

110TH CONGRESS
1ST SESSION

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.

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. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Universal National Service Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents for
 7 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.**

10 In this title:

11 (1) The term “contingency operation” has the
 12 meaning given that term in section 101(a)(13) of
 13 title 10, United States Code.

1 (2) The term “military service” means service
2 performed as a member of an active or reserve com-
3 ponent of the uniformed services.

4 (3) The term “national service” means military
5 service or service in a civilian capacity that, as deter-
6 mined by the President, promotes the national de-
7 fense, including national or community service and
8 service related to homeland security.

9 (4) The term “Secretary concerned” means the
10 Secretary of Defense with respect to the Army,
11 Navy, Air Force, and Marine Corps, the Secretary
12 of Homeland Security with respect to the Coast
13 Guard, the Secretary of Commerce, with respect to
14 the National Oceanic and Atmospheric Administra-
15 tion, and the Secretary of Health and Human Serv-
16 ices, with respect to the Public Health Service.

17 (5) The term “United States”, when used in a
18 geographical sense, means the several States, the
19 District of Columbia, Puerto Rico, the Virgin Is-
20 lands, and Guam.

21 (6) The term “uniformed services” means the
22 Army, Navy, Air Force, Marine Corps, Coast Guard,
23 commissioned corps of the National Oceanic and At-
24 mospheric Administration, and commissioned corps
25 of the Public Health Service.

1 **SEC. 102. NATIONAL SERVICE OBLIGATION.**

2 (a) OBLIGATION FOR SERVICE.—It is the obligation
3 of every citizen of the United States, and every other per-
4 son residing in the United States, who is between the ages
5 of 18 and 42 to perform a period of national service as
6 prescribed in this title unless exempted under the provi-
7 sions of this title.

8 (b) FORMS OF NATIONAL SERVICE.—The national
9 service obligation under this title shall be performed ei-
10 ther—

11 (1) as a member of an active or reserve compo-
12 nent of the uniformed services; or

13 (2) in a civilian capacity that, as determined by
14 the President, promotes the national defense, includ-
15 ing national or community service and service re-
16 lated to homeland security.

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

20 **SEC. 103. INDUCTION TO PERFORM NATIONAL SERVICE.**

21 (a) INDUCTION REQUIREMENTS.—The President
22 shall provide for the induction of persons described in sec-
23 tion 102(a) to perform their national service obligation.

24 (b) LIMITATION ON INDUCTION FOR MILITARY SERV-
25 ICE.—Persons described in section 102(a) may be in-
26 ducted to perform military service only if—

1 (1) a declaration of war is in effect;

2 (2) the President declares a national emer-
3 gency, which the President determines necessitates
4 the induction of persons to perform military service,
5 and immediately informs Congress of the reasons for
6 the declaration and the need to induct persons for
7 military service; or

8 (3) members of the Army, Navy, Air Force, or
9 Marine Corps are engaged in a contingency oper-
10 ation pursuant to a congressional authorization for
11 the use of military force.

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

18 (1) the authorized end strengths of the uni-
19 formed services; and

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

23 (3) provide a mechanism for the random selec-
24 tion of persons to be inducted to perform military
25 service.

1 (d) SELECTION FOR INDUCTION.—

2 (1) RANDOM SELECTION FOR MILITARY SERV-
 3 ICE.—When the induction of persons for military
 4 service is authorized by subsection (b), the President
 5 shall utilize a mechanism for the random selection of
 6 persons to be inducted to perform military service.

7 (2) CIVILIAN SERVICE.—Persons described in
 8 section 102(a) who do not volunteer to perform mili-
 9 tary service or are not inducted for military service
 10 shall perform their national service obligation in a
 11 civilian capacity pursuant to section 102(b)(2).

12 (e) VOLUNTARY SERVICE.—A person subject to in-
 13 duction under this title may—

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

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

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

20 (a) GENERAL RULE.—Except as otherwise provided
 21 in this section, the period of national service performed
 22 by a person under this title shall be two years.

23 (b) GROUNDS FOR EXTENSION.—At the discretion of
 24 the President, the period of military service for a member

1 of the uniformed services under this title may be ex-
2 tended—

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

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

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

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

20 (2) The admission and service of the person as
21 a cadet or midshipman at the United States Military
22 Academy, the United States Naval Academy, the
23 United States Air Force Academy, the Coast Guard
24 Academy, or the United States Merchant Marine
25 Academy.

1 (3) The enrollment and service of the person in
2 an officer candidate program, if the person has
3 signed an agreement to accept a Reserve commission
4 in the appropriate service with an obligation to serve
5 on active duty if such a commission is offered upon
6 completion of the program.

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

9 **SEC. 105. IMPLEMENTATION BY THE PRESIDENT.**

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

12 (b) MATTER TO BE COVERED BY REGULATIONS.—
13 Such regulations shall include specification of the fol-
14 lowing:

15 (1) The types of civilian service that may be
16 performed in order for a person to satisfy the per-
17 son's national service obligation under this title.

18 (2) Standards for satisfactory performance of
19 civilian service and of penalties for failure to per-
20 form civilian service satisfactorily.

