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Description of document: Memoranda, white papers, reports, and other documents created at the Selective Service System (SSS) concerning potential inclusion of women in the Selective Service draft, 2016-2019

Requested date: 25-February-2019

Release date: 06-March-2019

Posted date: 25-March-2019

Source of document: FOIA Officer
Selective Service System
National Headquarters
Arlington, VA 22209-2425
Information@sss.gov

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Selective Service System

National Headquarters | Arlington, Virginia 22209-2461
www.sss.gov

March 6, 2019

This is in response to your FOIA request received in this office on February 25, 2019 requesting, *"A copy of each memo, white paper, report, or other document created at the SSS concerning potential inclusion of women in the selective service draft. You may limit this request to records dating between January 1, 2017 and the present."* The requested information is attached.

If you consider this response to be a denial of your request, you may file an appeal. Your appeal must be received within 90 calendar days of the date of the initial denial letter by the Director of the Selective Service. Please address your appeal to the following office:

Director
Selective Service System
1515 Wilson Blvd.
Arlington, VA 22209

Thank you for your inquiry. If you have any further questions, please do not hesitate to contact the Office of Public and Intergovernmental Affairs at the address above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wadi A. Yakhour', with a long, sweeping horizontal line extending to the right.

Wadi A. Yakhour
Chief FOIA Officer

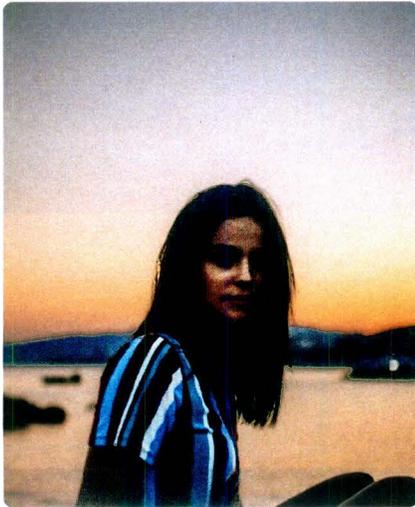
Attachments



Selective Service ✓
@SSS_gov

#DYK: Women aren't required to register for Selective Service because as it's defined in the Military Selective Service Act, it applies specifically to male persons.

For women to be required to register, Congress would have to amend the law.
[ow.ly/kuYE50igsYz](https://www.ow.ly/kuYE50igsYz)



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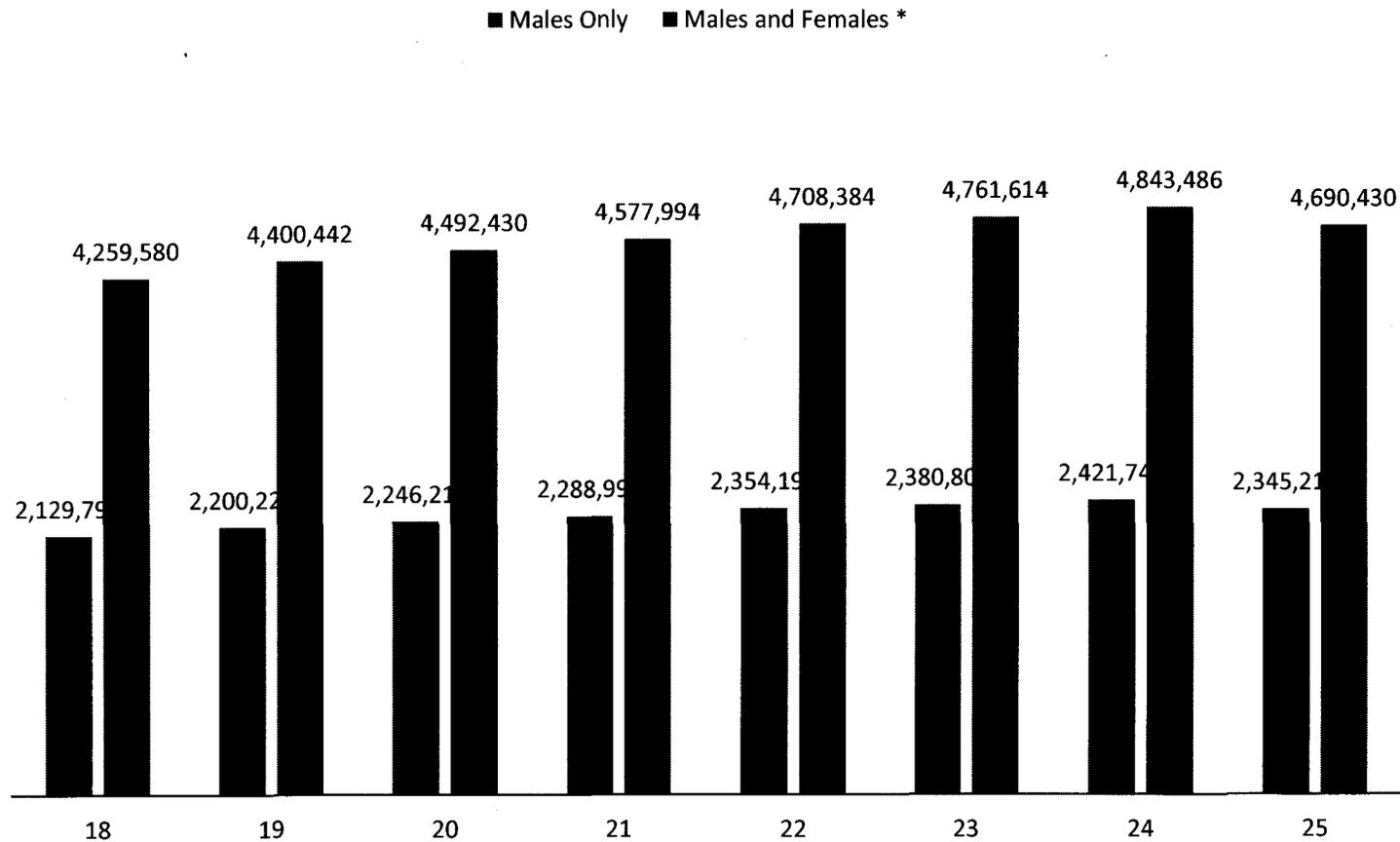
Registration of Women

- When directed, SSS can enhance operations to include female registration
 - Non-electronic registration of women within 45 days of notification (USPS)
 - Enterprise architecture requires 700K lines of re-code and 12-14 months programming effort
 - Full compliance and validation capability within 12-16 months
 - Assumes 5 year phased registration by age groups, vice mass registration (rolling start)
- Authorities
 - Military Selective Service Act
 - Enterprise Architecture and PII database capacity
 - Manpower – increased FTE and contractor support
 - Planning, programming and budget execution

(\$M)	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Additional Funding	\$8.6M	\$7.2M	\$7.3M	\$7.4M	\$7.5M	\$38M
Female Age Group	18-19	18-20	18-22	18-24	18-25	

- Risk
 - Interagency engagement; MOU/IAA revisions (SSA, DoD, DoEd, DOJ, etc.)
 - State and Federal legislation - Driver's License Legislation (DLL); Federal benefits/employment
 - Female registration rates and compliance will lag males – reportable to Congress

Projected Registrant Population by Age Group



*Assumption that female population will mirror male census data (2014)

From: Sanchez, Rudy
To: Benton, Donald M.; Copp, Adam J. (AJ) SES; Hubbard, Roderick R.
Subject: FW: Renewed MTD in Kyle v. SSS
Date: Thursday, August 24, 2017 11:41:43 AM
Attachments: Kyle v. SSS 15cv5193 MTD (Standing) 8.24.17.docx
SSS Report (13 Jul Final).pdf

Gentlemen,

Attached is a DOJ "Motion to Dismiss" (MTD) the Kyle case against SSS for lack of standing (i.e., she has suffered no injury and any future injury is speculative) See quotes below taken from Exhibit A – Department of Defense Report on the Purpose and Utility of a Registration System for Military Selective Service)

Page 15 of MTD --

"That a draft has not been used in over 40 years and "DoD currently has no operational plans that envision mobilization at a level that would require conscription["]"

" ... any alleged future injury was made even more speculative by the creation of a Commission to study the efficacy of the SSS and possible expansion of registration requirements to females.... Upon completing its review, the Commission could determine that (1) there is no longer a need for the selective service system; (2) there is no longer a need for anyone to register for the selective service system (the deep standby option that was previously used between 1975 and 1980)^[1]; or (3) registration requirements should be made without regard to sex.

Rudy

Rudy Sanchez
General Counsel
Selective Service System
p: (703) 605-4012

From: Carmichael, Andrew E. (CIV) [mailto:Andrew.E.Carmichael@usdoj.gov]
Sent: Thursday, August 24, 2017 9:51 AM
To: Sanchez, Rudy; **Fucci, Michael J CIV OSD OGC (US)**
Subject: Renewed MTD in Kyle v. SSS

Rudy and Michael,

Attached is our draft renewed MTD in Kyle v. SSS. It is due Friday so I am sending it out now even though it is still subject to internal review. I expanded the standing arguments from the last time we filed and focused the background section on facts that are most applicable to standing. The one part

that is largely untouched from the last time we filed is the stigmatic injury section (which was already quite robust). **Note that I plan on filing the DoD report (attached for reference) as an exhibit to support the background section.**

Please let me know if you have any questions, comments or edits.

Best regards,

Drew

Drew Carmichael
Trial Attorney
Federal Programs Branch, Civil Division
U.S. Department of Justice
20 Massachusetts Avenue, NW, Rm. 7218
Washington, D.C. 20530
(202) 514-3346

[1] The deep standby posture is further explained at Selective Service System, *Background of Selective Service*, <https://www.sss.gov/About/History-And-Records/Background-Of-Selective-Service> (last visited Feb. 7, 2017).

INTRODUCTION

The Constitution vests Congress and the Executive with broad discretion over military affairs, particularly with respect to the regulation and composition of the armed forces. Pursuant to that authority, Congress enacted the Military Selective Service Act (“MSSA”), 50 U.S.C. § 3801, *et seq.*, as a method to conscript mass numbers of civilian men into the military in the event of a national emergency requiring mobilization beyond the capabilities of the all-volunteer force. The MSSA requires civilian men between the ages of 18 and 26 to register with the Selective Service System (“SSS”) and imposes certain penalties such as loss of eligibility for federal or state jobs or education benefits on men who have failed to register.

Plaintiff in this action is an 18-year-old female challenging the MSSA’s male-only registration requirements. Although Plaintiff herself is not required to register with the SSS, she has asked this Court to declare the MSSA unconstitutional and enjoin Defendants from registering males, require females to register, or make registration voluntary for both sexes.

Plaintiffs’ complaint should be dismissed for lack of subject matter jurisdiction. Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing “cases or controversies.” The case or controversy limitation requires Plaintiff to establish that she has standing to sue by demonstrating that she has suffered a concrete, personal injury that will be remedied if the court rules in her favor. Where, as here, a plaintiff seeks a decision as to the constitutionality of an action taken by a co-equal branch of government, judicial scrutiny of standing is “especially rigorous.” *Raines v. Byrd*, 521 U.S. 811, 819-20 (1997).

Because Plaintiff cannot demonstrate that she has suffered a legally cognizable injury she cannot meet this rigorous standing inquiry. Here, Plaintiff does not allege that the MSSA *requires* her to do anything. To the contrary, Plaintiffs’ complaint is that the MSSA does *not* require her to register with the SSS. But she does not connect her inability to register with any actual harm. She

does not allege that she will be prevented from receiving any particular benefits because she is unable to register or that her inability to register with the SSS will hinder her ability to serve in the armed services. Indeed, she remains free to seek enlistment in the armed services and to apply for an open combat position.

Instead Plaintiff appears to rely on a theory of stigmatic harm, but fails to claim that this alleged stigmatization actually affects her in any way. Without connecting these potential stigmatic harms to any injuries that she herself has suffered, such alleged harms cannot be sufficient injury for purposes of Article III. See *Allen v. Wright*, 468 U.S. 737, 755-56 (1984) (when the injury asserted is “stigmatic,” the requirement of personal injury takes on heightened importance).

Nor does she allege any threaten harms that are “certainly impending” and adequate to constitute standing for future injury. *Clapper v. Amnesty Int’l*, 568 U.S. 398, 409 (2013). Instead, Plaintiff appears to rely only on a vague assertion that she is “bann[ed] . . . from the pool of potential combat soldiers,” Am. Compl. ¶ 65. In addition to being clearly contradicted by her admitted ability to voluntarily join the armed forces, any such injury relies on the assumption that mass mobilization is imminent and thus is too speculative to meet Article III standing requirements.

In short, Plaintiff’s challenge raises a general policy grievance, not a particularized injury present, stigmatic or future. Accordingly, Plaintiff’s complaint should be dismissed for lack of subject matter jurisdiction.

BACKGROUND

I. The Military Selective Service Act

The Military Selective Service Act (“MSSA”) first enacted as the Selective Service Act of 1948, establishes the Selective Service System (“SSS”) as an independent federal agency, responsible for delivering appropriately qualified civilian men for induction into the Armed Forces of the United States, as authorized by Congress. 50 USC § 3801, *et seq.* The MSSA requires “every male citizen of

the United States, and every other male person residing in the United States, who . . . is between the ages of eighteen and twenty-six, to present himself for and submit to registration[.]” 50 U.S.C. § 3802(a).

Following the creation of the all-volunteer force in 1973, the Selective Service System temporarily became inactive in 1975 when President Ford discontinued draft registration. *Rostker v. Goldberg*, 453 U.S. 57, 59 (1981). In response to the Soviet Union’s invasion of Afghanistan, and at the request of President Carter, Congress reactivated the registration process in 1980. *See id.* Unlike in previous registration regulations, however, men were not required to undergo immediate classification and evaluation for fitness to serve in the military. *See* Department of Defense Report on the Purpose and Utility of a Registration System for Military Selective Service, Ex. A at 2.

In 1981, the Supreme Court considered whether the MSSA’s male-only registration requirement violated the equal protection component of the Fifth Amendment. *Rostker v. Goldberg*, 453 U.S. 57 (1981). In light of the substantial deference owed to Congress, the Supreme Court concluded that exempting women from the registration requirement did not violate the Fifth Amendment. “Congress did not act unthinkingly or reflexively” in choosing to exempt women from registration, the Court explained; rather, the question “not only received considerable national attention and was the subject of wide-ranging public debate, but also was extensively considered by Congress in hearings, floor debate, and in committee.” *Id.* at 72-73. Moreover, exempting women from the registration requirement was not based on an invidious gender classification, “but rather realistically reflects the fact that the sexes are not similarly situated” for purposes of a draft or registration for a draft. *Id.* at 78-79. Because Congress had determined that the purpose of registration “was to prepare for a draft of combat troops,” and women “as a group, . . . are not eligible for combat,” the Court concluded that “[t]he exemption of women from registration is not only sufficiently but also closely related to Congress’ purpose in authorizing registration.” *Id.* at 76-

79. Therefore, the *Rostker* Court found that the MSSA passed constitutional muster.

II. Current Registration Process

Although the all-volunteer force—comprised of Active Duty, Reserve, and National Guard personnel numbering approximately 2.1 million—has met all military requirements since its creation in 1973, the potential for another large scale war requiring mass mobilization still exists. Thus, every Administration since 1980 has made the conscious decision to maintain national registration for selective service as a tool through which Congress and the President can provide additional manpower to the Armed Forces. Ex. A at 3.

Currently the MSSA requires registration by most male citizens and residents of the United States who are at least 18 years of age but not yet 26. A man must register within 30 days of his 18th birthday and update his registration within 10 days of a change in address. Ex. A at 4. Individuals are not permitted to register beyond their 26th birthday. *Id.* Under current law, women may serve voluntarily in the U.S. Armed Forces, including service in direct ground combat units¹, but are not, and never have been, required to register with the SSS. *Id.* at 14.

The SSS processes more than 2.3 million new registrations annually. *Id.* at 4. Most registration is accomplished on-line through the SSS website and automatically via electronic data sharing arrangements with other federal and state agencies that administer benefits for which selective service registration is a prerequisite. *Id.* Registration also may be accomplished using the Interactive Voice Response system at the SSS National Call Center and by paper forms available from the U.S. Postal Service. *Id.* The SSS engages with U.S. Embassies and consulates around the world in an effort to ensure that U.S. nationals living abroad are aware of registration requirements and approximately 40,000 registrations annually are from foreign addresses. *Id.* Men who fail to

¹ On December 3, 2015, Defense Secretary Ash Carter announced that all military occupations and positions would now be open to women, without exception. Ex. A at 14.

register may be subject to criminal penalties, loss of eligibility for federal or state jobs and education benefits, and denial of a security clearance. *Id.* Documented or undocumented immigrants who fail to register may not be able to obtain United States citizenship. *Id.*

In peacetime, the database is used primarily to verify the registration of males who apply for federal or state employment or education benefits. *Id.* at 8. Because the peacetime authority of the SSS does not extend to the classification or examination of registrants, all of those registered would generally be considered to be available for service. *Id.* at 4.

