H. R. 393

To require all persons in the United States between the ages of 18 and 42 to perform national service, either as a member of the uniformed services or in civilian service in furtherance of the national defense and homeland security, to authorize the induction of persons in the uniformed services during wartime to meet end-strength requirements of the uniformed services, to amend the Internal Revenue Code of 1986 to make permanent the favorable treatment afforded combat pay under the earned income tax credit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2007

Mr. RANGEL introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

A BILL

To require all persons in the United States between the ages of 18 and 42 to perform national service, either as a member of the uniformed services or in civilian service in furtherance of the national defense and homeland security, to authorize the induction of persons in the uniformed services during wartime to meet end-strength requirements of the uniformed services, to amend the Internal Revenue Code of 1986 to make permanent the favorable treatment afforded combat pay.
under the earned income tax credit, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the
“Universal National Service Act of 2007”.

(b) Table of Contents.—The table of contents for
this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL SERVICE

Sec. 101. Definitions.
Sec. 102. National service obligation.
Sec. 103. Induction to perform national service.
Sec. 104. Two-year period of national service.
Sec. 105. Implementation by the President.
Sec. 106. Examination and classification of persons.
Sec. 107. Deferments and postponements.
Sec. 108. Induction exemptions.
Sec. 109. Conscientious objection.
Sec. 110. Discharge following national service.
Sec. 111. Registration of females under the Military Selective Service Act.
Sec. 112. Relation of title to registration and induction authority of Military
Selective Service Act.

TITLE II—FAVORABLE TREATMENT OF COMBAT PAY UNDER
EARNED INCOME TAX CREDIT MADE PERMANENT

Sec. 201. Favorable treatment of combat pay under earned income tax credit
made permanent.

8 TITLE I—NATIONAL SERVICE

9 SEC. 101. DEFINITIONS.

In this title:

(1) The term “contingency operation” has the
meaning given that term in section 101(a)(13) of
title 10, United States Code.
(2) The term “military service” means service performed as a member of an active or reserve component of the uniformed services.

(3) The term “national service” means military service or service in a civilian capacity that, as determined by the President, promotes the national defense, including national or community service and service related to homeland security.

(4) The term “Secretary concerned” means the Secretary of Defense with respect to the Army, Navy, Air Force, and Marine Corps, the Secretary of Homeland Security with respect to the Coast Guard, the Secretary of Commerce, with respect to the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to the Public Health Service.

(5) The term “United States”, when used in a geographical sense, means the several States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

(6) The term “uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and commissioned corps of the Public Health Service.
SEC. 102. NATIONAL SERVICE OBLIGATION.

(a) OBLIGATION FOR SERVICE.—It is the obligation of every citizen of the United States, and every other person residing in the United States, who is between the ages of 18 and 42 to perform a period of national service as prescribed in this title unless exempted under the provisions of this title.

(b) FORMS OF NATIONAL SERVICE.—The national service obligation under this title shall be performed either—

(1) as a member of an active or reserve component of the uniformed services; or

(2) in a civilian capacity that, as determined by the President, promotes the national defense, including national or community service and service related to homeland security.

(c) AGE LIMITS.—A person may be inducted under this title only if the person has attained the age of 18 and has not attained the age of 42.

SEC. 103. INDUCTION TO PERFORM NATIONAL SERVICE.

(a) INDUCTION REQUIREMENTS.—The President shall provide for the induction of persons described in section 102(a) to perform their national service obligation.

(b) LIMITATION ON INDUCTION FOR MILITARY SERVICE.—Persons described in section 102(a) may be inducted to perform military service only if—
(1) a declaration of war is in effect;

(2) the President declares a national emergency, which the President determines necessitates the induction of persons to perform military service, and immediately informs Congress of the reasons for the declaration and the need to induct persons for military service; or

(3) members of the Army, Navy, Air Force, or Marine Corps are engaged in a contingency operation pursuant to a congressional authorization for the use of military force.

(c) LIMITATION ON NUMBER OF PERSONS INDUCTED FOR MILITARY SERVICE.—When the induction of persons for military service is authorized by subsection (b), the President shall determine the number of persons described in section 102(a) whose national service obligation is to be satisfied through military service based on—

(1) the authorized end strengths of the uniformed services; and

(2) the feasibility of the uniformed services to recruit sufficient volunteers to achieve such end-strength levels.

