TITLE IV—STRENGTHENING OF NATIONAL MOBILIZATION

SEC. 401. 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”;

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

(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. 3804(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”;

(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”;

(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)”; and

(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 register; or”; and
(ii) by amending paragraph (2) to read as follows:
“(2) the person was provided notice of the person’s failure to register and the person registered within 30 days with the Selective Service System, regardless of the person’s age at the time of registration.”.

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

(1) in section 4—

(A) in subsection (a)—

(i) in the third undesignated paragraph, by striking “his acceptability in all respects, including his” and inserting “such persons’ acceptability in all respects, including such persons’”; and
(ii) in the third undesignated paragraph, by striking “he may prescribe” and inserting “the President may prescribe”;

(B) in subsection (c)—

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

(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”;

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

(2) in section 5(d), by striking “he may prescribe” and inserting “the President may prescribe”;

(3) in section 6—

(A) in subsection (c)(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 may deem 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—

(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 “the 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 may deem”; and

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

(5) in section 13(b), by striking “regulation if he” and inserting “regulation if the President”;

(6) in section 15—

(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 may deem”;
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(7) in section (16)(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), by striking “he is authorized” and inserting
“the President is authorized”;

(9) in section 21—

(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), 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 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 2 of that Act shall be ineligible for appointment to a position in an Executive agency, unless— “(1) the requirement for the person to so register 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 person’s failure to register and the person registered within 30 days with the Selective Service System, regardless of the person’s age at the time of registration. (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))”.
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(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 subsections (d) and (h)(1) shall take effect 1 year after such date of enactment.

SEC. 402. REPORT ON EXEMPTIONS AND DEFERMENTS FOR A POSSIBLE MILITARY DRAFT.

The Director of the Selective Service System, in coordination with the Secretaries of Defense and of Homeland Security, shall submit a report to Congress, not later than 120 days after the date of the enactment of this Act, providing a review of exemptions and deferments from registration, training, and service under the Military Selective Service Act and of proposed revisions to those exemptions and deferments, taking into account amendments to the Military Selective Service Act under section 401(d) of this Act to require registration of all United States citizens and persons residing in the United States.

SEC. 403. RESPONSIBILITIES FOR NATIONAL MOBILIZATION; PERSONNEL REQUIREMENTS.

(a) LEAD OFFICIAL FOR NATIONAL MOBILIZATION.—The President shall designate an employee of the National Security Council to serve as lead national mobilization official, whose duties and responsibilities shall include coordinating the planning and execution of any national effort to mobilize government and industry to respond to a national emergency.

(b) EXECUTIVE AGENT FOR NATIONAL MOBILIZATION.—The Secretary of Defense shall designate a senior official within the Office of the Secretary of
Defense as the Executive Agent for National Mobilization. The Executive Agent for National Mobilization shall be responsible for—

(1) developing, managing, and coordinating policy and plans that address the full spectrum of military mobilization readiness, including full mobilization of personnel from volunteers to draftees in the event of a draft activation;

(2) providing Congress and the Selective Service System with updated requirements and timelines for obtaining draft inductees in the event of a national emergency requiring mass mobilization and activation of the draft; and

(3) providing Congress with a plan, developed in coordination with the Selective Service System, to induct large numbers of volunteers who may respond to a national call for volunteers during an emergency.

(c) REPORT REQUIRED.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Defense shall provide to Congress a plan for obtaining draft inductees as part of a mobilization timeline for the Selective Service System. The plan shall include a description of resources, locations, and capabilities of the military services required to train, equip, and integrate drafted personnel into the total force, addressing scenarios that would include 300,000, 600,000, and 1,000,000 new volunteer and drafted personnel. The plan may be provided in classified form.
SEC. 404. ENHANCEMENTS TO NATIONAL MOBILIZATION EXERCISES.