Should a crisis occur that requires more troops than the all-volunteer force can supply, a draft may be initiated only after Congress passes, and the President signs, enabling legislation. *Id.* at 8. Following authorizing legislation, the SSS and its components would be required to significantly expand to meet mass conscription requirements. Individual registrants could then be reclassified at that time or determined unfit. *Id.*; see also *id.* at 16 (citing recruiting study estimates that only 29 percent of today's youth qualify for entry into the military, for a variety of educational, medical, criminal justice and other reasons).

III. The National Commission on Military, National, and Public Service

On December 23, 2016, the National Defense Authorization Act for Fiscal Year 2017 (“FY17 NDAA”) was signed into law. Pub. L. No. 114-328. Sections 551-557 of the FY17 NDAA authorized the creation of the National Commission on Military, National, and Public Service (“the Commission”) to review the military selective service process. See Pub. L. No. 114-328 §§ 551-557, ECF No. 57-3. The stated scope of the Commission’s review includes:

- 1) “the need for a military selective service process, including the continuing need for a mechanism to draft large numbers of replacement combat troops;” and

- 2) “the feasibility and advisability of modifying the military selective service process in order to obtain for military, national, and public service individuals with skills (such as medical, dental, and nursing skills, language skills, cyber skills, and science, technology, engineering, and mathematics (STEM) skills) for which the Nation has a critical need, without regard to age or sex[.]” Pub. L. No. 114-328 § 551(b).

Sections 551-557 of the FY17 NDAA create specific requirements for the President, federal agencies, and the Commission itself, and timelines to complete those requirements. The Commission has 30 months from its establishment date to complete its review of the selective service system and report its recommendations to Congress and the President. Pub. L. No. 114-328 § 555(e)(1).

IV. Current Proceedings

Plaintiff² in this action is an 18-year-old female challenging the requirement of the MSSA that only men between the ages of 18 and 26 must register with the SSS. In this challenge, Plaintiff seeks to represent a class of “all present and future female, U.S. citizens who are prevented from registering for the draft at any time from 30 days before their 18th birthday to the day before their 26th birthday and every other female person within that age grouping who is residing or who will reside in the United States,” subject to certain narrow exceptions. Am. Compl. (ECF No. 26) ¶ 26.

According to the complaint, Plaintiff tried to register with the SSS but was unable to do so solely because of her sex. *See id.* ¶¶ 5, 11. Plaintiff alleges that by “requiring only males and not females to register . . . and prohibiting females from registering,” the MSSA “discriminates against both sexes” in violation of the equal protection and substantive due process provisions of the Fifth

² Monica Patricia Pinto withdrew as Plaintiff on February 6, 2016. ECF No. 44.

Amendment. *Id.* ¶¶ 2, 19. Plaintiff seeks both declaratory and injunctive relief, asking the Court to declare the MSSA unconstitutional and enjoin Defendants from registering males, require females to register, or make registration voluntary for both sexes. *Id.* ¶¶ 13, 14.

On November 23, 2015, Defendants filed a Motion to Dismiss the Amended Complaint (ECF No. 33) arguing that Plaintiff lacks Article III standing, that her claims are not ripe, and that *Rostker v. Goldberg*, 453 U.S. 57 (1981) (finding the MSSA does not violate equal protection) remains binding precedent. On June 29, 2016, the Court terminated Defendants' pending motion and ordered supplemental submissions regarding recent Congressional activity related to the MSSA and the SSS. ECF No. 48. On December 21, 2016, the parties submitted a Joint Status Report informing the Court of the recent Congressional activities involving the MSSA including the creation of a Commission to study the efficacy of the SSS and the possible expansion of registration requirements to females. ECF No. 57.

Plaintiff subsequently filed a Motion to Continue the Proceedings, seeking to resume the litigation. ECF No. 58-1. Defendant responded asserting that if the Court wished to proceed in the litigation the first step would be consideration of a renewed motion to dismiss but, in the alternative, the Court could enter a limited stay pending the completion of the Commission's review. ECF No. 61.

On July 27, 2017, the Court granted Plaintiff's Motion to Continue the Proceedings and ordered that Defendants may renew their motion to dismiss on or before August 25, 2017 on the issue of standing only. ECF No. 67.

V. Applicable Standards

Plaintiff's complaint should be dismissed for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). When a defendant raises an issue of subject matter jurisdiction under Rule 12(b)(1), the court must resolve the jurisdictional issue before proceeding to

the merits of the plaintiff's claims. *See Sinochem Int'l Co. v. Malay. Int'l Shipping*, 549 U.S. 422, 430-31 (2007).

In reviewing a motion to dismiss for lack of subject matter jurisdiction, a court is guided by the principle that “[f]ederal courts are courts of limited jurisdiction.” *Kokkonen v. Guar. Life Ins. Co.*, 511 U.S. 375, 377 (1994). Thus, a court is presumed to lack jurisdiction in a particular case unless the contrary affirmatively appears, and the plaintiff bears the burden of establishing that such jurisdiction exists. The court’s review under Rule 12(b)(1) is not restricted to the pleadings; rather, the court may review extrinsic evidence to resolve any factual disputes that affect jurisdiction. *Gould Elec. Inc. v. U.S.*, 220 F.3d 169, 176 (3d Cir. 2000).

ARGUMENT

I. Plaintiff Does Not Have Article III Standing

Article III of the Constitution limits federal-court jurisdiction to “‘Cases’ and ‘Controversies.’” *Massachusetts v. EPA*, 549 U.S. 497, 516 (2007). “Standing to sue is a doctrine rooted in the traditional understanding of a case or controversy” and limits who may “maintain a lawsuit in federal court to seek redress for a legal wrong.” *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). “[T]o satisfy Article III’s standing requirements, a plaintiff must show (1) it has suffered an ‘injury in fact’ that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision.” *Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 180-81 (2000) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992)).”

Where, as here, a plaintiff seeks a decision as to the constitutionality of an action taken by a co-equal branch of government, judicial scrutiny of standing is “especially rigorous.” *Raines v. Byrd*, 521 U.S. 811, 819-20 (1997). This is so because, consistent with the bedrock principle of separation

of powers, judging the constitutionality of executive or congressional action is “the gravest and most delicate duty that [courts are] called upon to perform.” *Rostker*, 453 U.S. at 64. Because Plaintiff cannot demonstrate that she has suffered a legally cognizable injury she cannot meet the “injury in fact” requirement to establish standing.

II. Plaintiff Fails to Allege A Present Injury

The first prong of the standing inquiry, “injury in fact,” requires (1) an “invasion of a legally protected interest” that is (2) “concrete and particularized” and (3) “actual or imminent.” *Lujan*, 504 U.S. at 560. Establishment of an injury in fact “is a hard floor of Article III jurisdiction.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 497 (2009).

Here, Plaintiff’s claims must be dismissed because she does not carry her burden to show that she has suffered a concrete and particularized injury caused by Defendants’ actions. In her amended complaint Plaintiff does not offer a single “specific, concrete fact[]” to show that the MSSA — or Defendants’ administration of the Act — has caused, or will cause, her personal, particularized, and cognizable injuries. *See Purpura v. Sebelius*, 2011 WL 1547768, at *4 (D.N.J. Apr. 21, 2011) (“[F]or an injury-in-fact to be particularized, it must affect the plaintiff in a personal and individual way.”). The MSSA does not harm Plaintiff by requiring her to do anything, nor deprive her of any opportunities in life. Because she is not required to register she cannot be subject to criminal penalties, a loss of eligibility for federal or state jobs and education benefits, or the denial of a security clearance for failing to do so. *See Ex. A.* at 4. And Plaintiff alleges no such deprivation in her complaint.

Nor does registration allow Plaintiff to receive any additional benefits that would not otherwise be available to her. Contrary to her representations, Plaintiff is not “bann[ed] . . . from the pool of potential combat soldiers.” Am. Compl. ¶ 65. Plaintiff remains free to enlist in the military (now or in the event the draft is reinstated), as she has previously conceded, and thereby

show that she, like male citizens, are “ready and willing to protect their country.” ECF No. 41 at 2. In fact, her opportunities to serve have only broadened since the filing of this lawsuit with the Defense Department’s decision to open all military specialties to females, without exception.³ Further, Plaintiff’s complaint does not allege that if she did enlist, her exemption from the registration requirement would hinder her career opportunities, curtail her chances of entering a newly opened combat position, or place her at any comparative disadvantage. As such, she has not alleged an injury sufficient to establish Article III standing.

In *Schwartz v. Brodsky*, the Court considered a female Plaintiff’s standing to challenge the MSSA’s male-only registration requirements and came to the same conclusion. 265 F. Supp. 2d 130 (D. Mass. 2003). In that case, four males and one female brought a challenge to the MSSA claiming, as Plaintiff contends here, that the factual underpinnings of *Rostker* had been removed. *See id.* at 132. The Court dismissed the claims of all Plaintiffs for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), but found that the female Plaintiff’s claims should also be dismissed for lack of standing because individuals “who have never been registered with the Selective Service System and are not under any compulsion to register in the near future” suffer no “distinct and palpable harm nor imminent threat of concrete harm . . . sufficient to establish standing.” *Id.* at 131 n.1.

III. Plaintiff Fails to Allege A Stigmatic Injury

Equally defective is Plaintiff’s assertion of some unspecified “noneconomic injur[y]” caused by “[d]iscrimination itself.” Am. Compl. ¶ 69. Plaintiff cannot establish Article III standing by relying on conclusory allegations of the harms of discrimination, which allegedly affect “all present

³ *See* <https://www.defense.gov/News/Article/Article/632536/carter-opens-all-military-occupations-positions-to-women/> last visited Aug 24, 2017 (“Defense Secretary Ash Carter announced today [December 3, 2015] that beginning in January 2016, all military occupations and positions will be open to women, without exception.”)

and future” 18 to 26 year-old female U.S. citizens and residents. *Id.* ¶ 26. Such general allegations of harm, without reference to any particular incidents or injuries that Plaintiff herself has experienced, fail to satisfy Article III’s rigid requirements. *See Allen*, 468 U.S. at 750, 755-56 (emphasizing that when the injury asserted is a “stigmatic injury,” the requirement of personal injury takes on heightened importance); *Warren Gen. Hosp. v. Amgen*, 2010 WL 2326254, at *3 n.5 (D.N.J. June 7, 2010) (“It is well-established that bringing a lawsuit as a class action does not dispense with the requirement that a named plaintiff must itself have standing to sue.”), *aff’d*, 643 F.3d 77 (3d Cir. 2011).

Nor may Plaintiff establish standing by relying on some unspecified “stigmatic” or psychological harm. Stigmatic injury inflicted by allegedly unconstitutional discrimination “accords a basis for standing only to those persons who are personally denied equal treatment,” *Allen*, 468 U.S. at 755, a standard that requires that the differential treatment have some real, adverse consequence for the plaintiff.⁴ *See id.* at 737, 755 (plaintiffs lacked standing to challenge tax exemption granted to school when injury was exemption’s allegedly stigmatizing effect); *Alamo v. Clay*, 137 F.3d 1366, 1370 (D.C. Cir. 1998) (assertions of stigma insufficient when plaintiffs fail to allege “any detrimental consequences” from the stigma). The lack of stigma here is further supported by the fact that the

⁴ For example, the plaintiff in *Heckler v. Mathews*, 465 U.S. 728, 739-40 (1984) alleged that the Social Security Act denied him the same Social Security benefits that were afforded similarly-situated women, in violation of his equal protection rights. The plaintiff’s injury at the hands of the agency was concrete: “as a nondependent man, he receive[d] fewer benefits than he would if he were a similarly situated woman.” *Id.* at 738. Although *Heckler* “does contain broad language concerning the stigmatizing injuries suffered by a denial of equal protection” — to which Plaintiff here points — this language “appears in response to the defendant’s argument that the plaintiff in *Heckler* lacked standing because one possible outcome of his suit would have been to strike down the discriminatory benefits provision entirely, denying benefits to everyone including the plaintiff. The Court explained that such a possibility did not deprive the plaintiff of standing because he was in fact ‘personally denied equal treatment’ in the benefits awards.” *Horne*, 2013 WL 5519514, at *5. *See also Biszko v. RIHT Fin. Corp.*, 758 F.2d 769, 773 (1st Cir. 1985) (*Heckler* “clearly [did] not dispense with the injury requirement” of Article III).

military welcomes and recruits women to enlist. *See* Ex. A at 17-18.

The Third Circuit's recent decision in *Hassan v. City of New York* does not compel a different result. 804 F.3d 277 (3d Cir. 2015). The plaintiffs in *Hassan* claimed that they were targets of a police surveillance program solely because of their Muslim faith. Reversing the district court and concluding that the plaintiffs had alleged a cognizable injury in fact, the court explained that "the indignity of being singled out by a government for *special burdens* on the basis of one's religious calling, is enough to get in the courthouse door." *Id.* at 289 (brackets omitted; emphasis added). That decision is inapposite here, where Plaintiff has alleged no "burden" at all, but instead challenges her exemption from a burden imposed on others.⁵

In particular, in contrast to the Plaintiff's threadbare assertions of injury here, the Third Circuit concluded that the plaintiffs in *Hassan* had adequately alleged concrete and particularized harms. In *Hassan*, the Court of Appeals credited plaintiffs' allegations that the police had broadly infiltrated their communities, collecting photographs and videos, recording license plate numbers, and posing as members of community organizations. *See id.* at 285-86. The plaintiffs further alleged

⁵ In so holding, *Hassan* cites *Heckler* and other cases for the principle that "[u]nequal treatment is 'a type of personal injury [that] ha[s] long [been] recognized as judicially cognizable,'" and "virtually every circuit court has reaffirmed — as has the Supreme Court — that a 'discriminatory classification is itself a penalty,' and thus qualifies as an actual injury for standing purposes, where a citizen's right to equal treatment is at stake." 804 F.3d at 289-90. In fact, however, the authority on which this standing analysis relies involved circumstances where alleged discriminatory treatment was accompanied by, or resulted in, an actual burden imposed on the plaintiff in a personal and concrete way. As noted above, *Heckler* involved the loss of Social Security benefits on the basis of gender. 465 U.S. at 738. *Saenz v. Roe* involved the denial of welfare benefits to individuals who failed to meet state residency requirements. 526 U.S. 489 (1999). *Ne. Fla. Chapter of Assoc. Gen. Contractors v. City of Jacksonville* involved an ordinance that imposed barriers to obtaining city contracts on non-minority contractors, and the Court held simply that, in order to establish standing, the plaintiffs need not allege they would have obtained the contracts but for the barrier. 508 U.S. 656 (1993). *See Miss. Univ. for Women v. Hogan*, 458 U.S. 718 (1982) (rejecting a policy that barred men from enrolling in a state nursing school). No such personal and concrete injuries that result from the MSSA are (or can be) alleged by Plaintiff here, and none of the foregoing authority holds that Article III standing can exist absent some personal, concrete injury resulting from the allegedly discriminatory statute.

that the surveillance program generated several “widely publicized” reports suggesting a link between their communities and criminal and terrorist activities and that each plaintiff had either been named in or belonged to a mosque or association named in one of those reports. *Id.* at 287. Indeed, two mosques that had been named in NYPD reports alleged that the surveillance program led to a decline in attendance at religious services. *Id.* at 288. Finally, certain plaintiffs alleged that the program had caused them financial harm by decreasing the value of their homes, scaring customers away from their businesses, and interfering with the organizational plaintiffs’ fundraising efforts. *Id.*⁶

In contrast to these allegations of concrete and particularized injuries, Plaintiff here alleges — in a scant three paragraphs of the complaint — simply that “[a]ll the members of the female class are injured to the extent described by Justice Brennan” in *Heckler*, that is, they are “stigmatiz[ed] . . . as ‘innately inferior.’” Am. Compl. ¶ 69. Such a nebulous assertion of injury is entirely insufficient to confer Article III standing. Unlike the plaintiffs in *Hassan*, Plaintiff here does not allege *any* injurious actions taken directly against her by the Government for discriminatory reasons or that the alleged stigmatization she attributes to the MSSA has impacted her in any way by reducing her opportunities in life or affecting her daily activities. Even if, as Plaintiff alleges, the MSSA “sends a message to all U.S. citizens and institutions that women are not capable of shouldering the responsibilities of citizenship to the same extent as men,” Am. Compl. ¶ 68, this “message” cannot stand in the place of a legally-cognizable injury, particularly where Plaintiff has failed to allege that it has impacted her in any way. Having failed to allege that the MSSA has any effect — measurable or otherwise — on her daily activities or opportunities in life, Plaintiff has failed to carry her burden to

⁶ Insofar as the court in *Hassan* concluded that the plaintiffs had standing based in part on allegations of self-imposed reactions to the fear of surveillance, *see* 804 F.3d at 287-88, that aspect of the standing analysis appears to conflict with the Supreme Court’s decision in *Clapper*, 568 U.S. at 402 (“[R]espondents cannot manufacture standing merely by inflicting harm on themselves based on their fears of hypothetical future harm that is not certainly impending.”).

establish Article III standing.

