

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

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

1 **SEC. 5 \_\_\_\_ . MODIFICATIONS TO MILITARY SELECTIVE SERV-**  
2 **ICE ACT.**

3 (a) RESTRICTION OF REGISTRATION REQUIREMENT  
4 TO PERIODS OF NATIONAL EMERGENCIES.—

5 (1) NATIONAL EMERGENCY REGISTRATION RE-  
6 QUIREMENT.—Section 3(a) of the Military Selective  
7 Service Act (50 U.S.C. 3802(a)) is amended by in-  
8 serting “during any period in which a declaration of  
9 national emergency is in effect under subsection  
10 (c),” after “this title,”.

11 (2) PROCEDURE FOR DECLARING NATIONAL  
12 EMERGENCIES.—Section 3 of the Military Selective  
13 Service Act (50 U.S.C. 3802) is further amended by  
14 adding at the end the following new subsections:

15 “(c) DECLARATION OF NATIONAL EMERGENCY.—  
16 The President shall have the authority to declare a period  
17 of national emergency for not longer than one year, which  
18 may be renewed, during which the registration require-  
19 ments of subsection (a) shall apply. The President shall

1 provide for the prompt termination of the declaration of  
2 national emergency upon the termination of the national  
3 emergency. Any declaration of national emergency under  
4 this section must include a finding that military personnel  
5 end-strength provided through voluntary accession pro-  
6 cesses is insufficient to address the cause of the emergency.

7 “(d) SUSPENSION OF REGISTRATION REQUIREMENT  
8 EXCEPT DURING NATIONAL EMERGENCIES.—On and  
9 after July 1, 2023, no person shall be required to present  
10 himself for and submit to registration under subsection  
11 (a) unless a declaration of national emergency is in effect,  
12 as declared by the President after that date. The Presi-  
13 dent shall provide for the prompt termination of any dec-  
14 laration of national emergency issued for purposes of this  
15 subsection upon the termination of the national emer-  
16 gency.”.

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

19 (b) REPORT ON STANDBY REGISTRATION PROGRAM  
20 FOR USE DURING NATIONAL EMERGENCIES.— Not later  
21 than 180 days after the effective date of this Act, the Di-  
22 rector of the Selective Service shall submit to the Commit-  
23 tees on Armed Services of the Senate and House of Rep-  
24 resentatives a report detailing a standby emergency man-  
25 power mobilization program to be used by the Selective

1 Service System during periods in which a declaration of  
2 national emergency is in effect for the registration of per-  
3 sons who would be subject to registration under section  
4 3 of the Military Selective Service Act (50 U.S.C. 3802)  
5 during such a period. The report shall include an estimate  
6 of the cost to implement and operate the standby program  
7 and a plan to update regulations to implement the standby  
8 emergency manpower mobilization program.

9 (c) REGISTRATION ELIGIBILITY.—

10 (1) EXPANDED REGISTRATION TO ALL AMERI-  
11 CANS.—

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

14 (i) by striking “male citizen” and in-  
15 sserting “citizen”;

16 (ii) by striking “male person” and in-  
17 sserting “person”;

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

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

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

24 (i) in subsection (a)—

1 (I) in the third undesignated  
2 paragraph, by striking “his accept-  
3 ability in all respects, including his”  
4 and inserting “such person’s accept-  
5 ability in all respects, including such  
6 person’s”;

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

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

13 (ii) in subsection (c) in paragraphs  
14 (3), (4), and (5), by striking “in which he  
15 resides” and inserting “in which such per-  
16 son resides”; and

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

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

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

24 (ii) in subsection (a)—

1 (I) in the first paragraph (1), by  
2 striking “race or color” and inserting  
3 “race, ethnicity, color, sex, or gen-  
4 der”; and

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

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

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

13 (i) in subsection (a)(1)—

14 (I) by striking “enlisted men”  
15 and inserting “enlisted persons”; and

16 (II) by striking “accrue to him”  
17 and inserting “accrue to such alien”;

18 (ii) in subsection (h)—

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

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

24 (III) by striking “him” and in-  
25 serting “them”; and

1 (IV) by striking “wives and chil-  
2 dren” and inserting “spouses and  
3 children”; and

4 (iii) in subsection (i)—

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

7 (II) by striking “he” and insert-  
8 ing “such person” each place it ap-  
9 pears.

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

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

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

16 (F) Section 10(b)(3) of the Military Selec-  
17 tive Service Act (50 U.S.C. 3809(b)(3)) is  
18 amended—

19 (i) by striking “the President is re-  
20 quested” and all that follows through  
21 “within its jurisdiction” and inserting “the  
22 President is requested to appoint the mem-  
23 bership of each local board so that each  
24 board has both male and female members  
25 and, to the maximum extent practicable, it

1 is proportionately representative of the  
2 race, ethnicity, national origin, and sex of  
3 those registrants within its jurisdiction”;  
4 and

5 (ii) by striking “race or national ori-  
6 gin” and inserting “race, ethnicity, sex, or  
7 national origin”.

