

108TH CONGRESS
1ST SESSION

H. R. 487

To repeal the Military Selective Service Act.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2003

Mr. PAUL (for himself, Mr. DEFAZIO, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To repeal the Military Selective Service Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REPEAL OF THE MILITARY SELECTIVE SERV-**
4 **ICE ACT.**

5 (a) REPEAL.—The Military Selective Service Act (50
6 U.S.C. App. 451 et seq.) is repealed.

7 (b) TRANSFERS IN CONNECTION WITH REPEAL.—
8 Notwithstanding the proviso in section 10(a)(4) of the
9 Military Selective Service Act (50 U.S.C. App. 460(a)(4)),
10 the Office of Selective Service Records shall not be rees-
11 tablished upon the repeal of the Act. The assets, contracts,

1 property, and records held by the Selective Service Sys-
2 tem, and the unexpended balances of any appropriations
3 available to the Selective Service System, shall be trans-
4 ferred to the Administrator of General Services upon the
5 repeal of the Act. The Director of the Office of Personnel
6 Management shall assist officers and employees of the Se-
7 lective Service System to transfer to other positions in the
8 executive branch.

9 (c) TERMINATION OF SANCTIONS FOR PERSONS PRE-
10 VIOUSLY SUBJECT TO REGISTRATION.—Notwithstanding
11 any other provision of law, a person may not be denied
12 a right, privilege, benefit, or employment position under
13 Federal law on the grounds that the person failed to
14 present himself for and submit to registration under sec-
15 tion 3 of the Military Selective Service Act (50 U.S.C.
16 App. 453), before the repeal of that Act by subsection (a).

17 (d) CONFORMING AMENDMENTS.—

18 (1) TITLE 5.—Title 5, United States Code, is
19 amended as follows:

20 (A) By striking section 3328.

21 (B) In the table of sections at the begin-
22 ning of chapter 33, by striking the item relating
23 to section 3328.

1 (C) In section 5102(b), by striking “, in-
2 cluding positions” and all that follows through
3 “those positions”.

4 (D) In section 5315, by striking the para-
5 graph relating to the Director of Selective Serv-
6 ice.

7 (2) TITLE 8.—The Immigration and Nationality
8 Act (8 U.S.C. 1101 et seq.) is amended as follows:

9 (A) In section 101(a)(19) (8 U.S.C.
10 1101(a)(19))—

11 (i) by striking “section 3(a) of the Se-
12 lective Training and Service Act of 1940,
13 as amended (54 Stat. 885; 55 Stat. 844),
14 or under section 4(a) of the Selective Serv-
15 ice Act of 1948, as amended (62 Stat. 605;
16 65 Stat. 76) or under”; and

17 (ii) by striking “sections or”.

18 (B) In section 237(a)(2)(D)(iii) (8 U.S.C.
19 1227(a)(2)(D)(iii)), by striking “any provision
20 of the Military Selective Service Act (50 U.S.C.
21 App. 451 et seq.) or”.

22 (C) In section 245A(a)(4) (8 U.S.C.
23 1255a(a)(4))—

24 (i) by adding “and” at the end of sub-
25 paragraph (B);

1 (ii) by striking “, and” at the end of
2 subparagraph (C) and inserting a period;
3 and

4 (iii) by striking subparagraph (D).

5 (D) In section 315(b) (8 U.S.C. 1426(b)),
6 by inserting “former” before “Selective Service
7 System”.

8 (3) TITLE 10.—Title 10, United States Code, is
9 amended as follows:

10 (A) In section 101(d)(6)(B), by striking
11 clause (v).

12 (B) In section 513—

13 (i) in subsection (a), by striking “(ex-
14 cept as provided in subsection (c))”;

15 (ii) by striking subsection (c); and

16 (iii) by redesignating subsection (d) as
17 subsection (c).

18 (C) In section 523(b), by striking para-
19 graph (7).

20 (D) In section 641(1)—

21 (i) by inserting “or” at the end of
22 subparagraph (E);

23 (ii) by striking subparagraph (F); and

24 (iii) by redesignating subparagraph

25 (G) as subparagraph (F).

1 (E) In section 651(a), by striking “, other
2 than a person deferred under the next to the
3 last sentence of section 6(d)(1) of the Military
4 Selective Service Act (50 U.S.C. App.
5 456(d)(1))”.

6 (F) In section 671(c)(1), by striking “and
7 may be established notwithstanding section 4(a)
8 of the Military Selective Service Act (50 U.S.C.
9 App. 454(a))”.

10 (G) In section 1049(2), by striking “and
11 selective service registrants called for induc-
12 tion”.