Absent a particularized, concrete injury, Plaintiff's complaint is akin to a policy grievance, unsuitable for resolution in federal court. *See Lance v. Coffinan*, 549 U.S. 437, 440 (2007) ("To have standing a plaintiff must have more than 'a general interest common to all members of the public.'"). In the absence of some particularized cognizable harm to Plaintiff herself, the alleged injury is not a matter of individual concern, but rather a generalized and public one. Such "abstract questions of wide public significance" are "most appropriately addressed in the representative branches." *Valley Forge Christian Coll. v. Am. United*, 454 U.S. 464, 475 (1982); *Kerchner v. Obama*, 612 F.3d 204, 208 (3d Cir. 2010) (same).

Likewise, "assertion of a right to a particular kind of Government conduct, which the Government has violated by acting differently, cannot alone satisfy the requirements of Art. III without draining those requirements of meaning." *Valley Forge*, 454 U.S. at 575-76. Simply put, Article III "requires more than a desire to vindicate value interests." *Diamond v. Charles*, 476 U.S. 54, 66 (1986). Thus, although Plaintiff may disagree with the current state of statutory law that exempts women from draft registration, absent some concrete personal injury, that disagreement cannot create Article III standing. *See id.* at 62 ("The presence of a disagreement, however sharp and acrimonious . . . is insufficient by itself to meet Art. III's requirements."); *but see* Am. Compl. ¶ 12 ("Both plaintiffs will periodically continue to try to register because they correctly believe it is their right and duty as citizens.").

IV. Plaintiff Fails to Allege A Future Injury

As far as Plaintiff's complaint can be read to assert a threatened or future injury any such injury is far too speculative to confer standing. The Supreme Court has "repeatedly reiterated," a threatened injury must be "certainly impending" to constitute injury in fact, and "allegations of possible future injury are not sufficient." *Clapper v. Amnesty Int'l*, 568 U.S. 398, 409 (2013). The mere

possibility that a draft might be reinstated at some future point and that Plaintiff might miss the opportunity to be drafted does not meet this standard.

As an initial matter, Plaintiff has not alleged that, were a draft to occur, she would be disadvantaged or injured in any meaningful Article III sense by enlisting in the military by choice rather than by compulsion. That a draft has not been used in over 40 years and “DoD currently has no operational plans that envision mobilization at a level that would require conscription[]” underscores the speculative nature of any assertion that Plaintiffs will be affected — let alone injured — by the MSSA. Ex. A. at 2.

Further, any alleged future injury was made even more speculative by the creation of a Commission to study the efficacy of the SSS and possible expansion of registration requirements to females. *See, e.g.* Pub. L. No. 114-328 §§ 555(c)(2)(A) & 553(b) (tasking the Commission with reviewing whether the selective service is still needed, it is still the most efficient mechanism to mobilize large numbers of troops, and if it should be open to all citizens and residents regardless of sex). Upon completing its review, the Commission could determine that there is no longer a need for the selective service system; there is no longer a need for anyone to register for the selective service system (the deep standby option that was previously used between 1975 and 1980)⁷; or registration requirements should be made without regard to sex. If Congress then acts on these recommendations any alleged future injury would fail to exist even if a draft were reinstated.

CONCLUSION

At its core, Plaintiff’s allegations raise a general policy objection, not a particularized injury present, stigmatic or future. Accordingly, Plaintiff’s complaint should be dismissed for lack of subject matter jurisdiction.

⁷ The deep standby posture is further explained at Selective Service System, *Background of Selective Service*, <https://www.sss.gov/About/History-And-Records/Background-Of-Selective-Service> (last visited Feb. 7, 2017).

**REPORT ON THE PURPOSE AND UTILITY
OF A REGISTRATION SYSTEM
FOR MILITARY SELECTIVE SERVICE**



**Office of the Under Secretary of Defense
for Personnel and Readiness**

The estimated cost of this report for the Department of Defense is approximately \$51,000 in Fiscal Years 2016-2017. This includes \$0 in expenses and \$51,000 in DoD labor.

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Introduction

Section 552 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 requires the Secretary of Defense to submit a report and on the current and future need for a centralized registration system under the Military Selective Service Act (MSSA)¹, to the Committees on Armed Services of the Senate and the House of Representatives and the National Commission on Military, National, and Public Service, for the purposes of assisting the Commission in carrying out its duties. The law further requires that the report include:

- A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including:
 - The extent to which mandatory registration benefits military recruiting;
 - The extent to which a national registration capability serves as a deterrent to potential enemies of the United States;
 - The extent to which expanding registration to include women would impact these benefits.
- An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department in the absence of a national registration capability.
- An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System.
- An analysis of the feasibility and utility of eliminating the current focus on mass mobilization of primarily combat troops in favor of a system that focuses on mobilization of all military occupational specialties, and the extent to which such a change would impact the need for both male and female inductees.
- A detailed analysis of the Department's manpower needs in the event of an emergency requiring mass mobilization, including:
 - A detailed timeline, along with the factors considered in arriving at this timeline, of when the Department of Defense (DoD) would require:
 - the first inductees to report for service;
 - the first 100,000 inductees to report for service; and
 - the first medical personnel to report for service.
 - An analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.
- A list of the assumptions used by the Department when conducting its analysis in preparing the report.

¹ 50 USC 3801, *et seq.* [hereinafter MSSA]. The Military Selective Service Act (MSSA), first enacted as the Selective Service Act of 1948, establishes the Selective Service System (SSS) as an independent federal agency, responsible for delivering appropriately qualified civilian men for induction into the Armed Forces of the United States, as authorized by Congress.

Background

Throughout most of the 20th century, the laws of the United States have obligated male citizens and residents to register for a draft administered by an agency of the federal government.² Beginning with the Civil War and continuing through the Vietnam conflict, the federal government has episodically used draft calls and lotteries to mobilize military manpower for the Armed Forces. On June 30, 1973, statutory induction authority expired³ and in April 1975, then-President Gerald Ford temporarily suspended the registration requirement.⁴ The MSSA had not been repealed, however, and even as the military transitioned to the All-Volunteer Force (AVF), there remained in effect the requirement for a system and process ready to provide untrained manpower to the Armed Forces in the event of mass mobilization.⁵

In stark contrast to the “hollow force” of the post-Vietnam years, today’s U.S. military is universally considered to be the most powerful and capable in the world. Since its establishment in 1973, the AVF has proven its mettle in missions worldwide. In the face of repeated combat deployments—including the crucible of the last 15 years of wars in Iraq and Afghanistan—the men and women comprising our AVF have distinguished themselves as well-disciplined, resilient, and lethal.

Comprised of Active Duty, Reserve, and National Guard personnel numbering approximately 2.1 million, the AVF has historically been manned, trained, and resourced to meet national security requirements. However, the AVF was never intended to stand alone in time of national emergency.

In December 1979, the Soviet Union invaded Afghanistan, and in his January 1980 State of the Union address, then-President Jimmy Carter announced his intention to resume draft registration. By Presidential Proclamation of July 2, 1980, Carter reestablished the requirement for all males aged 18 to 25 to register for military selective service.⁶ Unlike in previous registration regulations, however, men were not required to undergo immediate classification and evaluation for fitness to serve in the military.⁷

The DoD currently has no operational plans that envision mobilization at a level that would require conscription.⁸ Even in the face of sustained conflicts in Iraq and Afghanistan, DoD has maintained its ability to recruit and retain a professional volunteer force without resorting to a draft. Some assert that the “revolution in military affairs” wrought by high-

² Kristy Kamarck, *The Selective Service System and Draft Registration: Issues for Congress* (Washington, DC: U.S. Library of Congress, Congressional Research Service, April 11, 2016) [hereinafter Kamarck, *Issues for Congress*], summary.

³ Per Public Law 92-129, *An Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes*, September 28, 1971.

⁴ Presidential Proclamation 4360 (89 Stat. 1255).

⁵ Kamarck, *Issues for Congress*, p. 11.

⁶ For purposes of this report, the terms “selective service” and “military selective service” are used to refer to the program and process associated with registration of American men for induction into the Armed Forces in time of national emergency, as described in the MSSA. The title Selective Service System (SSS) refers to the independent federal agency charged to administer and oversee the selective service program and process.

⁷ Kamarck, *Issues for Congress*, p. 12.

⁸ Joint Staff, J-5, November 17, 2016.

technology weapons and the advent of the cyber battlefield could obviate the need to mobilize manpower at the rates seen in the 20th century.⁹

Nonetheless, the potential for global conflict on the scale of another world war still exists. Every Administration since 1980 has made the conscious decision to maintain national registration for selective service as the tool through which Congress and the President would provide additional manpower to the Armed Forces—an “insurance policy”—should future threats spark requirements for forces in excess of those available to the AVF.

The Selective Service System

The Selective Service System (SSS) is an independent federal agency within the executive branch, headquartered in Arlington, Virginia. Since 1973, the MSSA has designated the SSS as an “active standby” organization, with the mission to:

- maintain a complete registration and classification structure capable of immediate operation in the event of a national emergency (including a structure for the registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces); and
- maintain personnel adequate to reconstitute immediately the full operations of the System, including military reservists who are trained to operate such System, and who can be ordered to active duty for such purposes in the event of a national emergency.¹⁰

The report addresses each of these missions, in turn.

The SSS maintains a registration structure and database ready for immediate use in in the event of a national emergency. In accord with then-President Carter’s proclamation, selective service registration resumed in 1980. The MSSA requires registration by most male citizens and residents of the United States who are at least 18 years of age, and not yet 26. A man must register within 30 days of his 18th birthday and update his registration within 10 days of a change in address. Individuals are not permitted to register beyond their 26th birthday. Under current law, women may serve voluntarily in the U.S. Armed Forces but are not required to register with the SSS.

The SSS processes more than 2.3 million new registrations annually and regularly updates registrants’ addresses using self-reported information and automatic data feeds from other federal and state agencies. Most registration is accomplished on-line through the SSS website¹¹ and automatically via electronic data sharing arrangements with other federal and state

⁹ David Barno and Nora Bensahel, *Mirages of War: Six Illusions from our Recent Conflicts*, War on the Rocks, April 11, 2017 [hereinafter, Barno and Bensahel, *Mirages of War*].

¹⁰ MSSA, section 10(h).

¹¹ Selective Service System website, <https://www.sss.gov>. The website also serves as a public and intra-governmental interface that connects external and internal audiences and serves as a portal for access to information about SSS plans, policies, and initiatives.

agencies¹² that administer benefits for which selective service registration is a prerequisite.¹³ Registration also may be accomplished using the Interactive Voice Response system at the SSS National Call Center¹⁴, and by paper forms available from the U.S. Postal Service.¹⁵ The SSS engages with U.S. Embassies and consulates around the world in an effort to ensure that U.S. nationals living abroad are aware of registration requirement; approximately 40,000 registrations annually are from foreign addresses. Because the peacetime authority of the SSS does not extend to the classification or examination of registrants, all of those registered would generally be considered to be “available for service” in the case of a draft, at which time they could be reclassified or determined unfit.¹⁶

In calendar year 2015, the overall registration compliance rate for men ages 18 through 25 was 91 percent.¹⁷ Compliance is monitored and enforced through a variety of mechanisms, including crosschecks with the Social Security Administration, the Internal Revenue Service, state motor vehicle departments, and other federal and state agencies that administer benefits for which selective service registration is a prerequisite. Men who fail to register may be subject to criminal penalties, loss of eligibility for federal or state jobs and education benefits, and denial of a security clearance. Documented or undocumented immigrants who fail to register may not be able to obtain United States citizenship.

¹² The SSS reports that in FY 2016, approximately 22 percent of its electronic registrant data was collected by the Department of Education as part of the student aid application process. The application for federal student aid includes a “register me” checkbox that facilitates the automatic selective service registration of males. In cooperation with U.S. Citizenship and Immigration Services, immigrant men ages 18 through 25 who are accepted for permanent U.S. residence are registered automatically; men of registration age who apply for an immigrant visa through the Department of State are also automatically registered. 40 states, 3 territories, and the District of Columbia have enacted legislation that provides for automatic registration of males of age at the time they apply for a driver's permit, license, or other form of state identification. In FY 2016, more than 1 million young men registered electronically through their state Department of Motor Vehicles. See SSS Report to the Congress of the United States for FY 2016, p. 8. See generally Kamarck, *Issues for Congress*, pp. 15-17.

¹³ For example, in November 1985, the *Thurmond Amendment* to the Defense Authorization Act established Title 5, U.S. Code, Section 3328, which requires a male to register with the selective service as a prerequisite for appointment to most federal jobs. The *Solomon Amendment* added Section 12(f) to the Military Selective Service Act in September 1982. Male students who have a requirement to register for the draft must do so as a precondition to receipt of Title 4 federal student financial aid, which includes such need-based programs as Guaranteed Student Loans and Pell Grants. And, on November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act, requiring males between the ages of 18 and 26 who applying for legalization under the act to register for selective service had they not already done so.

¹⁴ The telephonic Integrated Voice Response system accounts for an average of 21,000 annual registrations.

¹⁵ In FY 2016, only 3 percent of all registrations—78,000—were from paper forms “direct mailed” to potential registrants or distributed through the U.S. Postal Service and returned via its “mail back” program. The SSS ensures that the U.S. Postal Service is regularly stocked with a supply of registration and change of address forms for use in its nearly 32,000 post offices. This program facilitates registration by young men who do not have access to the internet, and have neither a driver's license nor a social security number. Young men who enlist or access into the military are automatically registered. See SSS Report to the Congress of the United States for FY 2016, p. 6.

¹⁶ Although putatively labeled as “available for service”, in actuality many registrants could be eligible for postponement, deferment, or exemption from service. Further, many may not meet the military's physical, mental, or moral suitability standards. The classification and examination processes responsible for such determinations would be initiated only were a draft to be directed.

¹⁷ SSS Report to the Congress of the United States for FY 2016, p. 5. It appears that calendar year 2015 is the last year for which complete data is available.

The backbone of the registration process is the database of registrants maintained at the SSS Data Management Center (DMC), located north of Chicago, Illinois.¹⁸ The registration database, on which the conduct of any future draft would rely, includes approximately 17 million records of men in the primary draft pool (18-25 years old), 22.5 million registrants in the extended pool (26-35 years old), and 45.5 million men 36-80 years old. With holdings totaling about 85 million records—the DMC maintains one of the largest databases of personally-identifiable information in the federal government.¹⁹

In peacetime, the database is used primarily to verify the registration of males who apply for federal or state employment or benefits, eligibility for which is conditioned on draft registration. To a great degree, data sharing is automated and automatic. Through its Registration, Compliance, and Verification tool, the SSS both provides data to, and receives data from, other government agencies, including the Department of Labor, the Department of Education, the Department of State, the United States Citizenship and Immigration Services, the DoD, and the Alaska Permanent Fund. Information received from these agencies is matched against existing database records; if no record exists, one is created and the SSS uses the information to reach out to individuals and remind them of their obligation to register.²⁰ Each year, the SSS provides the names, addresses, and Social Security Numbers of men aged 18 through 25 to the U.S. Census Bureau for its inter-census estimate program. Also annually, the SSS provides the Department of Justice with a list of individuals who are required to register, but have failed to do so.²¹

The SSS regularly trains and exercises personnel and systems to ensure readiness to execute a draft. The field structure of the SSS is grounded in 2,069 *local boards* staffed with 11,000 volunteer board members—located in almost every county of the United States and its territories. Each local board must be prepared to administer the registrant classification process in the community it serves and take action on any claims or appeals that arise. Board members must be trained in applicable regulations and procedures so that, if a draft is reinstated, they will be able to fulfill their obligations fairly and equitably, ensuring that registrants' rights to due process are protected. Board members receive annual training in which they review and adjudicate sample cases similar to real-life situations. The SSS board structure also includes 96 District Appeal Boards and one National Appeal Board. In the event of a mass mobilization, the SSS would draw on more than 500 Reserve Force Officers, 1,500 military retirees recalled to duty, 700 State Resource Volunteers, and 6,500 newly-hired federal employees to support the execution of a draft.²² Preparedness efforts span the entirety of the SSS, encompassing all

¹⁸ Kamarck, *Issues for Congress*, p. 22.

¹⁹ SSS Report to the Congress of the United States for FY 2016, p. 18.

²⁰ *Id.*

²¹ *Ibid* at p. 18. Annually, the SSS forwards to DoJ a list of roughly 630,000 names and addresses of men aged 19-30, who have either evaded registration or refused to register. In practice, there have been no criminal prosecutions for failure to register since January 1986.