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

11 (2) TECHNICAL AND CONFORMING AMEND-  
12 MENTS.—The Military Selective Service Act is fur-  
13 ther amended—

14 (A) in section 4 (50 U.S.C. 3803)—

15 (i) in subsection (a), in the third un-  
16 designated paragraph, by striking “he may  
17 prescribe” and inserting “the President  
18 may prescribe”;

19 (ii) in subsection (g), by striking “co-  
20 ordinate with him” and inserting “coordi-  
21 nate with the Director”; and

22 (iii) in subsection (k)(1), by striking  
23 “finding by him” and inserting “finding by  
24 the President”;

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

4 (C) in section 6 (50 U.S.C. 3806)—

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

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

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

14 (D) in section 10 (50 U.S.C. 3809)—

15 (i) in subsection (b)—

16 (I) in paragraph (3)—

17 (aa) by striking “He shall  
18 create” and inserting “The Presi-  
19 dent shall create”; and

20 (bb) by striking “upon his  
21 own motion” and inserting “upon  
22 the President’s own motion”;

23 (II) in paragraph (4), by striking  
24 “his status” and inserting “such indi-  
25 vidual’s status”; and



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

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

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

11 (F) in section 15 (50 U.S.C. 3813)—

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

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

18 (G) in section (16)(g) (50 U.S.C.  
19 3814(g))—

20 (i) in paragraph (1), by striking “who  
21 as his regular and customary vocation”  
22 and inserting “who, as such person’s reg-  
23 ular and customary vocation,”; and

24 (ii) in paragraph (2)—

1 (I) by striking “one who as his  
2 customary vocation” and inserting “a  
3 person who, as such person’s cus-  
4 tomary vocation,”; and

5 (II) by striking “he is a member”  
6 and inserting “such person is a mem-  
7 ber”;

8 (H) in section (18)(a) (50 U.S.C.  
9 3816(a)), by striking “he is authorized” and in-  
10 serting “the President is authorized”;

11 (I) in section 21 (50 U.S.C. 3819)—

12 (i) by striking “he is sooner” and in-  
13 serting “sooner”;

14 (ii) by striking “he” each subsequent  
15 place it appears and inserting “such mem-  
16 ber”; and

17 (iii) by striking “his consent” and in-  
18 serting “such member’s consent”;

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

23 (K) except as otherwise provided in this  
24 section—

1 (i) by striking “he” each place it ap-  
2 pears and inserting “such person”;

3 (ii) by striking “his” each place it ap-  
4 pears and inserting “such person’s”;

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

7 (iv) by striking “present himself” each  
8 place it appears in section 12 (50 U.S.C.  
9 3811) and inserting “appear”.

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

12 (d) REPEAL OF SANCTIONS.—

13 (1) REMOVAL OF EXISTING SANCTIONS.—Sec-  
14 tion 12 of the Military Selective Service Act (50  
15 U.S.C. 3811) is amended—

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

18 “(a) IN GENERAL.—Any member of the Selective  
19 Service System or any other person charged as herein pro-  
20 vided with the duty of carrying out any of the provisions  
21 of this chapter who evades or refuses service in the Armed  
22 Forces after being called to do so pursuant to this chapter,  
23 or who knowingly counsels, aids, or abets another to refuse  
24 or evade service in the Armed Forces, shall, upon convic-  
25 tion in any district court of the United States of com-

1 petent jurisdiction, be punished by imprisonment for not  
2 more than five years or a fine of not more than \$10,000,  
3 or by both such fine and imprisonment, or if subject to  
4 military or naval law may be tried by court martial, and,  
5 on conviction, shall suffer such punishment as a court  
6 martial may direct. No person shall be tried by court mar-  
7 tial in any case arising under this chapter unless such per-  
8 son has been actually inducted for the training and service  
9 prescribed under this chapter or unless he is subject to  
10 trial by court martial under laws in force prior to June  
11 24, 1948.”;

12 (B) in subsection (d), by inserting “unless  
13 the offense occurred during a time at which a  
14 declaration of emergency was in effect pursuant  
15 to that section and” after “imposed by section  
16 3 of this title”; and

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

19 “(f) PROHIBITION OF FEDERAL PENALTY.—Not-  
20 withstanding any other provision of law, a person may not  
21 be denied a right, privilege, benefit, or employment posi-  
22 tion under Federal law on the grounds that the person  
23 failed to present himself for and submit to registration  
24 or induction under section 3 of this chapter. Failing to  
25 present oneself for and submit to registration or induction

1 under section 3 of this chapter shall not be reason for any  
2 entity of the Federal Government to determine that a per-  
3 son lacks good moral character or is unsuited for any  
4 privilege or benefit.

5 “(g) PROHIBITION OF STATE PENALTY.—A State,  
6 political subdivision of a State, or political authority of  
7 two or more States may not enact or enforce a law, regula-  
8 tion, or other provision having the force and effect of law  
9 to penalize or deny any privilege or benefit to a person  
10 who failed to present himself for and submit to registra-  
11 tion or induction under section 3 of this chapter. In this  
12 section, the term ‘State’ means a State, the District of  
13 Columbia, the Commonwealth of Puerto Rico, or a Terri-  
14 tory or possession of the United States.

15 “(h) CONSCIENTIOUS OBJECTORS.—Nothing con-  
16 tained in this Act shall be construed to undermine or di-  
17 minish the rights of a conscientious objector under laws  
18 and regulations of the United States.”.

19 (2) CONFORMING AMENDMENT.—Section 3328  
20 of title 5, United States Code, is repealed.

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

