



FY2022 NDAA: Selective Service and Draft Registration

Updated December 15, 2021

Background

The House passed a Fiscal Year 2022 National Defense Authorization Act (FY2022 NDAA, H.R. 4350) on September 23, 2021. The Senate version of the bill (S. 2792) was reported by the Senate Armed Services Committee (SASC) on July 21, 2021. On December 7, 2021, the House and Senate Armed Services Committees released the text of a negotiated agreement (“bicameral agreement”, S. 1605) based on the two versions of the bill. The House passed the bicameral agreement on the same day.

Several provisions introduced as part of the FY2022 NDAA process 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. While legislative proposals have been introduced to require women to register, none of these have been enacted. 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 last [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. If Congress and the President reinstated the draft induction authority, some [deferments and exemptions](#), including religious exemptions would apply under current law. The SSS manages the registration requirement and mobilization planning with an [annual budget of about \\$26 million](#).

Congressional Research Service

<https://crsreports.congress.gov>

IN11780

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**).

Table 1. FY2022 NDAA Legislative Proposals

House-passed (H.R. 4350)	Senate Armed Services Committee (S. 2792)	Bicameral Agreement (S. 1605)
Section 513 would amend the MSSA to <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 • provide a 30-day notification window to complete registration. 	Section 511 would <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. 	Sections 513 (House) and 511 (Senate) were not adopted.
No similar provision	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.	Section 529 includes the Senate provision with a technical amendment that removes a reference to Section 511 of S. 2792 that was not adopted.
No similar provision	Section 513 would require the SSS Director to report on processes and procedures for appeal of denial of benefits for failure to register.	Section 529A includes the Senate provision.
Section 1076 would require the Secretary of Defense to establish within the Office of the Secretary of Defense an Executive Agent for National Mobilization responsible for mobilization readiness and congressional reporting.	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.	Section 1089 includes the Senate provision.
Section 1074 would require annual mobilization exercises to include SSS processes in preparation for the induction of personnel into the Armed Forces under the MSSA.	Section 515 is a similar provision	Section 527 includes the Senate provision and requires a congressional briefing on the first mobilization exercise under this authority.

Source: Congressional Research Service

Note: S. 1605 is the FY2022 NDAA proposal negotiated by leaders of the House Armed Services Committee (HASC) and the Senate Armed Services Committee (SASC).

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.” [The Biden Administration](#) and some [women’s](#) and [men’s](#) advocacy groups support expanding registration requirements. Other [advocacy groups](#) are opposed to requiring women to register for the draft. Similar provisions in the House-passed and Senate-introduced bills (Sections 513 and 511, respectively) would have expanded SSS registration requirements to women. These provisions were not included in the bicameral agreement (S. 1605).

Other provisions common to both bills (Sections 513 and 511) that 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 were not included in the bicameral agreement.

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 and this proposal was not included in the bicameral agreement.

Section 512 of the Senate-introduced bill would require an SSS review of exemptions from registration, training, and deferments. Section 513 would require the SSS to review processes for adjudicating denial of benefits for those who fail to register. These provisions were adopted (Sections 529 and 529A, respectively) in the bicameral agreement.

Section 1089 in the bicameral agreement adopts a Senate proposal (Section 514) that would require the Secretary of Defense to designate a senior civilian within the Office of the Secretary of Defense as the *Executive Agent for National Mobilization*, responsible for “developing, managing, and coordinating policy and plans” for national mobilization. Section 527 of the bicameral agreement adopts similar provisions from the House and Senate bills that would amend 10 U.S.C. §10208 to include SSS induction preparation exercises in annual DOD mobilization simulations. This provision would also require a briefing and report following DOD’s first exercise.

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

Author Information

Kristy N. Kamarck
Specialist in Military Manpower

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of

information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.