²² See generally, Selective Service System website, <https://www.sss.gov>. The SSS now manages all of its personnel through the agency's three region headquarters located in North Chicago, Illinois, Marietta, Georgia, and Denver, Colorado. These regions are responsible for maintaining readiness at the grassroots level. They also manage the activities of the agency's 56 State Directors, conduct training for Reserve Forces Officers and civilian board members, and ensure the local boards and District Appeal Boards are staffed. The regions also directly support the SSS's goal of increasing registration compliance through local registration awareness programs.

functions necessary to maintain the mass mobilization infrastructure in a state of preparedness, transition it to full operational status, and manage it to accomplish the mobilization mission.

Actions Attending the Execution of a Draft

Although these processes could be modified for implementation in a future draft, past experience and current planning by the SSS indicate that the following actions, in the following sequence, likely would attend the execution of a draft.²³

Congress and the President authorize mass mobilization. Should a crisis occur that requires more troops than the AVF can supply, a draft may be initiated only after the Congress passes and the President signs enabling legislation. The President cannot initiate a draft on his own. Congress would first have to pass authorizing legislation, and the President would have to sign the bill into law.

All components of the SSS are activated. In the event of a return to conscription, the SSS would expand significantly and technology links between all SSS locations and components would be activated. The structure of the SSS is illustrated in *Figure 1*.

- 56 presidentially-appointed State Directors would establish *State Headquarters* at designated National Guard armories to provide operational management for induction processing and operation of the Alternative Service Program within the state.
- 436 *Area Offices* would begin opening in select recruiting station offices across the United States, with the support of more than 500 Reserve Force Officers representing all branches of the Armed Forces, 1,500 noncommissioned officers recalled from retirement, and 700 State Resource Volunteers. Area Offices are authorized to classify registrants into an administrative class (e.g., exemption to perform service in the National Guard, exemption as a “sole surviving son”)²⁴, issue decisions on postponements²⁵, and will serve as an intake point for claims or appeals filed by registrants who have been ordered to report for examination or induction.
- 2,069 *local boards* would be activated throughout the Nation, staffed by more than 11,000 volunteers. The local board will serve as the initial classifying authority for judgmental classifications (e.g., exemption as a conscientious objector, deferment for familial hardship, exemption as a minister) and will adjudicate claims or appeals of administrative classification and postponement decisions rendered by Areas Offices.²⁶

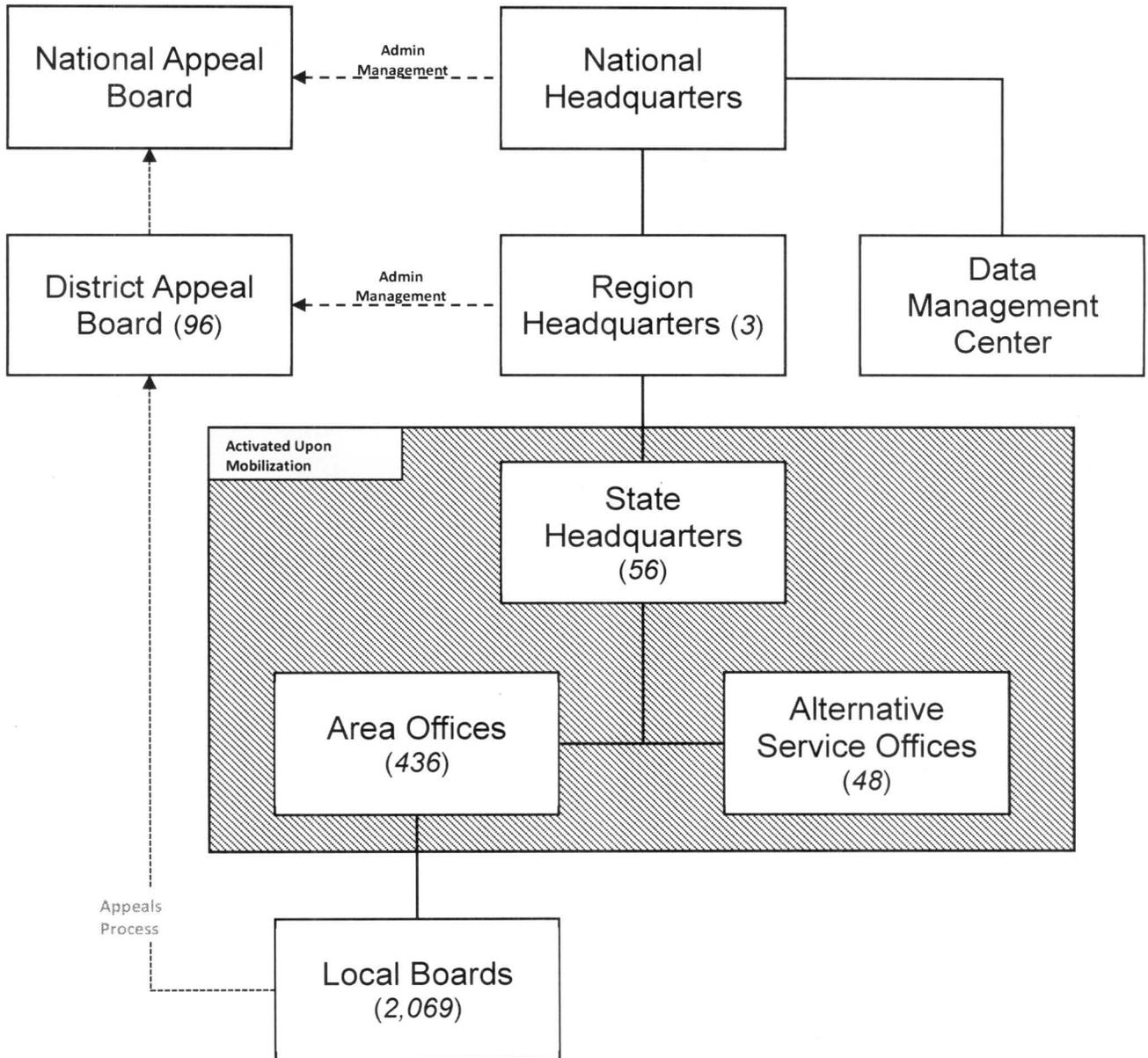
²³ See generally Selective Service System website, <https://www.sss.gov>.

²⁴ 32 Code of Federal Regulations, part 1633.1(f).

²⁵ For example, a college student may have his induction postponed until he finishes the current semester or, if a senior, until the end of the academic year; a high school student may have his induction postponed until he graduates or reaches age 20. 32 Code of Federal Regulations, part 1624.6.

²⁶ 32 Code of Federal Regulations, part 1633.1(d) and (e).

Figure 1: Structure of the Selective Service System



- The MSSA and federal regulations mandate the creation and establishment of at least one District Appeal Board in each of the 96 Federal judicial districts in the United States.²⁷ A District Appeal Board, consisting of three or more members, has the jurisdiction to review, and to affirm or change, any local board decision appealed to it.

²⁷ MSSA, Section 10(b)(3).

If a District Appeal Board denial is not unanimous, the case is reviewed and determined by a five-member National Appeal Board in Washington, D.C.²⁸

A lottery is conducted. An early step in the resumption of the induction process would be the conduct of a random drawing of dates of birth, to determine the sequence in which registrants of prime draft age would be called for processing for induction. For a conventional draft of “untrained” manpower, a man is in the first priority during the calendar year of his 20th birthday. The first to be called, in the sequence of birthdays determined by the lottery, will be men whose 20th birthday falls during that year, followed, if needed, by men aged 21, 22, 23, 24 and 25. 18-year-olds and those turning 19 probably would not be drafted. Each year, as a man ages, he shifts into a lower-priority group.

Registrants are classified. Classification is the process of determining who is available for military service and who is deferred or exempted. Registrants are not classified during peacetime, but in a national emergency requiring mass mobilization directed by the President and Congress, would be placed into categories based on their eligibility for military service. Initially, each registrant is presumed to be classified as “1-A” (available for unrestricted military service), unless and until they file a claim or appeal and are granted temporary deferment or permanent exemption in one of 21 different *administrative* (e.g., postponements to allow completion of education, deferral due membership in the National Guard, exemption as a “sole surviving son”) or *judgmental* (e.g., exemption as a conscientious objector, deferment for familial hardship, exemption as a minister) categories. Classifications are based on each registrant’s individual circumstances and beliefs.

The following *administrative* classification categories are among those available under extant policies and procedures²⁹:

- *Members of Reserve Components* (including members of the National Guard and senior Reserve Officers’ Training Corps cadets or midshipmen who have contracted to accept a Reserve commission) may perform service in the National Guard or Reserves.
- *A surviving son or brother* in a family in which the parent or sibling died as a result of U.S. military service, or is in a captured or missing in action status, is exempt from service.
- *Officials deferred by law*, including state governors, members of federal and state legislative bodies, and U.S. Court Judges, are exempt from service for as long as they continue to hold office.
- *Immigrants and dual nationals* may, in some cases, be exempt from U.S. military service, depending upon their place of residence and country of citizenship.

²⁸ 32 Code of Federal Regulations, part 1633.

²⁹ 32 Code of Federal Regulations, parts 1602.2 and 1630.

The following *judgmental* classification categories are among those available under extant policies and procedures³⁰:

- *Conscientious objectors* perform service to the Nation in a manner consistent with their moral, ethical, or religious opposition to participation in war in any form.³¹ Depending upon the nature of his beliefs, a conscientious objector serves in either a noncombatant capacity in the armed forces or a civilian job contributing to the national interest. The SSS administers an *Alternative Service Program* for conscientious objectors who are required to perform civilian service in lieu of serving in the military. Working with and through the *Alternative Service Employment Network*, the SSS identifies and approves employers ready to offer job placement to a classified conscientious objector in one of six approved occupations: health care services, educational services, environmental programs, social services, community services, or agricultural work. The employer supervises a conscientious objector's work and manages his 24-month period of alternative service.
- *Hardship* deferments are available for men whose induction would result in hardship to family members who depend upon them for support. Such deferments are limited to 365 days.
- *Ministers of Religion* are exempt from service.

Registrants are evaluated for physical, mental, and moral suitability for military service. Registrants with low lottery numbers are ordered to report to a U.S. Military Entrance Processing Station (MEPS) for a physical, mental, and moral evaluation to determine whether they are fit for military service. Those who pass the military evaluation will receive induction orders. An inductee will have 10 days to report to the local MEPS for induction.

Claims and appeals are adjudicated. If a registrant believes that for some reason he cannot or should not report for examination or induction as directed, he may request a postponement or reclassification by filing a claim and sending it to the *Area Office* supporting his *local board* of jurisdiction. The Area Office's receipt of such a claim delays the registrant's induction until his claim has been fully processed and adjudicated. Local board members will begin reviewing and deciding the outcome of the individual's claims. Board members may personally interview the registrant and persons who know him to gain a better understanding of his situation. A man may appeal a local board's decision to a District Appeal Board, and subsequently to the National Appeal Board.

Draftees are inducted into the military. According to current SSS plans, the first inductees must be delivered to the military within 193 days from a mass mobilization order.

Given this background, we now consider the specific matters posed by Congress in section 552 of the NDAA for FY 2017.

³⁰ 32 Code of Federal Regulations, parts 1602.13 and 1630.

³¹ 32 Code of Federal Regulations, part 1636. During the Vietnam conflict, an estimated 3 percent of inductees submitted judgmental claims for conscientious objector status.

Benefits Derived from the Military Selective Service System

Direct Benefits

The military selective service system guarantees the certain and timely fulfillment of military manpower requirements in a national emergency. Should mass mobilization be directed by the President and Congress, the selective service process is prepared to support DoD manpower requirements through the conduct of a fair and equitable draft. The SSS and the registration database provide the structure to support a mass mobilization that will rapidly increase the size of Service forces. This is not a theoretical capability. In the last three major engagements before the draft was abolished, the military selective service system provided DoD with nearly 13.5 million men to fight and win our Nation's wars: from 1940 to 1946 in World War II (10,021,279 inductions); from 1950 to 1953 in Korea (1,681,820 inductions); and from 1954 to 1973 in Vietnam (1,766,910 inductions).

The United States must always retain the ability to respond to the “catastrophe yet unanticipated.”³² Maintaining the systems, infrastructure, and processes required to conduct a draft provides a strategic “shock absorber”³³ that will enable the country to mobilize parts or all of society in the face of a crisis of existential proportions—or in the words of then-President Reagan, “a relatively low-cost ‘insurance policy’ against our underestimation of the maximum level of threat we expect our Armed Forces to face.”

Since the SSS resumed registration in 1980, each Administration has preserved the agency and its programs, with the realization that *it is the only* proven, time-tested mechanism by which to expand the AVF in the event of a national emergency. At present, 91 percent of U.S. men 18 to 25 years old have registered with the SSS—nearly 17 million names and addresses are on file for men in the primary age group for draft. The extended database for men aged 26 to 35 years contains the names and addresses of nearly 22.5 million registrants. The registration database itself mitigates risk to the Nation; its very existence would reduce the time required for full defense mobilization. More importantly, the vast pool of human capability represented in and by the database stands ready to be called to bridge a potential capacity gap between the AVF and the force requirements of a conflict of global proportions or mammoth national emergency. Even though such scenarios remain unlikely, the consequences of being unable to wage such a war or respond to such a crisis would prove disastrous.³⁴ A proven national program of selective service facilitates military manpower planning for an unknown future, particularly when contemplating the most likely and/or most dangerous national security scenarios.

No one can predict the future of war. As then-Secretary of Defense Robert Gates once quipped, since the Vietnam conflict, the United States has a perfect record of predicting the next war: “we have never once gotten it right.” The prospect of a future draft—and the readiness of

³² Attributed to then-Secretary of Defense Chuck Hagel, 2013.

³³ David Barno and Nora Bensahel, *Why We Still Need the Draft*, War on the Rocks, February 23, 2016 [hereinafter Barno and Bensahel, *Why We Still Need the Draft*].

³⁴ *Id.*

the underlying systems, infrastructure, and processes to effect it—serve as a quiet but important hedge against an unknowable future rife with ever-changing threats to the Nation.³⁵

The selective service registration database provides valuable military recruiting leads. The continued existence of the requirement that young males register for military selective service allows DoD and the Services to concentrate their recruiting resources on manning the current AVF, with the confidence that the SSS can provide a vast influx of manpower if needed in a national emergency. Further, registration, once used only for conscription, now functions as a rich source of information for military recruiting. The selective service process engages more than 2 million enlistment-eligible males annually through routine registration and compliance actions. On a monthly basis, the SSS provides the DoD Joint Advertising and Market Research Studies Office (JAMRS) the names, addresses, and dates of birth of *all* new registrants—more than 2.3 million in FY 2016 alone—to be used by DoD for recruiting purposes. In turn, working through the Military Service Recruiting Commands, JAMRS forwards hundreds of thousands of timely leads to military recruiters from young men potentially eligible for military service. In addition, every man who registers with the SSS receives a registration acknowledgement letter and registration card in the mail. Per agreement with DoD, the SSS inserts in this mailing a “joint lead” generation card developed by JAMRS on behalf of all the Services. Annually, the “joint lead” generation card generates approximately 75,000-85,000 recruiting leads from men interested in the possibility of volunteering for service.

Although some have rightly suggested that JAMRS could obtain the names, addresses, and dates of birth of enlistment-eligible males through the purchase of data from commercial vendors—JAMRS purchases such databases as a means of securing information about enlistment-eligible females—recruiting experts believe that the “joint lead” generation card remains their most valuable source of new, “high propensity” leads. When a young man receives his registration acknowledgement in the mail and extracts the “joint lead” generation card, he inevitably must consider, if only for the briefest of moments, the possibility of military service. For some, the card and the thought are quickly set aside; for others, the moment induces an openness to, and curiosity about, the prospect of service—a consideration of one’s options as an adult and duty as a citizen. As a recruiting tool, the anonymous ease associated with culling the names of potential leads from a commercial database pales in comparison to the import and effect of that tangible “moment” at which a young man reviews the card and first thinks to himself, “maybe I could do that”.³⁶

The links to benefit programs that enlistment-eligible youths hold dear—such as student loan eligibility, federal employment opportunities, and the naturalization process—associate selective service registration with positive outcomes that may help influence their propensity to serve. In addition, the registration system provides opportunities for key influencers to engage

³⁵ *Id.*

³⁶ In the context of recruiting, it is critical to build in potential recruits a belief in their “self-efficacy” related to military service. “Self-efficacy” is defined generally as one’s belief in one’s ability to succeed in specific situations or accomplish a particular task. One’s sense of self-efficacy is believed to play a major role in how one approaches goals, tasks, and challenges. In general, a potential recruit who reviews the “joint lead” generation card, or other recruiting media and believes “maybe I can do that” is more likely to pursue additional information about military service.

with the targeted population. For example, 18,218 of the Nation's 20,989³⁷ targeted high schools—an 87 percent participation rate—participate in the selective service High School Registrar Program, affording an opportunity for civic-minded school officials to both encourage registration compliance and discuss with eligible students the positive aspects of military service.³⁸

Indirect Benefits

Registration reminds America's youth of the importance of Military, National, and Public Service. The military selective service registration process empowers America's young men. The voluntary act of registration by a young man on or around his 18th birthday has been, and will continue to be, an opportunity for young American men and male immigrants to consider deliberately a future of military service, and to act accordingly. By registering with the SSS, every young man is reminded of the possibility that in a time of emergency, he may be called to arms in the defense of his nation. As then-Secretary of Defense Chuck Hagel stated in May 2013, registration “remind[s] our youth that public service is a valuable part of American citizenship.” Even more, registration is a reminder to all it touches—a registrant's family, teachers, clergy, and other influencers—that military, national, and public service are inherent obligations of citizenship in a free society.