(3) provide a mechanism for the random selection of persons to be inducted to perform military service.
(d) Selection for Induction.—

(1) Random selection for military service.—When the induction of persons for military service is authorized by subsection (b), the President shall utilize a mechanism for the random selection of persons to be inducted to perform military service.

(2) Civilian service.—Persons described in section 102(a) who do not volunteer to perform military service or are not inducted for military service shall perform their national service obligation in a civilian capacity pursuant to section 102(b)(2).

(e) Voluntary Service.—A person subject to induction under this title may—

(1) volunteer to perform national service in lieu of being inducted; or

(2) request permission to be inducted at a time other than the time at which the person is otherwise called for induction.

SEC. 104. TWO-YEAR PERIOD OF NATIONAL SERVICE.

(a) General Rule.—Except as otherwise provided in this section, the period of national service performed by a person under this title shall be two years.

(b) Grounds for Extension.—At the discretion of the President, the period of military service for a member
of the uniformed services under this title may be ex-
tended—

(1) with the consent of the member, for the
purpose of furnishing hospitalization, medical, or
surgical care for injury or illness incurred in line of
duty; or

(2) for the purpose of requiring the member to
compensate for any time lost to training for any
cause.

(c) EARLY TERMINATION.—The period of national
service for a person under this title shall be terminated
before the end of such period under the following cir-
cumstances:

(1) The voluntary enlistment and active service
of the person in an active or reserve component of
the uniformed services for a period of at least two
years, in which case the period of basic military
training and education actually served by the person
shall be counted toward the term of enlistment.

(2) The admission and service of the person as
a cadet or midshipman at the United States Military
Academy, the United States Naval Academy, the
United States Air Force Academy, the Coast Guard
Academy, or the United States Merchant Marine
Academy.
(3) The enrollment and service of the person in an officer candidate program, if the person has signed an agreement to accept a Reserve commission in the appropriate service with an obligation to serve on active duty if such a commission is offered upon completion of the program.

(4) Such other grounds as the President may establish.

SEC. 105. IMPLEMENTATION BY THE PRESIDENT.

(a) IN GENERAL.—The President shall prescribe such regulations as are necessary to carry out this title.

(b) MATTER TO BE COVERED BY REGULATIONS.—Such regulations shall include specification of the following:

(1) The types of civilian service that may be performed in order for a person to satisfy the person’s national service obligation under this title.

(2) Standards for satisfactory performance of civilian service and of penalties for failure to perform civilian service satisfactorily.

(3) The manner in which persons shall be selected for induction under this title, including the manner in which those selected will be notified of such selection.
(4) All other administrative matters in connection with the induction of persons under this title and the registration, examination, and classification of such persons.

(5) A means to determine questions or claims with respect to inclusion for, or exemption or deferment from induction under this title, including questions of conscientious objection.

(6) Standards for compensation and benefits for persons performing their national service obligation under this title through civilian service.

(7) Such other matters as the President determines necessary to carry out this title.

(e) USE OF PRIOR ACT.—To the extent determined appropriate by the President, the President may use for purposes of this title the procedures provided in the Military Selective Service Act (50 U.S.C. App. 451 et seq.), including procedures for registration, selection, and induction.

SEC. 106. EXAMINATION AND CLASSIFICATION OF PERSONS.

(a) EXAMINATION.—Every person subject to induction under this title shall, before induction, be physically and mentally examined and shall be classified as to fitness to perform national service.
(b) **DIFFERENT CLASSIFICATION STANDARDS.**—The President may apply different classification standards for fitness for military service and fitness for civilian service.

**SEC. 107. DEFERMENTS AND POSTPONEMENTS.**

(a) **HIGH SCHOOL STUDENTS.**—A person who is pursuing a standard course of study, on a full-time basis, in a secondary school or similar institution of learning shall be entitled to have induction under this title postponed until the person—

1. obtains a high school diploma;
2. ceases to pursue satisfactorily such course of study; or
3. attains the age of 20.

(b) **HARDSHIP AND DISABILITY.**—Deferments from national service under this title may be made for—

1. extreme hardship; or
2. physical or mental disability.