Section 10208 of title 10, United States Code, is amended by adding at the end the following:

“(c) The Secretary shall, beginning in the first fiscal year that begins after the date of the enactment of this subsection, and every 5 years thereafter, as part of the major mobilization exercise under subsection (a), include the processes of the Selective Service System in preparation for a draft, and submit to Congress a report on the results of this exercise. The report may be submitted in classified form.

“(d) The exercise under subsection (c)—

“(1) shall include a review of national mobilization strategic and operational concepts;

“(2) shall include a simulation of a mobilization of all armed forces and reserve units, with plans and processes for incorporating Selective Service System inductees; and

“(3) shall involve the Selective Service System, the Department of Homeland Security, the Department of Commerce, the Department of Labor, and other relevant interagency stakeholders.”.

SEC. 405. CRITICAL SKILLS FOR THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—The Congress finds the following:
(1) The Department of Defense needs a workforce of skilled individuals to meet the national security challenges facing the United States.

(2) As the Department develops tools to bring individuals with critical skills into civilian and military service, it must identify the type and number of critically skilled personnel that are needed.

(b) CRITICAL SKILLS AND SKILLED INDIVIDUALS.—The Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, shall develop and maintain a list of the critical skills and numbers of skilled individuals needed for the Department of Defense, the armed forces, and the National Guard.

(c) RESPONSIBILITY.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall ensure that the list developed under subsection (b) is updated annually in accordance with paragraph (2). Critical skills are those skills for which the Department of Defense has a critical need, such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics skills.

(2) COORDINATION.—The Under Secretary of Defense for Personnel and Readiness shall develop, maintain, and update the list of critical skills in close consultation with each military department, through its Assistant Secretaries for Manpower and Reserve Affairs, with the Chief of the National Guard Bureau, with the Director of the Selective Service...
System, and with the Council on Military, National, and Public Service established under section 201.

(3) IMPLEMENTATION.—The Under Secretary of Defense for Personnel and Readiness shall implement the list of critical skills under this section not later than January 1, 2022.

SEC. 406. INDIVIDUAL READY RESERVE FOR CRITICAL SKILLS.

(a) IN GENERAL.—Chapter 1005 of title 10, United States Code, is amended by adding at the end the following new section:

§10155. Ready Reserve: Individual Ready Reserve for Critical Skills

“(a) ESTABLISHMENT.—For the purpose of recruiting personnel with the requisite critical skills, the Secretary of each military department, under the direction of the President, may establish and maintain an Individual Ready Reserve for Critical Skills within the Ready Reserve of each of the reserve components.

“(b) MEMBERSHIP REQUIREMENTS.—The Secretary of Defense shall outline the requirements for membership in the Individual Ready Reserve for Critical Skills, including providing guidance on—

“(1) a means for each military service to establish qualifying critical skills for inclusion in its Individual Ready Reserve for Critical Skills;

“(2) the standards and process for selection of individuals who are not otherwise in a reserve status to qualify for Individual Ready Reserve for Critical Skills of a military service;
“(3) requirements for screening and re-evaluation of members in
the Individual Ready Reserve for Critical Skills;
“(4) the training and obligations required for members in the
Individual Ready Reserve for Critical Skills; and
“(5) the use of allowances and nonmonetary incentives to retain
members in the Individual Ready Reserve for Critical Skills.
“(c) MOBILIZATION.—
“(1) ACTIVE DUTY.—A member of the Individual Ready Reserve
for Critical Skills may be ordered to active duty without the consent of the
member in accordance with section 12304, or in accordance with any
other provision of law authorizing activation of individual ready reserve
members.
“(2) ELIGIBILITY FOR BENEFITS.—A member of the Individual
Ready Reserve for Critical Skills who is mobilized under paragraph (1)
shall be eligible for benefits available to members of the Selected
Reserve.”.
(b) CONFORMING AMENDMENT.—The table of sections at the beginning of
chapter 1005 of title 10, United States Code, is amended by adding at the end the
following new item:
“Sec. 10155. Ready Reserve: Individual Ready Reserve for Critical Skills.”.
(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be
appropriated such sums as may be necessary to carry out this section.