Military selective service is a critical link between the AVF and society at large. Selective service is a lone, slender thread³⁹ that connects all U.S. citizens to their military. By reinforcing the fundamental responsibility of all citizens to defend the country in times of crisis, the possibility of a draft links the entirety of the American people to our Nation's wars, and the risks of military service in those wars.⁴⁰

Fewer than 1 percent of Americans today serve in uniform. As the conscripts of World War II, Korea, Vietnam, and the Cold War fade away, the veteran population is declining in both actual size and the percentage of society it inhabits.⁴¹ Congress and the media make much of the fact that today, fewer Americans have a personal connection to the military than at any time in the past several decades—the gap between the American people and their military is growing ever larger. The MSSA restates the sense of Congress that “in a free society, the obligations and privileges of serving in the armed forces . . . should be shared generally”⁴². But the general public's “[reliance] on others—self-selected volunteers—to fight for the Nation has slowly become an accepted norm.”⁴³

³⁷ High School Facts at a Glance: Number of Institutions. Across the United States there are 26,407 public secondary schools and 10,693 private secondary schools. (Digest of Education Statistics, 2001, Table 89, June 18, 2014). However, the SSS High School Registrar's program targets only those schools with male students; therefore, the number of high schools cited is less than the total combined number of public, private, charter, parochial, and vocational secondary schools.

³⁸ SSS Report to the Congress of the United States for FY 2016, p. 2.

³⁹ Barno and Bensahel, *Why We Still Need the Draft*.

⁴⁰ *Id.*

⁴¹ Phillip Carter, *99 Problems But a Draft Ain't One*, War on the Rocks, December 3, 2013 [hereinafter, Carter, *99 Problems*.]

⁴² MSSA, Section 1(c).

⁴³ Barno and Bensahel, *Why We Still Need the Draft*.

As fewer and fewer members of our society have direct military experience, it becomes increasingly important to maintain the link between the AVF and our society at large. The men and women of today's Armed Forces must know that the general population of our country stands behind them, committed to sharing the risks and burdens of military service, should the preservation of our national security so require.

Absent the possibility of a draft, however remote, the American people will grow ever more distant from the military, from the need to think about America's changing role in a dangerous world, from the debates by their elected leaders on the use of force, and most importantly, from the always deadly decision to go to war.⁴⁴ In contrast, conscription would instantly link every family with a draftee in the force—or with a son, husband, father, or brother at risk of being drafted—to the military.⁴⁵ Maintaining the ability to mobilize the larger nation to fight when necessary, and the will of all to share personally in the hardships of war, is an essential link between the AVF, our society at large, and the preservation of our democracy.

Military selective service is a symbol of national will and a deterrent to potential enemies of the United States. Maintaining military selective service sends a strong signal to potential adversaries that the United States is willing to draw on the full depth and breadth of its national resources, if and when necessary to wage war. The mere existence of the SSS and the registration requirement serve as a symbol to the world of our Nation's resolve and preparedness. Those in favor of then-President Carter's 1980 decision to reestablish draft registration argued that it sent an unequivocal message to the Soviet Union that the United States was prepared to act to defend its interests.⁴⁶ In 1994, then-President Bill Clinton stated, ". . . terminating . . . draft registration now could send the wrong signal to our potential enemies who are watching for signs of U.S. resolve." And in 2012, then-President Barack Obama described the registration system as having "both military and symbolic significance."

Beyond symbolism, selective service signals—to allies and potential adversaries alike—the depth of U.S. commitment to the defense of our nation and its interests. Of reassurance to our allies, this signal has a deterrent effect on our nation's enemies. "Deterrence is not only a function of current power; it also includes the nation's potential power when galvanized."⁴⁷ Active registration and compliance processes provide a rock-solid foundation for a national strategic reserve, setting the conditions for timely and certain access to the full weight of manpower that may be required to defend ourselves and our treaty partners. Even considering only the 17 million men aged 18 through 25 whose names and addresses are recorded in the registration database, our enemies cannot help but be struck by the sheer mass of human force the United States could leverage. Through registration and the mobilization capability it promises, America demonstrates the public will and the practical ability to fight and win our Nation's wars.

Any decision with respect to the program of selective service—whether to sustain, modify, reaffirm, expand, or terminate registration—will send a signal to the world and have an

⁴⁴ *Id.*

⁴⁵ Carter, *99 Problems*.

⁴⁶ Kamarck, *Issues for Congress*, p. 12.

⁴⁷ Barno and Bensahel, *Why We Still Need the Draft*.

impact on deterrence, one way or the other. Maintaining the mechanism to implement conscription in times of crisis, ensures that the United States stands ready to send an indisputable signal of national resolve by choosing to initiate a draft, even one of modest size.⁴⁸ In contrast, eliminating military selective service could be interpreted by adversaries of the United States as a potential weakness, thus emboldening existing or potential enemies.

The Extent to which Expanding Registration to Include Women would Impact the Benefits of the Military Selective Service System

As previously noted, under current law, women may serve voluntarily in the U.S. Armed Forces but are not, and never have been, required to register for selective service. In fact, the language of the MSSA and its implementing regulations prohibit the SSS from registering women.⁴⁹ Before considering the effects of requiring women to register, it is appropriate to consider why women are currently exempt from this requirement.

Then-President Carter's 1980 proposal to reinstate draft registration was originally accompanied by proposed legislative language that would have modified the MSSA to authorize the registration of women.⁵⁰ In justifying his proposal, the then-President Carter explained:

“My decision to register women is a recognition of the reality that both women and men are working members of our society. It confirms what is already obvious throughout our society—that women are now providing all types of skills in every profession. The military should be no exception. [. . .] There is no distinction possible, on the basis of ability or performance, that would allow me to exclude women from an obligation to register.”⁵¹

Congress rejected the then-President Carter's proposal, with an explanation in Title VII of Senate Report 26-826:

“[T]he starting point for any discussion of the appropriateness of registering women for the draft is the question of the proper role of women in combat. The principle that women should not intentionally and routinely engage in combat is fundamental, and enjoys wide support among our people. It is universally supported by military leaders who have testified before the committee, and forms the linchpin for any analysis of this problem. [. . .] Current law and policy exclude women from being assigned to combat in our military forces, and the committee reaffirms this policy. The policy precluding the use of women in combat is, in the committee's view, the most important reason for not including women in a registration system.”

⁴⁸ *Id.*

⁴⁹ MSSA, Section 3(a). As presently written, the law refers specifically to “male persons”, in stating who must register and who is susceptible to draft. Implementing regulations at 32 Code of Federal Regulations, part 1615.5 provide that Federal regulations state, “[n]o person who is not required by selective service law or the Proclamation of the President to register shall be registered.” For women to be required to register with Selective Service, Congress would have to amend the law.

⁵⁰ Kamarck, *Issues for Congress*, p. 13.

⁵¹ Statement of the President, Office of the White House Press Secretary, February 8, 1980.

In the 1981 case of *Rostker v. Goldberg*⁵², the Supreme Court ruled on a challenge to the exemption of women from selective service registration, upholding the constitutionality of the Nation's practice of registering only men. Writing for a majority of the Court, Justice William Rehnquist reasoned: "The existence of the combat restriction clearly indicates the basis for Congress' decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them."

Beginning in 2012, the DoD gradually began to eliminate prohibitions on the assignment of women to direct ground combat. Following a unanimous recommendation by the Joint Chiefs of Staff, then-Secretary of Defense Leon E. Panetta announced, on January 24, 2013, the end of the direct ground combat exclusion rule for female service members. The Military Services began planning to eliminate all unnecessary gender-based barriers to service and in the ensuing two years, opened more than 300,000 new military occupations and duty positions to women. Finally, on December 3, 2015, then-Secretary of Defense Ashton Carter promulgated a crowning policy that opened *all* military occupational specialties to women and removed all final restrictions on the service of women in combat. Qualified women were eligible to participate in all career fields, in all duty positions, at all echelons of the Armed Forces.

In advance of this all-encompassing change, the Department was required, by statute, to provide a report to Congress, analyzing the policy's legal implications for the MSSA. In December 2015, DoD advised Congress that the impending change "further alters the factual backdrop" underpinning *Rostker*, but took no further stance on the legal issues raised by then-Secretary Carter's decision to open all military positions to women.

The year that followed saw the appointment of the first female Combatant Commander. Women graduated from the Army's elite Ranger school, served on Navy submarines, and completed Marine Corps Artillery officer's training. The shift also enabled the Department to expand its recruiting reach to the entirety of the American population and to enlist qualified personnel, both male and female, for service in combat occupations. And, in the context of a mass mobilization, this change would permit the Department to place any qualified person—male or female—in any position, in any Service, to meet the manpower demands of any mission.

Since the ban on women in combat was lifted, the merits of including women in the requirement to register for the draft have been hotly debated in the media and in the halls of Congress. In December 2016, then-Secretary of Defense Carter stated publicly:

"While I strongly support our all-volunteer approach and do not advocate returning to a draft, I do think it makes sense for women to register for selective service at this time. With all combat positions now open to women, we need to have access to 100-percent of America's population for our all-volunteer force to be able to recruit the most qualified individuals and remain the finest fighting force the world has ever known."

⁵² *Rostker v. Goldberg*, 453 U.S. 57 (1981).

Other senior military leaders from across the Services made similar personal statements in favor of registering women for the draft.⁵³

A December 2016 survey asked respondents for their views on requiring women to register for a possible military draft. About one-half (49 percent) of respondents would support requiring women to register for the military draft; only 14 percent would oppose the mandatory registration of women.⁵⁴ These “support” or “oppose” survey choices do not reflect the breadth of public opinion on the issue, however.

At least two challenges to the current law excluding women from registration have been raised: one lawsuit contending that the male-only draft is unconstitutional, the other claiming that the exclusion of women from the draft is unlawful discrimination. On a broader level, some believe that women cannot be equal in society as long as they are barred from full participation in all levels of the national security system and thus should be *allowed to* register for the draft.⁵⁵ Others argue that equal access to combat jobs should *oblige* women to take equal responsibility for registering for military selective service and potentially being assigned to combat roles in the event of a draft.⁵⁶ But as things stand currently, the legal effect of removing all restrictions on the assignment and utilization of women in the Armed Forces on the constitutionality of a male-only draft registration requirement, has yet to be determined.

Some argue that the preservation of the national security does not require the service of our country’s women. Recruiting studies estimate that only 29 percent of today’s youth qualify for entry into the military, for a variety of educational, medical, criminal justice and other reasons.⁵⁷ In rough proportion, were the United States to draft only 5 million of the 17 million men of primary draft age, the resultant force would far exceed the foreseeable manpower requirements of all but the most global of conflicts.⁵⁸

Others suggest that women should be obliged to enroll in the selective service system, but should not be forced into combat roles on the occasion of a draft. But any such exemption for women would raise fairness concerns for men, who would not have the same opportunities to opt out of combat assignments. And, making the choice not to serve in combat available to both male and female draftees would undercut the very purpose of the endeavor.⁵⁹

Those who are opposed to a requirement for women to register suggest that it is not fair and equitable for women to be placed in the same roles as men because women do not have the same physical capabilities as the average man and thus would have a lower probability of survival if forced to serve in direct ground combat roles. To this, they add that it would be

⁵³ Both General Mark Milley, Army Chief of Staff, and General Robert Neller, Commandant of the Marine Corps, have publicly stated that all eligible and qualified men and women should be required to register for the draft. Lamothe, Dan, “Army and Marine Corps Chiefs: It’s time for women to register for the draft”, *The Washington Post*, February 2, 2016.

⁵⁴ Joint Advertising Market Research and Studies, Current Events Tracker, December 2016.

⁵⁵ Kamarck, *Issues for Congress*, p. 26.

⁵⁶ Barno, David and Bensahel, Nora, “Now Women Should Register for the Draft”, *Time*, December 7, 2015.

⁵⁷ Joint Advertising Market Research and Studies, Quality of Military Accessions, 2014.

⁵⁸ See generally Carter, *99 Problems*.

⁵⁹ Kamarck, *Issues for Congress*, p. 26.

inefficient to draft thousands of women when only a small percentage would be physically qualified to serve as part of a combat troop. Those in favor of female draft registration riposte that future wars may have greater requirements for more technical skills in non-combat fields, for which the percent of individuals qualified would not be as variable by gender.⁶⁰

Finally, from a theological or moral perspective, some say that it is wrong for women to serve in combat roles; given that a draft would most likely be used to fill positions for combat operations, women should be exempt from registering. This argument resonates strongly with a segment of the U.S. population. Were women required to register for selective service, it could significantly increase public opposition to the conduct of a draft and degrade public support for engaging in a conflict that could require one.⁶¹ This leads to perplexing questions as to the potential draft classification of both men and women who hew to these perspectives, and whether such beliefs could translate into a form of conscientious objection to service in a mixed gender combat unit.

With this background in mind, we now address the potential effects of expanding registration to include women on the direct and indirect benefits of military selective service.

Direct Benefits Potentially Associated with Expanding Registration to Women

The military selective service system guarantees the certain and timely fulfillment of military manpower requirements in a national emergency. It would appear imprudent to exclude approximately 50 percent of the population—the female half—from availability for the draft in the case of a national emergency. Future wars may have requirements for skills in non-combat fields in which the percentage of individuals qualified would not be as variable by gender. A broader, deeper registrant pool would enhance the ability of the SSS to provide manpower to the DoD in accordance with its force needs. This is particularly important because future wars may have requirements for skills in non-combat fields in which the percentage of individuals qualified would not be as variable by gender.⁶² And, if a draft becomes necessary, the public must see that it is fair and equitable. For that to happen, the maximum number of eligible persons must be registered.

The registration database provides valuable military recruiting leads.⁶³ Requiring the registration of women would substantially increase the number of leads provided to Service recruiting organizations, effectively doubling the name and address data transferred monthly from the SSS to the DoD. The DoD-developed “joint lead” generation card enclosed in SSS mailings of acknowledgement letters to males who have registered, generates approximately 75,000-80,000 male leads annually. The Department anticipates that female registration could generate an additional 35,000-40,000 annual female leads, providing a significant boost to military recruiters, particularly given that female applicants tend to meet quality benchmarks at higher rates than do males.⁶⁴ If the discernable positive recruiting effects on males associated

⁶⁰ *Ibid*, p. 27.

⁶¹ *Id*.

⁶² Kamarck, *Issues for Congress*, p. 26.

⁶³ The potential for sharing a “total citizen database” with other National Service Organizations, such as USA Freedom Corps, Citizen Corps, AmeriCorps, and America’s Promise, has yet to be explored.

⁶⁴ Joint Advertising Market Research and Studies, Joint Leads Study, 2009.

with reviewing the “joint lead” generation card—the “maybe I can do that” moment in which the possibility of military service is rendered tangible—translate as expected to a female registrant population, the number of female leads, motivated by the sense of self-efficacy, could be even higher. That all military positions are now open to women also may influence an increase in leads among women registrants curious about, or having a propensity for service in combat occupations, and inspired by the equal opportunity now afforded both men and women who can meet the military’s tough standards.⁶⁵ As an aside, DoD currently pays commercial vendors for data to generate female leads; this practice could be discontinued, rendering a small cost savings to the Department.⁶⁶

Indirect Benefits Potentially Associated with Expanding Registration to Women

Registration reminds America’s youth of the importance of Military, National, and Public Service. The draft’s utility as an “application of practical democracy” likely would be enhanced by the registration of females. As recently as December 1, 2016, the Obama administration announced support for the selective service registration of women, stating, “[t]he President believes adding women to the draft would serve two purposes: showing a commitment to gender equality throughout the armed services, and fostering a sense of public service that comes from requiring draft registration as a ritual of adulthood”.⁶⁷ Universal registration would expand emphasis on military, national, and public service by the totality of America’s youth, reminding both men and women that service is a key tenet of citizenship. As with young men, the act of registration, standing alone, would afford young American women a first, and perhaps best opportunity to act deliberately in considering and exploring the option of a military career.

