

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7216

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 17), 2008

Received

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## AN ACT

To amend section 3328 of title 5, United States Code,  
relating to Selective Service registration.

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

1 **SECTION 1. SELECTIVE SERVICE REGISTRATION.**

2 (a) IN GENERAL.—Section 3328 of title 5, United  
3 States Code, is amended by striking subsection (b) and  
4 inserting the following:

5 “(b)(1) Except as provided in subsection (c), the Di-  
6 rector of the Office of Personnel Management, in consulta-  
7 tion with the Director of the Selective Service System,  
8 shall prescribe regulations to carry out this section.

9 “(2) Such regulations—

10 “(A) shall provide for exceptions to determina-  
11 tions of ineligibility under this section to allow for  
12 the appointment of an individual who was dis-  
13 charged or released from active duty in the armed  
14 forces under honorable conditions; and

15 “(B) may provide that determinations of eligi-  
16 bility under the requirements of this section shall be  
17 adjudicated by the Executive agency making the ap-  
18 pointment for which the eligibility is determined.

19 “(c)(1) The Director of the Selective Service System,  
20 in consultation with the Director of the Office of Per-  
21 sonnel Management, shall prescribe procedures—

22 “(A) for the adjudication of determinations of  
23 whether a failure to register was knowing and will-  
24 ful; and

25 “(B) under which such a determination may  
26 not be made if the individual concerned shows by a

1       preponderance of the evidence that the failure to  
2       register was neither knowing nor willful.

3       “(2) The procedures under paragraph (1) may pro-  
4       vide that determinations referred to in paragraph (1)(A)  
5       shall be adjudicated by the Executive agency making the  
6       appointment for which the eligibility is determined.”.

7       (b) REGULATIONS.—Not later than 60 days after the  
8       date of enactment of this Act, the Director of the Selective  
9       Service System, in consultation with the Director of the  
10      Office of Personnel Management, shall prescribe regula-  
11      tions under section 3328(c) of title 5, United States Code,  
12      as added by subsection (a) of this section.

13      (c) READJUDICATION OF DETERMINATIONS.—Any  
14      individual whose case was or is adjudicated under section  
15      3328(b) of title 5, United States Code, during the period  
16      beginning on February 21, 2007, through the date on  
17      which the regulations are prescribed or amended under  
18      subsection (b) of this section are in effect, and whose case  
19      involve a determination of whether a failure to register  
20      was knowing and willful, may have his or her case readju-

1 dicated in accordance with such regulations as so pre-  
2 scribed.

Passed the House of Representatives September 29,  
2008.

Attest:                      LORRAINE C. MILLER,  
*Clerk.*