

# FY2022 NDAA Military Personnel Issues: Selective Service and Draft Registration

October 19, 2021

## 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 the 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 last man to be inducted through the draft entered service in 1973, preceding the transition to an all-volunteer force. In 1975, President Gerald Ford temporarily [terminated](#) the registration requirement and the SSS reduced its operational functions. In 1980, through [Proclamation 4771](#), President Jimmy Carter reinstated the male registration requirement, which remains in force. 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 (the MNAPS Commission) to help consider some of the 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 116<sup>th</sup> Congress. Provisions from this bill appear in the FY2022 NDAA (see [Table 1](#)).

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IN11780

**Table I. FY2022 NDAA Legislative Proposals**

<b>House-passed (H.R. 4350)</b>	<b>Senate Armed Services Committee (S. 2792)</b>
<p>Section 513 would amend the MSSA to</p> <ul style="list-style-type: none"> <li>• require women to register for the Selective Service;</li> <li>• ensure female representation on local selection boards;</li> <li>• require the SSS to conduct periodic mobilization exercises including a public awareness campaign; and</li> <li>• would provide a 30-day notification window to complete registration.</li> </ul>	<p>Section 511 would</p> <ul style="list-style-type: none"> <li>• require women to register for the Selective Service,</li> <li>• ensure female representation on local selection boards, and</li> <li>• require the SSS to conduct periodic mobilization exercises including a public awareness campaign.</li> </ul> <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>

## 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](#). On the question of 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 and Senate bills (Sections 513 and 511) 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 26<sup>th</sup> 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 bill does not include a similar provision. Section 513 of the Senate bill would require the SSS to review processes for adjudicating the denial of benefits for those who fail to register. Section 512 of the Senate bill would require an SSS review of exemptions from registration, training, and deferments.

A provision in the Senate bill that lacks a 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 while keeping both the SSS and Congress informed of plans and resource needs.

Other proposals in the 117<sup>th</sup> Congress would repeal the MSSA and disestablish the SSS (e.g., H.R. 2509 and S. 1139). These proposals have not been included in the FY2022 NDAA.

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

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