Military selective service is a critical link between the AVF and society at large. Registering *all* young people between the ages of 18 and 25 for selective service, without regard to gender, would further conjoin the interests of the American people and their military. Universal registration would serve as a palpable reminder of the fundamental obligation, common to *all citizens*—men and women, sons and daughters, husbands and wives, brothers and sisters—to defend the country when called, and to share in the hardships of war. One would be hard pressed to find an individual, a family, or a community without connection to a young man or woman registered for the draft. These connections—the possibility that someone known or loved could be pressed into military service should the preservation of our national security so require, will link inextricably the American people with those who serve, now and into the future.

Military selective service is a symbol of national will and a deterrent to potential enemies of the United States. Registering females for the first time in the Nation’s history would not be expected to detract from the symbolic or deterrent effects of draft registration. Rather, it would seem to signal to allies and potential enemies alike, an enhanced resolve to defend our nation and its partners, through the commitment and capability of the entirety of our citizenry. It is not outside the realm of possibility, however, that nations that do not employ women in their Armed

⁶⁵ DoD Equities with Proposed Changes to the Selective Service System (SSS) In Support of the Deputies Small Group Meeting on Female Selective Service, July 1, 2016, p. 2.

⁶⁶ Discussion Paper, Deputies Small Group Meeting on Female Selective Service, June 29, 2016, TAB B, p. 3.

⁶⁷ Korte, Gregory and Vanden Brook, Tom, “White House: Obama supports registering women for military draft,” *USA Today*, December 1, 2016.

Forces or in combat roles, could perceive the extension of the draft to women as weakening the power and lethality of the U.S. military.

An Additional Benefit Potentially Associated with Expanding Registration to Women

The registration of women would provide an *additional* benefit not presently derived from the military selective service system, as follows:

The registration of women would promote fairness and equity. That no segment of the population from ages 18 to 25 would be exempt from draft registration would ensure an equity not previously possible in the registration process and would comport the military selective service system with our Nation's touchstone values of fair and equitable treatment, and equality of opportunity.

In a tactical manifestation of the inequity inherent in the current system, men are required to register for selective service as a condition of eligibility for myriad consequential benefits and services at both the federal and state levels. A man who forgets, delays, or fails to register is denied government employment, job training, student loans and grants, a driver's license, and a security clearance, to name but a few.⁶⁸ Even if he has registered, government action on a man's application for benefits and services for which he is eligible often is held in abeyance while his selective service registration is verified with the SSS. Women suffer none of these denials or delays, solely because they are not required to register for the draft, solely because they are . . . women. That technical arguments can be applied to justify such differences in treatment is beside the point. Men are treated differently than their female counterparts, for reasons seemingly grounded in gender; this inequity creates the perception of discrimination and unfair dealing—a tarnish that attaches to the military selective service system writ large.

A requirement for universal registration would place women and men on equal footing. Each would be required to register; each would be required to verify registration as a prerequisite to receipt of government benefits and services; and each would be subject to the same penalties—the denial of benefits and services—for non-compliance. Restoring the perception and *reality* of fair and equal treatment for *all* in the administration of essential federal and state programs is an additional benefit to be derived from extending to women the requirement to register for the draft.

Additional Resource Requirements to Register Women

The immediate registration of all females in the 18-25 age range, the prospect of doubling the number of annual registrations and the associated compliance and verification processes, together with the potential requirement to mobilize from this larger pool, if directed, would seem likely to require an increase in SSS resourcing, as well as the revision of selective service policies and procedures to address this new population.

⁶⁸ A man who forgets or neglects to register until after he turns 26, past the age at which registration is required, must show, by a preponderance of the evidence, that his failure was not "knowing and willful". The process for adjudicating the matter can be lengthy—as long as 18 months in some cases. During this period, the man is not eligible for certain federal and state benefits and services.

Were Congress and the President to authorize the registration of women, the current cohort of about 11 million women in the primary age range of 18-25 would need to be registered in short order. Annually thereafter, the inclusion of females would almost double the number of registrants, and the associated compliance and verification transactions.

The SSS has previously indicated that it has developed a five-year, phased implementation plan that would absorb such a significant increase in mission. As we understand it, the SSS could initiate a drive to register women of all age cohorts, beginning paper-based registration within approximately 45 days of the enactment of directive legislation or a court order, electronic registration of the primary draft age cohorts within 12 months, and full registration, including compliance and verification cross-checks, within approximately 18 months.

We understand that the SSS has projected that it would require additional appropriations along the order of approximately \$9 million in the first year of the plan, and \$37 million over the first five years of execution. If assigned the mission and provided the additional resources requested, the SSS believes that, with minor modifications, its existing infrastructure is adequate to register and draft women, as directed.⁶⁹

To enable expanded registration, it is expected that the SSS would augment its staff with full-time equivalent civilian employees and contractors focused on increasing the capacity and throughput of its data intake, sharing, and management systems, and on reviewing and updating existing data exchange agreements and Memoranda of Understanding with federal and state agency stakeholders.⁷⁰

Extant policies and procedures governing a future draft would require review and amendment to ensure consideration of women registrants in the execution of a fair and equitable lottery, call and deliver process, and MEPS examination and induction. The Alternative Service Program for conscientious objectors also would require amendment, and potentially expansion, to address the female population. And, the SSS would likely need to train and exercise its personnel and systems to ensure their readiness to execute a draft in accordance with the new policies and procedures, if directed to do so.

Functions Currently Performed by the SSS that would be Assumed by DoD in the Absence of a National Registration Capability

We begin our discussion in this section by recalling the Congressional declaration that the “Selective Service System should remain administratively independent of any other agency, including the Department of Defense.”⁷¹ Maintaining the clear distinction between the DoD and the administration of the Nation’s selective service registration system ensures the preeminence

⁶⁹ Selective Service System website, <https://www.sss.gov/Registration/Women-And-Draft>.

⁷⁰ Note too that federal and state laws conditioning the receipt of government benefits and services on draft registration would require deliberate assessment and possible modification to render them applicable to females. This would not be the responsibility of the SSS, but it would undoubtedly require the investment of significant time, effort, and funds on the part of federal and state stakeholders.

⁷¹ MSSA, Section 1(f).

of civilian control and has historically been viewed as important to the public's perception of the draft process as fair and equitable.⁷² DoD believes that there is great wisdom and value in sustaining this "separation of powers".

We note first the intractable challenge that would arise were the requirement for peacetime selective service registration repealed, precluding continued update of the current registration database. Each year hence, another birth group of men would reach age 26 and be dropped from the active database; at the same time, no new 18-year-olds would be registered. Consequently, in only 8 years, the current registration database would contain not a single name in the primary draft pool; in the face of a national emergency, our ability to identify the set of draft-age men and execute a mass mobilization would be undone.

In responding to this question, however, DoD presumed that it would be required to assume responsibility for the registration function as it currently exists, as detailed above in this report.⁷³ This report does not purport to envision how DoD might otherwise execute the registration function. While there would be no necessity for DoD to do things exactly as they have been done in the past, the SSS experience provides the only capability currently on hand to execute the registration requirement. In the absence of a comprehensive study beyond the scope of this report, DoD takes no position on whether the current national registration system and process could or should be modified. We look forward to participating in a broader national dialogue on these issues, to be fostered by the work of the National Commission on Military, National, and Public Service.

That said, were the current national registration responsibilities shifted to DoD, the Department would be required to assume responsibility for both the collection and verification of the personally-identifying information of draft-age men and the sustainment of the registration database. The express and implied tasks comprising these functions are legion, including in main:

- Implementing multi-pronged *public outreach and awareness efforts* to educate and inform young men and influencers about the importance of selective service registration and promote compliance with the legal registration requirement.
 - Supporting and leveraging the efforts of approximately 26,192 part-time uncompensated civilian volunteer registrars in high schools, at job training sites, in the Federal Bureau of Prisons and State Correction Institutions, and at National Farm-Worker Jobs locations, to generate awareness of the registration requirement and promote compliance among their constituencies.
- Assuming wholesale responsibility for the *administration and management of all means and methods of registration*: an on-line registration-capable web-site; automatic registration via electronic data exchanges with federal and state agencies (including more than 40 state Departments of Motor Vehicles); the Interactive Voice Response system and Call Center; and the printing and mailing of paper draft

⁷² Kamarck, *Issues for Congress*, 25.

⁷³ *Supra* pp. 3-5. We believe it likely that DoD's assumption of the registration function would require significant legislative and regulatory action to modify the MSSA and its implementing regulations.

registration packets to eligible males and distribution of paper forms to U.S. Post Offices.

- developing and sustaining interagency data exchange agreements and Memoranda of Understanding with the panoply of federal and state agencies that enable automatic registration and routinely share data with the registration database.
 - preparing and mailing approximately 2.3 million registration acknowledgment letters each year to new registrants.
 - identifying and taking appropriate action to address instances of registration non-compliance.
- Assuming responsibility for the *administration and management of one of the largest databases* of personally-identifiable information in the federal government. This would include all Chief Information Officer and network security functions, the requirement to maintain and update information technology hardware and software applications to ensure continuous operation of the system and its relational data base, and ensuring system connectivity with authorized federal and state agency stakeholders for purposes of data exchange.
 - ensuring the accuracy and completeness of data maintained in the registration database, by cross-checking and validating information from individuals who register via electronic means, preventing fraudulent registrations, identifying deceased individuals, and correcting inaccurate personal information.
 - responding timely to requests from federal and state agencies to verify a registration, with a view to determining eligibility for benefits linked to the selective service registration requirement.
 - *Responding to inquiries* from registrants, the public, Congress, and the media.

Some have proposed that the personal data needed to inform a future draft could be acquired from other federal or state government databases, augmented by the purchase of third-party commercial datasets—a “big data” model. The current registration database relies extensively on information collected and shared by other federal and state entities, which is routinely validated and cross-checked by the SSS for accuracy and completeness. But because each federal agency’s information systems include only that data related to the persons with whom that agency engages in the conduct of its particular mission, no single agency database is likely to be complete for purposes of a draft; each list would likely exclude some draft-eligible individuals. A cursory assessment leads to a preliminary conclusion that, at the present time, reliance on other existing government and/or commercial databases to generate a definitive list of draft-eligible youth would: raise privacy concerns; inject uncertainties as to data quality and completeness that would bear on the fairness and equity of the draft writ large; and potentially effect the missions of participating government agencies adversely as individuals sought to avoid inclusion on the list of potential draftees.⁷⁴

⁷⁴ Kamarck, *Issues for Congress*, p. 25. Although a study of some vintage, in 1978, the Congressional Budget Office (CBO) proposed automatic registration of eligible persons by merging existing data on file with the Social Security System and Internal Revenue Service (IRS). The CBO report suggested that such a list might miss as many as 40 percent of eligible registrants. Further, IRS officials were concerned that such an approach would raise the level of tax evasion by those seeking to avoid draft registration.

Systems, Manpower, and Facilities needed by DoD to Mobilize Inductees in the Absence of the SSS

We begin this section's discussion by reiterating the Department's stalwart belief in the value of maintaining a clear distinction between the DoD and the administration of the Nation's conscription processes.

For the first half of the 20th century, the military establishment was responsible for the operation of the national draft. These Byzantine drafts⁷⁵ suffered from a dearth of consistency in the administration of postponements, deferments, and exemptions; the maltreatment of conscientious objectors; and lottery and quota systems racked by cronyism. At times, the chance of being drafted varied by state, by local community, and by one's economic status, fostering near-universal perceptions of a lack of fairness and equity.⁷⁶ The MSSA's establishment of an independent agency charged to administer the mass mobilization process was an unequivocal statement of Congress's intent to rectify these ills. The "separation of powers" between DoD and the execution of the draft—codified in the MSSA—is essential to maintaining public trust in the fundamental fairness of the process, confidence in the system, and willingness to participate. Vesting in DoD the responsibility for mobilizing inductees has the potential to compromise the draft process, diminish the Department's effectiveness, and divert DoD senior leader attention from the grave national security challenges at hand during a mass mobilization.

Over the years, the SSS has developed a complex, yet methodical process to achieve the fair, orderly, time-phased induction of large numbers of men, with parallel tracking and processes for deferred inductions and reclassified personnel. In responding to this question, DoD presumed that it would assume responsibility for the mobilization function as it currently exists, as detailed in this report.⁷⁷ This report does not purport to envision how DoD might otherwise execute the mobilization function. While there would be no necessity for DoD to do things exactly as they have been done in the past, the SSS experience provides the only model presently available for dealing with these requirements. In the absence of a comprehensive study beyond the scope of this report, DoD takes no position on whether the current mass mobilization system and process could or should be modified. We look forward to participating in a broader national dialogue on these issues, to be fostered by the work of the National Commission on Military, National, and Public Service.

In the absence of the SSS, DoD would need the following systems, manpower, and facilities to mobilize inductees.

Systems

Were DoD required to assume the mass mobilization functions presently under the auspices of the SSS, it would presumably need to inherit or replicate the capabilities of existing SSS systems, inclusive of the current public website and specialized Information Technology

⁷⁵ Carter, *99 Problems*.

⁷⁶ Kamarck, *Issues for Congress*, p. 8.

⁷⁷ *Infra* pp. 6-9, 23-25, 31-34. We believe it likely that DoD's assumption of the mass mobilization function would require significant legislative and regulatory action to modify the MSSA and its implementing regulations.

systems and databases, many of which are described earlier in this report. In addition, DoD would assume responsibility for the Integrated Mobilization Information System (IMIS) to facilitate management of the more than 11,000 local board members, accession requirements, and Reserve Force Officer administration, as well as for the Central Registrant Processing Portal, which builds on IMIS as the system of record for the management of information related to the induction process.

Manpower

The SSS reports that in peacetime it is manned by about 125 full-time civilian employees assigned to its national and region headquarters. In addition, 56 part-time State Directors, appointed by their State Governors, oversee selective service activities in every state, territory, and the District of Columbia. These civilians support a field structure grounded in 2,069 local boards staffed with 11,000 volunteer board members—located in almost every county of the United States and its territories. 96 District Appeal Boards and one National Appeal Board provide avenues of redress for registrants dissatisfied with decisions at the local board level.

In keeping with SSS plans, in the event of a mass mobilization, DoD would recruit, onboard, train, and sustain more than 500 Reserve Force Officers, 1,500 military retirees recalled to duty, 700 State Resource Volunteers, and 6,500 newly hired federal employees, to support the execution of a draft. Manpower augmentee assignments during a mass mobilization are projected as follows:

National headquarters	724 personnel (1 location)
Region headquarters	531 personnel (3 locations)
State headquarters	784 personnel (56 locations)
Area Offices	4,360 personnel (436 locations)
Alternative Service Offices	576 personnel (48 locations)
Liaisons at MEPS stations	65 personnel
Reserve Force Officers	504 personnel
Retiree recalls	1,500 personnel

Management of the Alternative Service Program would warrant special DoD attention. When properly classified by a local board in the context of a mass mobilization, conscientious objectors are required to fulfill their service obligation in a civilian capacity that contributes to the maintenance of the national health, safety, or interest. DoD would be responsible for maintaining alternative service policies and procedures, building the Alternative Service Employer Network, and interfacing with religious institutions and the conscientious objector community.⁷⁸

Facilities

DoD would assume responsibility for managing the facilities housing the SSS National headquarters and 3 Region headquarters. 56 State headquarters would be established at designated National Guard armories, and 436 Area Offices would operate from select recruiting

⁷⁸ 32 Code of Federal Regulations, part 1656.2.

station offices across the United States. 48 Alternative Service Offices would be co-located with designated Area Offices to administer the Alternative Service Program for conscientious objectors.

The MSSA and federal regulations⁷⁹ mandate the establishment of one or more local boards in each county or political subdivision of the United States. Each of the 2,069 local boards presently in existence performs its official duties at sites within the jurisdiction for which it is established. DoD would coordinate site location and support requirements through servicing Area Office personnel, assigned Reserve Force Officers, and local government authorities.

Additional facilities would be required for the 96 District Appeal Boards, the National Appeal Board, and various other supporting elements.

Feasibility and Utility of Eliminating the Current Focus on Mass Mobilization of Primarily Combat Troops in Favor of a System that Focuses on Mobilization of Military Occupational Specialties

The current registration requirement and systems for mass mobilization are designed to provide a fair and equitable process by which individuals are generally conscripted as “untrained manpower,” without regard to their individual skills or abilities. We will never know with certainty how an enemy might fight or precisely what demands a future conflict might place on our forces; we must guard against a presumption that future wars will be “just like the last.”⁸⁰ The particular skills needed by DoD and the Military Services in the event of a national emergency will vary with the nature of the crisis. For example:⁸¹

- The changing shape of future wars may require conscripting the nation’s best experts at code writing, hacking, and cyber security to rapidly build a world-class cadre of cyber warriors.
- There might be an immediate need to put financial experts and market analysts into uniform to help protect the nation from potentially disruptive economic warfare.
- The military might need to mobilize social media experts who can understand and undercut the insidious messaging of highly sophisticated adversaries aiming to inflame and radicalize populations at home and abroad.

