



FY2022 NDAA: Selective Service and Draft Registration

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Background

Several provisions introduced as part of the National Defense Authorization Act for Fiscal Year 2022 (FY2022 NDAA) would make changes to the [Military Selective Service Act](#) (MSSA). The MSSA provides statutory authority for the federal government to maintain a Selective Service Agency as an independent agency responsible for managing the [Selective Service System](#) (SSS) and for delivering qualified civilian men for induction into the Armed Forces of the United States when authorized by the President and Congress. Under the MSSA, all male U.S. citizens and most male noncitizen residents of the United States between the ages of 18 and 26 are required to register with the Selective Service System (SSS). Women have never been required to register. Knowingly or willfully failing to register may result in certain [federal and state penalties](#) including [fines, imprisonment](#), and ineligibility for [federal employment](#) or [workforce programs](#).

Conscription (“the draft”) has been used to help meet military manpower needs at various times in U.S. history since the Civil War. The President’s draft induction authority [expired on July 2, 1973](#), preceding the transition to an all-volunteer force. In 1975, President Gerald Ford temporarily [terminated the registration requirement](#) and the SSS reduced its functions. In 1980, through [Proclamation 4771](#), President Jimmy Carter reinstated the male registration requirement, which remains in force. While the registration requirement remains in effect, Congress has not taken any action to reinstate the draft induction authority. The SSS manages the registration requirement and mobilization planning with an [annual budget of about \\$26 million](#).

In the FY2017 NDAA (P.L. 114-328), Congress established a National Commission on Military, National, and Public Service (MNAPS Commission) to help consider options for the future of the MSSA. The Commission’s [final report](#), released in March 2020, included recommendations for amending the MSSA. These recommendations formed the basis of the *Inspire to Serve Act of 2020* (H.R. 6415) introduced in the 116th Congress. Provisions from this bill appear in the FY2022 NDAA (see [Table 1](#)).

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Table I. FY2022 NDAA Legislative Proposals

House-passed (H.R. 4350)	Senate Armed Services Committee (S. 2792)
<p>Section 513 would amend the MSSA to</p> <ul style="list-style-type: none"> • require women to register for the Selective Service; • ensure female representation on local selection boards; • require the SSS to conduct periodic mobilization exercises including a public awareness campaign; and • would provide a 30-day notification window to complete registration. 	<p>Section 511 would</p> <ul style="list-style-type: none"> • require women to register for the Selective Service, • ensure female representation on local selection boards, and • require the SSS to conduct periodic mobilization exercises including a public awareness campaign. <p>Section 512 would require the SSS Director to conduct a review of exemptions and deferments from registration, training, and service and report to Congress on proposed revisions.</p> <p>Section 513 would require the SSS Director to report on processes and procedures for appeal of denial of benefits for failure to register.</p> <p>Section 514 would require the Secretary of Defense to designate a senior civilian official as the “Executive Agent for National Mobilization,” responsible for mobilization readiness and congressional reporting.</p>

Source: Congressional Research Service

Discussion

One issue of debate in the FY2022 NDAA is whether women should be required to register for the draft. This question has been the subject of legislative proposals in prior Congresses and decisions by the [courts](#). Regarding female registration, the MNAPS Commission [concluded](#): “the time is right to extend Selective Service System registration to include men and women, between the ages of 18 and 26. This is a necessary and fair step, making it possible to draw on the talent of a unified Nation in a time of national emergency.” Similar provisions in the House-passed and Senate-introduced bills (Sections 513 and 511, respectively) would expand SSS registration requirements to women. [The Biden Administration](#) and some [women’s](#) and [men’s](#) advocacy groups support expanding registration requirements based on equity arguments. Other [advocacy groups](#) are opposed to requiring women to register for the draft.

Other provisions common to both bills would (1) require the SSS to conduct periodic mobilization exercises and keep the public informed about these exercises and (2) require female representation on local selection boards. The President has the authority under the MSSA to appoint membership to [local selection boards](#) that would be mobilized in the event of a draft. [Current law](#) requires the President ensure local board membership is to “maximum extent practicable [...] proportionately representative of the race and national origin of those registrants within its jurisdiction.” These provisions would expand representation by sex.

Currently, those who are required to register and fail to do so by their 26th birthday may be subject to [penalties](#), unless they are able to provide evidence that they did not knowingly or willfully fail to register. Section 513(f) of the House bill would provide a 30-day window following notification of failure to register for an individual to complete the registration requirement, regardless of the person’s age. [The Biden Administration issued a statement opposing](#) this provision due to concerns that it would remove incentives for registration. The Senate-introduced bill has no similar provision. Section 513 of the S. 2792 would require the SSS to review processes for adjudicating denial of benefits for those who fail to

register. Section 512 of the bill would require an SSS review of exemptions from registration, training, and deferments.

A provision in the Senate-introduced bill, with no House counterpart, would create a senior civilian position within the Office of the Secretary of Defense, the *Executive Agent for National Mobilization*. This individual would be responsible for “developing, managing, and coordinating policy and plans” for national mobilization and informing the SSS and Congress of plans and resource needs.

Other proposals in the 117th Congress would repeal the MSSA and disestablish the SSS (e.g., H.R. 2509 and S. 1139), or allow women to *elect* to register for the draft (H.R. 5392). The FY2022 NDAA does not include these proposals.

For more, see CRS Report R44452, *The Selective Service System and Draft Registration: Issues for Congress*.

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