of national emergency issued for purposes of this subsection upon the termination of the national emergency.”.

(3) Effective Date.—This subsection shall take effect on July 1, 2023.

(b) Report on Standby Registration Program for Use During National Emergencies.—Not later than 180 days after the effective date of this Act, the Director of the Selective Service shall submit to the Committees on Armed Services of the Senate and House of Representatives a report detailing a standby emergency manpower mobilization program to be used by the Selective
Service System during periods in which a declaration of national emergency is in effect for the registration of persons who would be subject to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802) during such a period. The report shall include an estimate of the cost to implement and operate the standby program and a plan to update regulations to implement the standby emergency manpower mobilization program.

(e) Registration Eligibility.—

   (1) Expanded registration to all Americans.—

      (A) Section 3(a) of the Military Selective Service Act (50 U.S.C. 3802(a)) is amended—

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

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

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

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

      (B) Section 4 of the Military Selective Service Act (50 U.S.C. 3803) is amended—

         (i) in subsection (a)—
(I) in the third undesignated paragraph, by striking “his accept-
ability in all respects, including his” and inserting “such person’s accept-
ability in all respects, including such person’s”;

(II) in the sixth undesignated paragraph, by striking “his” and in-
serting “such person’s”; and

(III) in the sixth undesignated paragraph, by striking “he” and in-
serting “such person”;

(ii) in subsection (e) in paragraphs (3), (4), and (5), by striking “in which he resides” and inserting “in which such per-
son resides”; and

(iii) in subsection (e), by striking “en-
listed men” and inserting “enlisted per-
sons”.

(C) Section 5 of the Military Selective Service Act (50 U.S.C. 3805) is amended—

(i) in the section heading, by striking “MEN” and inserting “PERSONS”;

(ii) in subsection (a)—
(I) in the first paragraph (1), by 
striking “race or color” and inserting 
“race, ethnicity, color, sex, or gen-
der”; and 

(II) in the second paragraph (1), 
by striking “call for men” and insert-
ing “call for persons”; and 

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

(D) Section 6 of the Military Selective 
Service Act (50 U.S.C. 3806) is amended— 

(i) 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”; 

(ii) in subsection (h)— 

(I) by striking “his” and insert-
ing “their” each place it appears; 

(II) by striking “(other than 
wives alone, except in cases of extreme 
hardship)”;

(III) by striking “him” and in-
serting “them”; and
(IV) by striking “wives and children” and inserting “spouses and children”; and

(iii) in subsection (i)—

(I) by striking “his” and inserting “their” each place it appears; and

(II) by striking “he” and inserting “such person” each place it appears.

(E) Section 9(a) of the Military Selective Service Act (50 U.S.C. 3808(a)) is amended—

(i) by striking “him” and inserting “them”; and

(ii) by striking “his” and inserting “their”.

(F) Section 10(b)(3) of the Military Selective Service Act (50 U.S.C. 3809(b)(3)) is amended—

(i) 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, ethnicity, national origin, and sex of those registrants within its jurisdiction’;

and

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

(G) Section 16(a) of the Military Selective Service Act (50 U.S.C. 3814(a)) is amended by striking “men” and inserting “persons”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Military Selective Service Act is further amended—

(A) in section 4 (50 U.S.C. 3803)—

(i) in subsection (a), in the third undesignated paragraph, by striking “he may prescribe” and inserting “the President may prescribe”;

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

(iii) in subsection (k)(1), by striking “finding by him” and inserting “finding by the President”;
(B) in section 5(d) (50 U.S.C. 3805(d)), by striking “he may prescribe” and inserting “the President may prescribe”;

(C) in section 6 (50 U.S.C. 3806)—

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

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

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

(D) in section 10 (50 U.S.C. 3809)—

(i) in subsection (b)—

(I) in paragraph (3)—

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

(bb) 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

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

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

(F) in section 15 (50 U.S.C. 3813)—

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

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

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

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

(ii) 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”;

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

(I) in section 21 (50 U.S.C. 3819)—

(i) by striking “he is sooner” and inserting “sooner”;

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

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

(J) in section 22(b) (50 U.S.C. 3820(b)), in paragraphs (1) and (2), by striking “his” each place it appears and inserting “the registrant’s”; and

(K) except as otherwise provided in this section—
(i) by striking “he” each place it appears and inserting “such person”;
(ii) by striking “his” each place it appears and inserting “such person’s”;
(iii) by striking “him” each place it appears and inserting “such person”; and
(iv) by striking “present himself” each place it appears in section 12 (50 U.S.C. 3811) and inserting “appear”.

(3) EFFECTIVE DATE.—This subsection shall take effect on July 1, 2023.

(d) REPEAL OF SANCTIONS.—

(1) REMOVAL OF EXISTING SANCTIONS.—Section 12 of the Military Selective Service Act (50 U.S.C. 3811) is amended—

(A) by amending subsection (a) to read as follows:

“(a) IN GENERAL.—Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this chapter who evades or refuses service in the Armed Forces after being called to do so pursuant to this chapter, or who knowingly counsels, aids, or abets another to refuse or evade service in the Armed Forces, shall, upon conviction in any district court of the United States of com-
petent jurisdiction, be punished by imprisonment for not
more than five years or a fine of not more than $10,000,
or by both such fine and imprisonment, or if subject to
military or naval law may be tried by court martial, and,
on conviction, shall suffer such punishment as a court
martial may direct. No person shall be tried by court mar-
tial in any case arising under this chapter unless such per-
son has been actually inducted for the training and service
prescribed under this chapter or unless he is subject to
trial by court martial under laws in force prior to June
24, 1948.”;

(B) in subsection (d), by inserting “unless
the offense occurred during a time at which a
declaration of emergency was in effect pursuant
to that section and” after “imposed by section
3 of this title”; and

(C) by striking subsections (f) and (g) and
inserting the following:

“(f) PROHIBITION OF FEDERAL PENALTY.—Not-
withstanding any other provision of law, a person may not
be denied a right, privilege, benefit, or employment posi-
tion under Federal law on the grounds that the person
failed to present themself for and submit to registration
or induction under section 3 of this chapter. Failing to
present oneself for and submit to registration or induction
under section 3 of this chapter shall not be reason for any entity of the Federal Government to determine that a person lacks good moral character or is unsuited for any privilege or benefit.

“(g) **Prohibition of State Penalty.**—A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present themself for and submit to registration or induction under section 3 of this chapter. In this section, the term ‘State’ means a State, the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or possession of the United States.

“(h) **Conscientious Objectors.**—Nothing contained in this Act shall be construed to undermine or diminish the rights of a conscientious objector under laws and regulations of the United States.”.

(2) **Conforming Amendment.**—Section 3328 of title 5, United States Code, is repealed.

(3) **Effective Date.**—This subsection shall take effect on July 1, 2023.