This reality prompts questions as to the feasibility and utility of targeting the draft process to specific military occupation specialties (MOSs) that may be of particular necessity or high-value in the prosecution of a given conflict, similar to recruiting practices that have been used with some success to target persons with “high-demand, low-density” skills for enlistment in the AVF.

⁷⁹ 32 Code of Federal Regulations, part 1605.51.

⁸⁰ Barno and Bensahel, *Mirages of War*.

⁸¹ These examples are excerpted directly from Barno and Bensahel, *Why We Still Need the Draft*.

A targeted draft focusing on specific MOSs is feasible, but would add significant complexity to registration and mobilization processes. More important is the understanding that applying qualitative conscription criteria to some, inevitably devolves into *de facto* exemptions for others.⁸² Significant thought and effort would need to be devoted to countering the specter of an unfair and inequitable draft raised by the use of targeted mobilization. By segregating elements of society by intellect; skill, education or achievement in the desired discipline; or experience—the perennial question of “who serves when not all serve?” takes on a new connotation. Those who meet the military’s particular need would be conscripted to serve; those who do not would go home. It has also been suggested that a targeted draft could prove an inefficient use of high-value labor, “indiscriminately compelling employment in the military regardless [of the fact that that even in the context of a national emergency, the] individual could have much greater value to our society elsewhere.”⁸³

Mobilization of General Combat Forces

Under current law, the SSS will provide trained and untrained manpower to DoD in a national emergency, when directed by the President and Congress. Although all 18-25 year old males are required to register with selective service, not all will serve. In a mass mobilization, the Office of the Under Secretary of Defense for Personnel and Readiness would submit military manpower induction requirements through the U.S. Military Entrance Processing Command (MEPCOM) to the Director of the SSS. The specific induction requirement would be extrapolated to identify the number of men who must be called up to achieve the desired end state, and define the timeline for processing and inducting them. The mass mobilization system is both flexible and scalable, designed to adapt to the volume and immediacy of the requirement presented. The MEPS receive manpower from the SSS, examine each registrant who presents to determine his physical, mental, moral, and administrative qualifications for military service, and induct qualified registrants into military service, before moving them onward to their Service military reception center for training.⁸⁴

Past practice and current plans envision two methods for processing registrants. Using a “one-step” process, the SSS would deliver a fixed number of registrants to each MEPS daily, in accordance with a predetermined order of call based on age cohort, lottery selection, and random sequence. The MEPS will administer the Armed Services Vocational Aptitude Battery (ASVAB) and necessary Service-specific specialty tests, conduct a physical examination, induct qualified men into their respective Services, and provide for their immediate movement to training. Applying the “two-step” method, the SSS would deliver a fixed number of registrants to each MEPS for aptitude testing, medical examination, and moral qualifications assessment. Although the progression of registrants through the MEPS station mirrors the “one-step” method, at the “end of the day”, registrants return home to await induction at a later date, as determined by the SSS and their respective Services. In the interim, postponement, deferment, and

⁸² Carter, *99 Problems*.

⁸³ *Id.* See also Kamarck, *Issues for Congress*, p. 23.

⁸⁴ Army Regulation 601-270, OPNAVINST 1100.4C CH-2, AFI 36-2003_IP, MCO 1100.75, COMDTINST M 1100.2E Military Entrance Processing Station (MEPS)(Washington, DC: Department of Defense, September 13, 2011), p. 1.

exemption claims are adjudicated, and potential medical or conduct disqualifications are resolved.⁸⁵

Although most of these inductees likely will be used to fill the ranks of combat units, MEPS testing is generally capable of identifying those with special skills or aptitude for a particular military occupation for which there is a need. Those so identified *may be* trained and utilized accordingly.

Mobilization by Military Occupational Specialties

“Conscription in the future could look very different than the draft calls of Korea or Vietnam”.⁸⁶ Those who would threaten our national security wear many faces; the dangers they would unleash take many forms. Countering those bad actors and the threats they pose may require a fighting force not based solely on combat power, as was the case in the last century. But the 21st-century, cutting edge human capital so crucial to success in a major war of the future will not likely be found in our military of today.⁸⁷ Scrambling to identify, locate, and induct experts from scratch in the middle of a crisis mobilization would take too long, at a time when every day counts. Thus, there is some appeal to the idea of structuring a mobilization process to target and render up those with unique skills and capabilities relevant to the crisis at hand, in other words, “drafting to need.” Secretary of Defense James Mattis signaled his interest in such an approach, when, in response to written question posed by the Senate Armed Services Committee in advance of his confirmation hearing he stated, “I will direct the Department to determine which needed skills are anticipated and pass those requirements to the Selective Service.”

In its simplest form, rather than trusting to chance and presuming that each cohort of registrants that passes through a MEPS for examination and induction will possess, in the aggregate, the right mix of skills and experience that DoD needs, a targeted draft could focus on using information in the registration database to identify and cull for induction, those individuals with the knowledge, skills, and abilities associated with specific MOSs in demand. Populating the selective service registration database, well in advance of a crisis, with information requisite to the identification of “experts” in a wide variety of disciplines, would be integral to such a plan.⁸⁸

The registration database maintains basic information comprising a registrant “profile” on men between the ages of 18 and 26. At initial registration, the individual could be required to report data reflecting his profession, skill certifications, conferred degrees, and licenses for inclusion in his profile. Given the relative youth of most of the registrant population, information of this sort is likely to be scant, however.⁸⁹ With successive periodic updates to the

⁸⁵ *Ibid* at p. 18.

⁸⁶ Barno and Bensahel, *Why We Still Need the Draft*.

⁸⁷ *Id.*

⁸⁸ A broad-brush approach to collecting and recording information about a wide variety of skill categories would render it more likely that the registration database would be useful for a targeted draft going forward.

⁸⁹ Currently, the only profile information routinely updated is the registrant’s “current address”, changes in which are required to be reported within 10 days of a move. New address information is also collected and validated

“critical skills” section of the profile—perhaps every two to three years, continuing even after the registrant is no longer in the primary draft pool—the foundation of a targeted draft could be established and sit ready for years. A major deficit of this method is that to maintain the functionality of the database, every American male would have to update his skills competencies with selective service on a regular basis, over most of his adult life. Further, efforts to mandate reporting of this additional information are likely to meet with widespread objection because of perceived infringements on privacy rights and civil liberties. Given the level of detail in the information required, the periodicity of updates, the length of the reporting period, and the likelihood of public opposition to the proposal, securing the level of compliance necessary to ensure the accuracy and completeness of the database, and enforcing penalties for non-compliance, would present significant challenges.

And, given that females are not authorized to register for the draft, there would be no mechanism by which to collect and maintain a record of their professions, skills, academic degrees, and licenses—even were use of the information intended only for voluntary recruitment purposes. This would prove an unfortunate omission. A targeted draft in a future war would presumptively focus on highly technical skills in short supply in the labor market as a whole. The percent of individuals qualified in such skills is unlikely to be as variable by gender as are the combat MOSs. Accordingly, targeting a draft to only 50 percent of the available population would severely limit success.

Considering other options, in past conflicts, state medical licensing boards arranged to provide licensing lists to the SSS as means of identifying health care providers. Similar “partnering” arrangements could be negotiated with licensing and credentialing boards associated with other disciplines, professional organizations, academic institutions, and private industry, to share data about individuals with particular high-value skills. For example, the American Society for Civil Engineers or the National Society of Professional Engineers could provide the SSS with information about their members specializing in the management of electric grids or the build-out of transportation infrastructures. Microsoft and Cisco Systems could yield a cadre of trained software engineers and coders. Adding information about these individual’s specialties to their profile in the selective service registration database would allow for easy retrieval, by area of expertise, when needed by DoD in a national emergency. Of course, any such endeavor would likely raise privacy and other civil liberties concerns. Absent Congressional engagement, these “partnering” arrangements would rely on voluntary disclosures by boards, professional organizations, academia, and industry. Their willingness to participate should not be presumed. Finally, given that only males participate in the registration database, even were such information to be made available, there would be no means of recording and maintaining it for similarly expert females. Once again, this constraint would limit the military’s ability to identify the right expert, with the right skills, for use in the right place, at the right time.

Also, it is important to note that any mass mobilization process in which only those with critical skills are subject to draft will be pilloried as inequitable and unfair. Efforts to evade would be commonplace, and—given that the information on which the draft would rely could be obtained only through voluntary disclosure—more often than not, successful.

through SSS data exchanges with other federal and state agencies. The remaining information—name and social security number—is unlikely to change with the passage of years.

Taking another tack, the examination phase of the induction process could be modified to permit a more robust assessment of a registrant's skills and capabilities, earlier in the mobilization timeline. DoD would be required to identify, in advance, the critical skills and occupations known or projected to require expert manning. A structured interview, designed to elicit detailed information about the registrant's profession, skills, academic degrees, and licenses; a post call-up review of the registrant's selective service database profile; and consideration of the results of pinpoint aptitude tests, in addition to ASVAB scores, could identify those well suited for the high-value MOSs needed by DoD. Those registrants would be separated from the cohort for special processing and channeled expeditiously to required training. Although this method likely would not work with a one-step induction process, the two-step process could prove more adaptable. The time required to conduct detailed interviews and the timing, logistics, and expense of pinpoint aptitude testing could prove challenging, however. Nonetheless, this approach would probably be viewed as "more" fair and equitable, because an individual's identification for MOS targeting would occur only after he already had been selected for draft by regular random processes. Given that the pool of individuals considered for channeling to special skills occupations would not include men not yet drafted and would include no women at all, the chance of identifying an individual with the particular expertise needed still would be limited.

The Health Care Professional Delivery System (HCPDS)⁹⁰ is yet another model for the induction of persons with special skills and qualifications. HCPDS is a *standby plan* developed at the request of Congress that could be used to draft health care personnel in a crisis.⁹¹ No portion of the plan is intended for peacetime implementation; the plan could be implemented in connection with mass mobilization in a national emergency, but only if Congress and the President pass and sign legislation to enact it. Further, the HCPDS plan would be activated only if the military's existing medical capability proved insufficient and there was a shortage of volunteers. If implemented, HCPDS would provide a fair and equitable draft of medical personnel from the existing civilian pool of 3.4 million doctors, nurses, specialists, and allied health professionals in more than 60 fields of medicine. Implementation would begin with the mass registration of both male and female⁹² health care workers between the ages of 20 and 45. The draft would call a very small percentage of these into military service. The impact of the draft on the availability of civilian health care would be minimal; those health-care workers whose absence would seriously hurt their communities would be deferred on the basis of community essentiality.⁹³ The benefits of this approach are that registration, which in itself can be controversial, takes place only after an emergency is declared and the President and Congress act affirmatively to implement the plan. Because the ages of those required to register span a greater period of years, and females are included in the process, the pool of specialists is broader and more representative of all those with the requisite skill sets. And, because the pool is larger,

⁹⁰ Throughout the Vietnam conflict, the SSS located doctors and nurses by scouring state medical licensing boards. They were offered an officer's commission and a two-year service commitment. According to lore, some 83 of these 30,000 individuals actually refused the offer. They were drafted anyway and put in the Army as buck privates, the military's lowest rank.

⁹¹ In 1987, Congress enacted Public Law 100-180, codified at 50 USC Appendix, Section 460(h), ordering the SSS to prepare contingency plans for HCPDS.

⁹² Female health care professionals would be included in the registration and draft unless the President or Congress directed otherwise.

⁹³ Selective Service System website, <https://www.sss.gov/About/Medical-Draft-in-Standby-Mode>.

the chance that any single individual will be selected for draft is less, and the greater the likelihood that the process will be perceived as fair and equitable. Because they are already skilled personnel, HCPDS draftees would require minimal training, allowing them to take their place in the force almost immediately. Finally, the exemption process expressly weighs the needs of the community, blunting across-the-board assertions that these professionals would be of greater benefit to national security in their civilian capacities.

Finally, a “draft” targeted at particular skills should never forswear the benefits of incentivized volunteerism. For example:⁹⁴

- Older civilian experts in particular disciplines could be requested to pre-register (*i.e.*, if you are of a certain age and within the past 12 months you have worked in the following fields, you are encouraged to register), so that the SSS could locate them quickly in the event of an emergency. These older recruits could be permitted to serve as civilians—enabling them to serve without committing to the full rigors of military life, and their period of obligation limited to a short-term stretch of perhaps six months, renewable at the individual’s election.
- Skill-targeted conscripts could be “drafted” into the Reserve Components, and authorized to split time between their uniformed and civilian jobs, leveraging skills from both.
- Specialists who volunteer could be offered an incentive package that will differentiate between classes of service. Serve at home providing healthcare, and you get some credit for doing so. Serve in the military and deploy into harm’s way, and you’ll earn a more generous package of educational and economic benefits.

DoD Manpower Needs in an Emergency Requiring Mass Mobilization

As far back as 1994, a DoD bottom-up review stated, “[w]e will never know with certainty how an enemy might fight or precisely what demands might be placed on our own forces in the future.” In an uncertain world, maintaining the systems, manpower, and infrastructure required to conduct a draft will enable the country to mobilize parts or all of society, as needed to counter the catastrophe yet unenvisioned. The vast pool of human capability represented in and by the selective service registration database mitigates risk to the Nation, standing ready to be called to bridge a gap between the AVF and the force requirements of a future conflict, the demands of which we cannot predict.

A June 2012 Government Accountability Office (GAO) review recommended that the Department establish a process for “periodically reevaluating DoD’s requirements for the SSS in light of changing threats, operating environments, and strategic guidance.”⁹⁵ In February 2013,

⁹⁴ These examples are excerpted directly from Barno and Bensahel, *Why We Still Need the Draft*.

⁹⁵ U.S. Government Accountability Office, *DoD Should Reevaluate Requirements for the Selective Service System*, (Washington, DC: U.S. Government Accountability Office, June 2012), p. 16.

then-Principal Deputy Assistant Secretary of Defense for Readiness and Force Management Frederick Vollrath, responded to GAO on behalf of the Department, stating:

“Currently the AVF is of adequate size and composition to meet the Department’s demands, and the Department has no operational plans that envision mobilization at a level that would require conscription.

...

There would be merit in a thorough assessment of this issue, to include a review of the statutes and polices surrounding the current registration process, and the potential to include the registration of women. This review is part of a much broader national discussion and should not be solely determined by DoD. However, the Department stands ready to participate in such a review.”⁹⁶

In March 2014, then-Acting Under Secretary of Defense for Personnel and Readiness Jessica L. Wright, responded to questions posed by the Senate Armed Services Committee, advising, “[d]uring our 2013 Government Accountability Office audit, DoD was asked to reevaluate the mission and military requirements for the Selective Service. We found that the changes in the world following the end of the Cold War have revised our mobilization requirements. As such, the Department has no operational plans that envision mobilization at a level that would require conscription. However, we contend that although there may be no immediate military necessity, there continue to be national necessities for continuation of the SSS.”⁹⁷

Timeline

The DoD currently has no operational plans that envision mobilization at a level that would require conscription.⁹⁸ At this time, should a national emergency so require, the Department would rely on the SSS and its current plans, policies, and procedures. The timeline begins when Congress amends Section 17(c) of the MSSA to authorize the President to induct personnel into the Armed Forces, and the President issues follow-on directives governing the mass mobilization process. The Office of the Under Secretary of Defense for Personnel and Readiness would submit military manpower induction requirements through MEPCOM to the Director of the SSS. The specific induction requirement would be extrapolated to identify the number of men who must be called up to achieve the desired end state, and define the timeline for processing and inducting them. The mass mobilization system is both flexible and scalable, designed to adapt to the volume and immediacy of the requirement presented. Generally, as reported by the SSS, the phased timeline for mobilization would proceed as follows:

⁹⁶ Letter to Director, Capabilities and Management, Government Accountability Office, from Frederick E. Vollrath, Principal Deputy Assistant Secretary of Defense for Readiness and Force Management, Office of the Secretary of Defense, February 26, 2013.