21 (3) The manner in which persons shall be se-
22 lected for induction under this title, including the
23 manner in which those selected will be notified of
24 such selection.

1 (4) All other administrative matters in connec-
2 tion with the induction of persons under this title
3 and the registration, examination, and classification
4 of such persons.

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

9 (6) Standards for compensation and benefits
10 for persons performing their national service obliga-
11 tion under this title through civilian service.

12 (7) Such other matters as the President deter-
13 mines necessary to carry out this title.

14 (c) USE OF PRIOR ACT.—To the extent determined
15 appropriate by the President, the President may use for
16 purposes of this title the procedures provided in the Mili-
17 tary Selective Service Act (50 U.S.C. App. 451 et seq.),
18 including procedures for registration, selection, and induc-
19 tion.

20 **SEC. 106. EXAMINATION AND CLASSIFICATION OF PER-**
21 **SONS.**

22 (a) EXAMINATION.—Every person subject to induc-
23 tion under this title shall, before induction, be physically
24 and mentally examined and shall be classified as to fitness
25 to perform national service.

1 (b) DIFFERENT CLASSIFICATION STANDARDS.—The
2 President may apply different classification standards for
3 fitness for military service and fitness for civilian service.

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

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

10 (1) obtains a high school diploma;

11 (2) ceases to pursue satisfactorily such course
12 of study; or

13 (3) attains the age of 20.

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

16 (1) extreme hardship; or

17 (2) physical or mental disability.

18 (c) TRAINING CAPACITY.—The President may post-
19 pone or suspend the induction of persons for military serv-
20 ice under this title as necessary to limit the number of
21 persons receiving basic military training and education to
22 the maximum number that can be adequately trained.

23 (d) TERMINATION.—No deferment or postponement
24 of induction under this title shall continue after the cause
25 of such deferment or postponement ceases.

1 **SEC. 108. INDUCTION EXEMPTIONS.**

2 (a) QUALIFICATIONS.—No person may be inducted
3 for military service under this title unless the person is
4 acceptable to the Secretary concerned for training and
5 meets the same health and physical qualifications applica-
6 ble under section 505 of title 10, United States Code, to
7 persons seeking original enlistment in a regular compo-
8 nent of the Armed Forces.

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

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

14 (2) is or becomes a cadet or midshipman at the
15 United States Military Academy, the United States
16 Naval Academy, the United States Air Force Acad-
17 emy, the Coast Guard Academy, the United States
18 Merchant Marine Academy, a midshipman of a Navy
19 accredited State maritime academy, a member of the
20 Senior Reserve Officers' Training Corps, or the
21 naval aviation college program, so long as that per-
22 son satisfactorily continues in and completes at least
23 two years training therein.

24 **SEC. 109. CONSCIENTIOUS OBJECTION.**

25 (a) CLAIMS AS CONSCIENTIOUS OBJECTOR.—Noth-
26 ing in this title shall be construed to require a person to

1 be subject to combatant training and service in the uni-
 2 formed services, if that person, by reason of sincerely held
 3 moral, ethical, or religious beliefs, is conscientiously op-
 4 posed to participation in war in any form.

5 (b) ALTERNATIVE NONCOMBATANT OR CIVILIAN
 6 SERVICE.—A person who claims exemption from combat-
 7 ant training and service under subsection (a) and whose
 8 claim is sustained by the local board shall—

9 (1) be assigned to noncombatant service (as de-
 10 fined by the President), if the person is inducted
 11 into the uniformed services; or

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

18 **SEC. 110. DISCHARGE FOLLOWING NATIONAL SERVICE.**

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

24 (b) COORDINATION WITH OTHER AUTHORITIES.—
 25 Nothing in this section shall limit or prohibit the call to

1 active service in the uniformed services of any person who
 2 is a member of a regular or reserve component of the uni-
 3 formed services.

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

6 (a) REGISTRATION REQUIRED.—Section 3(a) of the
 7 Military Selective Service Act (50 U.S.C. 453(a)) is
 8 amended—

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

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

11 and

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

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

17 **SEC. 112. RELATION OF TITLE TO REGISTRATION AND IN-**
 18 **DUCTION AUTHORITY OF MILITARY SELEC-**
 19 **TIVE SERVICE ACT.**

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

23 “(h) This section does not apply with respect to the
 24 induction of persons into the Armed Forces pursuant to
 25 the Universal National Service Act of 2007.”.

1 (b) INDUCTION.—Section 17(c) of the Military Selec-
 2 tive Service Act (50 U.S.C. App. 467(c)) is amended by
 3 striking “now or hereafter” and all that follows through
 4 the period at the end and inserting “inducted pursuant
 5 to the Universal National Service Act of 2007.”.

6 **TITLE II—FAVORABLE TREAT-**
 7 **MENT OF COMBAT PAY**
 8 **UNDER EARNED INCOME TAX**
 9 **CREDIT MADE PERMANENT**

10 **SEC. 201. FAVORABLE TREATMENT OF COMBAT PAY UNDER**
 11 **EARNED INCOME TAX CREDIT MADE PERMA-**
 12 **NENT.**

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

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

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

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