13 (H) In section 1475(a)(5), by striking
14 “who—” and all that follows through the period
15 and inserting “who has been provisionally ac-
16 cepted for that duty.”.

17 (I) In section 12103—

18 (i) in subsection (b), by striking
19 “, and who is not under orders to report
20 for induction into an armed force under
21 the Military Selective Service Act (50
22 U.S.C. App. 451 et seq.)”; and

23 (ii) in subsection (d), by striking “and
24 who is not under orders to report for in-
25 duction into an armed force under the

1 Military Selective Service Act (50 U.S.C.
2 App. 451 et seq.), except as provided in
3 section 6(c)(2)(A) (ii) and (iii) of such
4 Act.”.

5 (J) In section 12104(a)—

6 (i) by striking “or under the Military
7 Selective Service Act (50 U.S.C. App. 451
8 et seq.),” in the first sentence; and

9 (ii) by striking “or under the Military
10 Selective Service Act (50 U.S.C. App. 451
11 et seq.)” in the third sentence.

12 (K) In section 12208(a)—

13 (i) by striking “or under the Military
14 Selective Service Act (50 U.S.C. App. 451
15 et seq.),” in the first sentence; and

16 (ii) by striking “or under the Military
17 Selective Service Act (50 U.S.C. App. 451
18 et seq.)” in the third sentence.

19 (L) In section 12647—

20 (i) by striking “who is assigned to the
21 Selective Service System or”;

22 (ii) by striking “assignment or”; and

23 (iii) by striking the section heading
24 and inserting the following:

1 **“§ 12647. Commissioned officers: retention in active**
2 **status while serving as United States**
3 **property and fiscal officers”.**

4 (M) In the table of sections at the begin-
5 ning of chapter 1219, by striking the item re-
6 lating to section 12647 and inserting the fol-
7 lowing new item:

“12647. Commissioned officers: retention in active status while serving as
United States property and fiscal officers.”.

8 (4) TITLE 20.—Section 484 of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1091) is amended by
10 striking subsection (n).

11 (5) TITLE 22.—Section 23 of the Peace Corps
12 Act (22 U.S.C. 2520) is repealed.

13 (6) TITLE 26.—Section 3121(n)(5) of the Inter-
14 nal Revenue Act of 1986 (26 U.S.C. 3121(n)(5)) is
15 amended by striking “service—” and all that follows
16 through “such place;” and inserting “service who
17 has been provisionally accepted for such duty and
18 has been ordered or directed to proceed to such
19 place.”.

20 (7) TITLE 29.—The Workforce Investment Act
21 of 1998 (29 U.S.C. 2801 et seq.) is amended as fol-
22 lows:

23 (A) In section 146 (29 U.S.C. 2886)—
24 (i) by striking subsection (a); and

1 (ii) by striking “(b) PERIOD OF EN-
2 ROLLMENT.—”.

3 (B) In section 189 (29 U.S.C. 2939)—

4 (i) by striking subsection (h); and

5 (ii) by redesignating subsection (i) as
6 subsection (h).

7 (8) TITLE 36.—Section 902(d)(5) of title 36,
8 United States Code, is amended by striking subpara-
9 graph (D).

10 (9) TITLE 37.—Title 37, United States Code, is
11 amended as follows:

12 (A) In section 209(a), by striking the last
13 sentence.

14 (B) In section 308e(1)—

15 (i) in subparagraph (A), by striking
16 “or under section 6(d)(1) of the Military
17 Selective Service Act (50 U.S.C. App.
18 456(d)(1))”; and

19 (ii) in subparagraph (B), by striking
20 “or section 6(d)(1) of the Military Selec-
21 tive Service Act (50 U.S.C. App.
22 456(d)(1))”.

23 (10) TITLE 42.—(A) Section 210(m)(5) of the
24 Social Security Act (42 U.S.C. 410(m)(5)) is
25 amended by striking out “service—” and all that

1 follows through “such place;” and inserting “service
2 who has been provisionally accepted for such duty
3 and has been ordered or directed to proceed to such
4 place.”.

5 (B) Section 1007(b) of the Legal Services Cor-
6 poration Act (42 U.S.C. 2996f(b)) is amended by
7 striking out paragraph (10) and inserting in lieu
8 thereof the following new paragraph:

9 “(10) to provide legal assistance with respect to
10 any proceeding or litigation arising out of desertion
11 from the Armed Forces; or”.

12 (e) EFFECTIVE DATE.—This Act, and the amend-
13 ments made by this Act, shall take effect 180 days after
14 the date of the enactment of this Act.

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