AMENDMENT TO RULES COMMITTEE PRINT

117–13

OFFERED BY MR. DEFazio OF OREGON

After section 513, insert the following new section and redesignate subsequent sections accordingly:

SEC. 514. PENALTIES FOR NONCOMPLIANCE WITH THE MILITARY SELECTIVE SERVICE ACT.

(a) In general.—Section 12 of the Military Selective Service Act (50 U.S.C. 3811) is amended—

(1) by amending subsection (a) to read as follows:

“(a) Any member of the Selective Service System or any other person charged as herein provided with the duty of carrying out any of the provisions of this Act who evades or refuses service in the Armed Forces after being called to do so pursuant to this Act, or who knowingly aids or abets another to refuse or evade service in the Armed Forces, shall, upon conviction in any district court of the United States of competent jurisdiction, be punished by imprisonment for not more than five years or a fine of not more than $10,000, or by both such fine and imprisonment, or if subject to military or naval law may be tried by court martial, and, on conviction, shall suffer
such punishment as a court martial may direct. No person shall be tried by court martial in any case arising under this Act unless such person has been actually inducted for the training and service prescribed under this Act or unless such person is subject to trial by court martial under laws in force prior to June 24, 1948.”; and

(2) by striking subsections (f) and (g) and inserting the following:

“(f) Not withstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present themself for and submit to registration or induction under section 3 of this Act. Failing to present oneself for and submit to registration or induction under section 3 shall not be reason for any entity of the Federal Government to determine that a person lacks good moral character or is unsuited for any privilege or benefit.

“(g) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present themself for and submit to registration or induction under section 3 of this Act. In this subsection, the term ‘State’ means a State,
the District of Columbia, the Commonwealth of Puerto Rico, or a Territory or possession of the United States.”

(b) CONFORMING AMENDMENTS.—

(1) GOVERNMENT ORGANIZATION AND EMPLOYEES.—Section 3328 of title 5, United States Code, is repealed.

(2) IMMIGRATION AND NATIONALITY ACT.—Subsection (a) of section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by striking paragraph (19).

(3) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 is amended—

(A) in section 483 (20 U.S.C. 1090), by striking “registration for selective service,” both places it appears; and

(B) in section 484 (20 U.S.C. 1091) by striking subsection (n).

(4) WORKFORCE INNOVATION AND OPPORTUNITY ACT.—Section 189 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3249) is amended by striking subsection (h).

(c) RETROACTIVITY.—The amendments made by this section shall have retroactive effect, and any person, penalized or denied a privilege or benefit under the laws amended by this section, before the date of the enactment
of this Act, shall have such penalty reversed or privilege
or benefit restored.