(c) **TRAINING CAPACITY.**—The President may postpone or suspend the induction of persons for military service under this title as necessary to limit the number of persons receiving basic military training and education to the maximum number that can be adequately trained.

(d) **TERMINATION.**—No deferment or postponement of induction under this title shall continue after the cause of such deferment or postponement ceases.
SEC. 108. INDUCTION EXEMPTIONS.

(a) QUALIFICATIONS.—No person may be inducted for military service under this title unless the person is acceptable to the Secretary concerned for training and meets the same health and physical qualifications applicable under section 505 of title 10, United States Code, to persons seeking original enlistment in a regular component of the Armed Forces.

(b) OTHER MILITARY SERVICE.—No person shall be liable for induction under this title who—

(1) is serving, or has served honorably for at least six months, in any component of the uniformed services on active duty; or

(2) is or becomes a cadet or midshipman at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the Coast Guard Academy, the United States Merchant Marine Academy, a midshipman of a Navy accredited State maritime academy, a member of the Senior Reserve Officers’ Training Corps, or the naval aviation college program, so long as that person satisfactorily continues in and completes at least two years training therein.

SEC. 109. CONSCIENTIOUS OBJECTION.

(a) CLAIMS AS CONSCIENTIOUS OBJECTOR.—Nothing in this title shall be construed to require a person to
be subject to combatant training and service in the uniformed services, if that person, by reason of sincerely held moral, ethical, or religious beliefs, is conscientiously opposed to participation in war in any form.

(b) **Alternative Noncombatant or Civilian Service.**—A person who claims exemption from combatant training and service under subsection (a) and whose claim is sustained by the local board shall—

(1) be assigned to noncombatant service (as defined by the President), if the person is inducted into the uniformed services; or

(2) be ordered by the local board, if found to be conscientiously opposed to participation in such noncombatant service, to perform national civilian service for the period specified in section 104(a) and subject to such regulations as the President may prescribe.

SEC. 110. DISCHARGE FOLLOWING NATIONAL SERVICE.

(a) **Discharge.**—Upon completion or termination of the obligation to perform national service under this title, a person shall be discharged from the uniformed services or from civilian service, as the case may be, and shall not be subject to any further service under this title.

(b) **Coordination With Other Authorities.**—Nothing in this section shall limit or prohibit the call to
active service in the uniformed services of any person who
is a member of a regular or reserve component of the uni-
formed services.

SEC. 111. REGISTRATION OF FEMALES UNDER THE MILI-
TARY SELECTIVE SERVICE ACT.

(a) Registration Required.—Section 3(a) of the
Military Selective Service Act (50 U.S.C. 453(a)) is
amended—

(1) by striking “male” both places it appears;

(2) by inserting “or herself” after “himself”;

and

(3) by striking “he” and inserting “the per-
son”.

(b) Conforming Amendment.—Section 16(a) of
the Military Selective Service Act (50 U.S.C. App. 466(a))
is amended by striking “men” and inserting “persons”.

SEC. 112. RELATION OF TITLE TO REGISTRATION AND IN-
DUCTION AUTHORITY OF MILITARY SELECT-
TIVE SERVICE ACT.

(a) Registration.—Section 4 of the Military Selec-
tive Service Act (50 U.S.C. App. 454) is amended by in-
serting after subsection (g) the following new subsection:

“(h) This section does not apply with respect to the
induction of persons into the Armed Forces pursuant to
the Universal National Service Act of 2007.”.
(b) INDUCTION.—Section 17(c) of the Military Selective Service Act (50 U.S.C. App. 467(c)) is amended by striking “now or hereafter” and all that follows through the period at the end and inserting “inducted pursuant to the Universal National Service Act of 2007.”.

TITLE II—FAVORABLE TREATMENT OF COMBAT PAY UNDER EARNED INCOME TAX CREDIT MADE PERMANENT

SEC. 201. FAVORABLE TREATMENT OF COMBAT PAY UNDER EARNED INCOME TAX CREDIT MADE PERMANENT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) of the Internal Revenue Code of 1986 (defining earned income) is amended to read as follows:

“(vi) a taxpayer may elect for any taxable year to treat amounts excluded from gross income by reason of section 112 as earned income.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years ending after December 31, 2006.