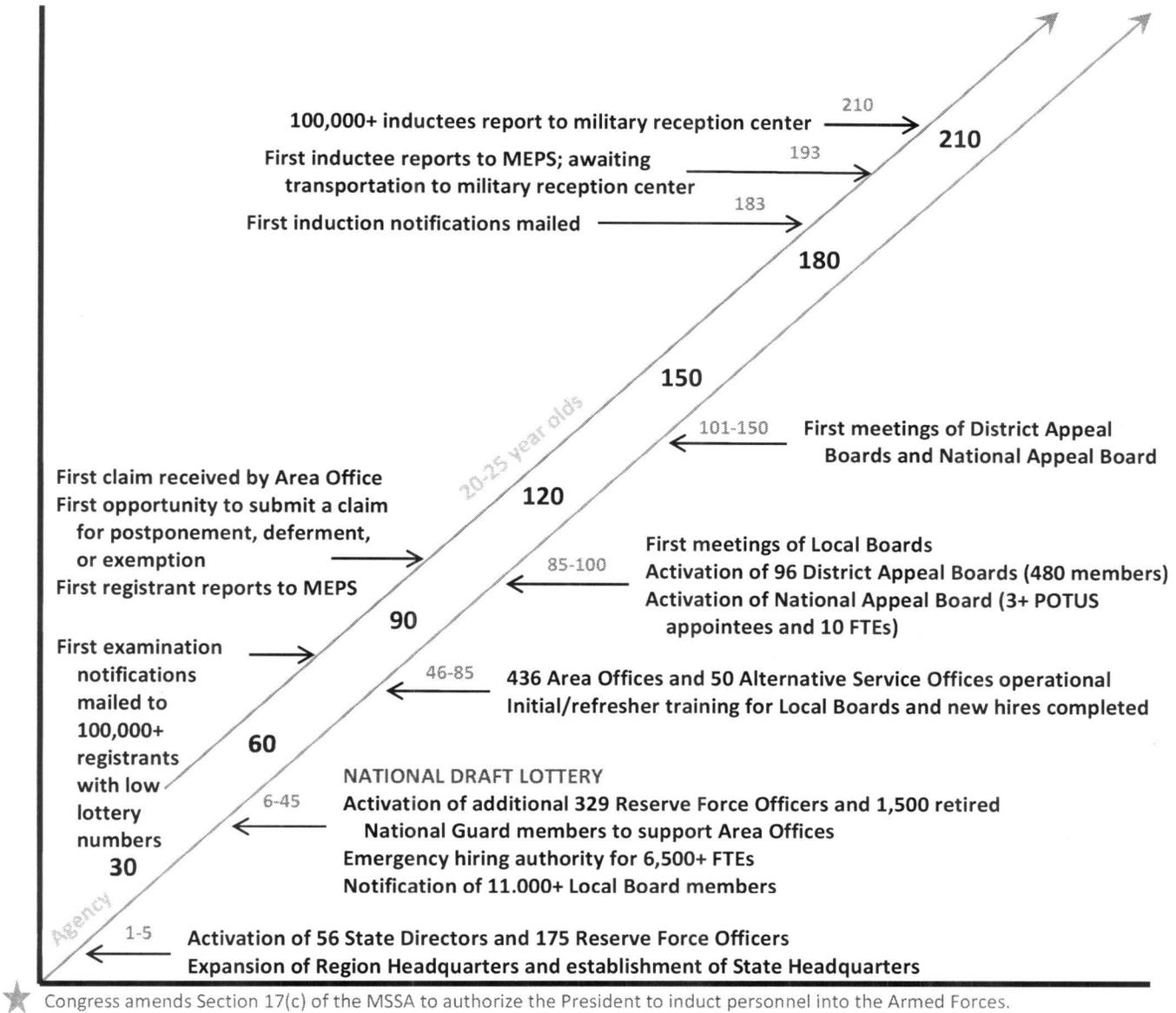
⁹⁷ Acting Under Secretary of Defense for Personnel and Readiness Jessica L. Wright, “Response to SASC Question #91”, March 26, 2014.

⁹⁸ Joint Staff J-5, November 17, 2016.

- *Days 1-5.* The 56 State Directors and 175 Reserve Force Officers are activated. Concurrently, the SSS Region headquarters are expanded and the State headquarters are established.
- *Days 6-45.* The national draft lottery is conducted. An additional 329 Reserve Force Officers and 1,500 retired National Guard members are recalled to active duty to support Area Offices. The SSS receives authority for the expedited hire of more than 6,500 full-time employees. In communities across the country, more than 11,000 local board members are notified to report for duty.
- *Days 46-85.* The 436 Area Offices and 48 Alternative Service Offices are established and operational. Initial and refresher training for local board members and new civilian employee hires is completed.
 - The first 100,000 or more registrants receive a notice to report to the MEPS for examination. Notice is mailed to the most recent address for the registrant as recorded in the registration database.
- *Days 85-100.* The first local board meeting takes place. The 96 District Appeal Boards, consisting of 480 members, and the National Appeal Board, consisting of three or more Presidential appointees and 10 full-time employees, are activated.
 - Area Offices receive their first claims for postponement, deferral, or exemption.
- *Days 101-150.* The first meetings of the District Appeal Boards and the National Appeal Board take place.
- *Day 183.* The first induction notifications are mailed.
- *Day 193.* The first inductees report to the MEPS for transport to their Service military reception center.
- *Day 210.* The first 100,000 inductees report for service.
- *Day 222.* The first medical personnel report for service.

Figure 2 depicts the notional SSS mobilization timeline in graphic form.

Figure 2: Notional SSS Mobilization Timeline



The Alternative Service Program is activated on a similar timeline. An individual granted conscientious objector status would be processed and enrolled for employment through the Alternative Service Employment Network at generally the same rate as an inductee is processed for entry into military service.

The information above reflects the notional timeline established by the SSS. We note, however, the findings of a 2012 GAO review, advising that “[a]ccording to official spokespersons for the SSS, the agency is not currently resourced to meet DoD’s requirement for

it to deliver the first inductees in 193 days and 100,000 inductees in 210 days, without jeopardizing the fairness and equity of the draft.”⁹⁹

Additional Critical Skills Needed

The DoD currently has no operational plans that envision mobilization at a level that would require conscription.¹⁰⁰ At present, the only plan for a separate registration and mobilization process targeting critical skills focuses on health care personnel.¹⁰¹ We will never know with certainty how an enemy might fight or precisely what demands might be placed on our own forces in the future. Other critical skills needed in the event of a national emergency will depend on the threat we face, but certainly *could* extend to cyber specialists, drone operators, technical and scientific experts, and linguists. Other more prosaic skills: expertise in rapid road and rail logistics, fuel distribution and water purification, and policing and physical security, also *could* be deemed critical, depending on the nature of the conflict, the mission, environment, and other factors.

Assumptions Used by the Department

- For the purpose of this report, the term “mass mobilization” refers to the activation of conscription or a military draft.
- Mass mobilization will be properly authorized by law and Presidential directive. Legal authorities will be available to support mobilization processes. Adequate funding and manpower will be available to execute the induction of untrained manpower (general registrants) and/or the registration and induction of health care personnel.
- The entry processing capability of MEPCOM is 18,000 registrants per day, presuming adequate augmentation of manpower and facilities. Accessions will be inducted or enlisted/appointed and transported to designated Service training centers/duty stations identified by the Office of the Secretary of Defense or the appropriate Service.
- The SSS will adjust its master data file to remove from the list of eligible draftees those individuals reported by MEPCOM as already having been accessed by a Military Service. The Defense Manpower Data Center (DMDC) will report to the SSS the names of personnel with less than 1 year of service who have been discharged or transferred to a Reserve Component for the convenience of the government. DMDC’s report will include the length of each individual’s service and characterization of discharge.

⁹⁹ U.S. Government Accountability Office, *DoD Should Reevaluate Requirements for the Selective Service System*, (Washington, DC: U.S. Government Accountability Office, June 2012), p. 7.

¹⁰⁰ Joint Staff J-5, November 17, 2016.

¹⁰¹ *Supra* p. 29.

- Conduct of the credentialing process for health care personnel, including the review and validation of professional licenses, diplomas, training certificates, and related materials, is the responsibility of the individual Military Service. The Services will provide qualified representatives at each MEPS to credential and determine the appropriate military pay grade of each health care professional prior to induction or commission.
- Lead-time permitting, the SSS will first use a two-step examination and induction process for both general and health care registrants, with only those deemed qualified for military service subsequently ordered for induction. Given insufficient lead-time, however, SSS would employ the one-step examination and induction process, then shift to a two-step process, as time and the number of inductees permit. Both large and small volume deliveries of registrants to DoD for induction processing can be managed under either process.

Conclusion

Throughout most of the 20th century, the laws of the United States have obligated male citizens and residents to register for a draft administered by an agency of the federal government. The DoD currently has no operational plans that envision mobilization at a level that would require conscription. Even in the face of sustained conflicts in Iraq and Afghanistan, DoD has maintained its ability to recruit and retain a professional volunteer force without resorting to a draft. Nonetheless, the potential for global conflict on the scale of another world war still exists. Every Administration since 1980 has made the conscious decision to maintain national registration for selective service as the tool through which Congress and the President would provide additional manpower to the Armed Forces—an “insurance policy”—should future threats spark requirements for forces in excess of those available to the AVF.

The SSS is an independent federal agency within the executive branch, headquartered in Arlington, Virginia. Since 1973, the MSSA has designated the SSS as an “active standby” organization, with the mission to: maintain a complete registration and classification structure capable of immediate operation in the event of a national emergency (including a structure for the registration and classification of persons qualified for employment in a health care occupation essential to the maintenance of the Armed Forces); and maintain personnel adequate to reconstitute immediately the full operations of the mass mobilization system, including trained volunteers, military reservists and military retirees.

A number of benefits derive, both directly and indirectly, from the military selective service system. Primarily, selective service guarantees the certain and timely fulfillment of military manpower requirements in a national emergency. Also of significance, the selective service registration database provides valuable military recruiting leads. In a more indirect vein, registration reminds America’s youth of the importance of Military, National, and Public Service and the existence of a draft serves as a critical link between the AVF and society at large. Finally, military selective service is both a symbol of our national will and a deterrent to potential enemies of the United States.

Under current law, women may serve voluntarily in the U.S. Armed Forces but are not, and never have been, required to register for selective service. Since the ban on women in combat was lifted, the merits of including women in the requirement to register for the draft have been hotly debated in the media and in the halls of Congress. It appears that, for the most part, expanding registration for the draft to include women would enhance further the benefits presently associated with the selective service system. Opening registration to *all* members of the population aged 18-25—regardless of gender—would convey the added benefit of promoting fairness and equity not previously possible in the process and would comport the military selective service system with our nation’s touchstone values of fair and equitable treatment, and equality of opportunity.

Maintaining the clear distinction between the DoD and the administration of the Nation’s selective service system ensures the preeminence of civilian control and has historically been viewed as important to the public’s perception of the draft process as fair and equitable. DoD believes that there is great wisdom and value in sustaining this “separation of powers.” This report does not purport to envision how DoD might otherwise execute the registration and mass mobilization functions. In the absence of a comprehensive study and a broader national dialogue on the issues, DoD takes no position on whether the current national registration system and mobilization process could or should be modified.

The current registration requirement and systems for mass mobilization are designed to provide a fair and equitable process by which individuals are generally conscripted as “untrained manpower,” without regard to their individual skills or abilities. We will never know with certainty how an enemy might fight or precisely what demands a future conflict might place on our forces. The particular skills needed by DoD and the Military Services in the event of a national emergency will vary with the nature of the crisis. A targeted draft focusing on specific MOSs is feasible, but would add significant complexity to registration and mobilization processes. Significant thought and effort would need to be devoted to countering the specter of an unfair and inequitable draft raised by the use of targeted mobilization.

One option might be that at initial registration, the individual could be required to report data reflecting his profession, skill certifications, conferred degrees, and licenses for inclusion in his selective service profile. With successive periodic updates to the “critical skills” section of the profile—perhaps every two to three years, continuing even after the registrant is no longer in the primary draft pool—the foundation of a targeted draft could be established and sit ready for years. “Partnering” arrangements could be negotiated with licensing and credentialing boards associated with other disciplines, professional organizations, academic institutions, and private industry, to share data about individuals with particular high-value skills.

Taking yet another tack, the examination phase of the induction process could be modified to permit a more robust assessment of a registrant’s skills and capabilities, earlier in the mobilization timeline. Those registrants identified through structured interviews and aptitude testing as possessing special skills would be separated from their MEPS cohort for special processing and channeled expeditiously to required training. This approach would probably be viewed as “more” fair and equitable, because an individual’s identification for MOS targeting would occur only after he already had been selected for draft by regular random processes.

HCPDS is yet another model for the induction of persons with special skills and qualifications. HCPDS is a *standby plan* developed at the request of Congress that could be used to draft health care personnel in a crisis. Finally, a “draft” targeted at particular skills should never forswear the benefits of incentivized volunteerism.

Given that females are not authorized to register for the draft, there would be no mechanism by which to collect and maintain a record of their professions, skills, academic degrees, and licenses—even were use of the information intended only for voluntary recruitment purposes. This would prove an unfortunate omission. A targeted draft in a future war would presumptively focus on highly technical skills in short supply in the labor market as a whole. The percent of individuals qualified in such skills is unlikely to be as variable by gender as are the combat MOSs. Accordingly, targeting a draft to 50 percent of the available population—males only—would severely constrain success.

A June 2012 GAO review recommended that the Department establish a process for “periodically reevaluating DoD’s requirements for the SSS in light of changing threats, operating environments, and strategic guidance.” The Department has consistently responded to such recommendations by advising that the AVF is currently of adequate size and composition to meet the Department’s demands, and that we have no operational plans that envision mobilization at a level that would require conscription. At the same time, the Department acknowledges the merit of a thorough assessment of this issue, to include a review of the statutes and policies surrounding the current registration process, and the potential to include the registration of women. Any such review should be part of a much broader national discussion and should not be solely determined by DoD.

Finally, at this time, should a national emergency so require, the Department would rely on the SSS and its current plans, policies, and procedures to execute a mass mobilization.



**Selective Service System
Registration of Women**

Salaries and Expenses Category	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Data Management Center (DMC)	\$ 4,337,241	\$ 4,257,883	\$ 4,329,950	\$ 4,403,475	\$ 4,478,491	\$ 21,807,041
Human Resources	\$ 254,044	\$ 134,879	\$ 136,228	\$ 137,590	\$ 138,966	\$ 801,707
Public Affairs	\$ 621,131	\$ 582,843	\$ 543,571	\$ 528,917	\$ 513,870	\$ 2,790,331
Operations (incl. regional support)	\$ 2,830,058	\$ 1,701,573	\$ 1,714,227	\$ 1,726,098	\$ 1,744,226	\$ 9,716,182
Financial Management	\$ 177,917	\$ 179,903	\$ 181,913	\$ 183,949	\$ 186,010	\$ 909,691
Agency Subtotal (Direct)	\$ 8,220,391	\$ 6,857,080	\$ 6,905,889	\$ 6,980,028	\$ 7,061,563	\$ 36,024,952
Reimbursable (Joint Advertising, Marketing, Research and Studies (JAMRS))	\$ 370,000	\$ 379,250	\$ 388,731	\$ 398,450	\$ 408,411	\$ 1,944,842
Grand Total	\$ 8,590,391	\$ 7,236,330	\$ 7,294,620	\$ 7,378,478	\$ 7,469,974	\$ 37,969,793
Performance Metrics						
	18 - 26	18 - 26	18 - 26	18 - 26	18 - 26	
Males (All Year Groups)	88%	89%	90%	91%	93%	
	18 - 19	18 - 20	18 - 22	18 - 24	18 - 26	
Females (Phased Implementation)	33%	50%	60%	70%	80%	

Facts, Assumptions, and Planning Factors:

- » Indications and warnings prior to the registration mandate (POTUS, OMB, Congress, national media).
- » Supplemental appropriation of less than \$10M in the first year of execution, and less than \$40M over 5 years.
- » Authority to initiate planning for expanded registration, supplemental budget execution, FTE, and interagency coordination (e.g., SSA, Department of Education, etc.)
- » Paper registration of females initiated within 45 days of mandated start date
- » Paper registration will cause backlog in notification and response (7 - 12 months) and requires FTE or contracted support and warehouse space
- » Registration of females in orderly phases instead of mass registration. Year 1: 18 - 19 year olds; Year 2: 18 - 20; Year 3: 18 - 22; Year 4: 18 - 24; Year 5: 18 - 26.
- » Time lag for systems programming. Male registration sustained while programming occurs.
- » Female electronic registration rate will lag males until IT applications are fully functional (goal >90% by year 6)
- » Anticipated risks: technology overload, throughput, USPS backlog, personnel recruitment/hiring timelines, contractor support
 - Capital investment in IT infrastructure: IT database administration and maintenance are critical vulnerabilities
 - Augmentation of contact representatives (phone bank) and mailroom personnel for surge processing



**Selective Service System
Registration of Women**

Salaries and Expenses Category	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Direct						
Data Management Center (DMC)						
Personnel	\$ 2,269,297	\$ 2,291,990	\$ 2,314,910	\$ 2,338,059	\$ 2,361,440	\$ 11,575,697
Information Technology	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
Operating	\$ 1,917,944	\$ 1,965,893	\$ 2,015,040	\$ 2,065,416	\$ 2,117,051	\$ 10,081,344
Other						
Data Management Center (DMC)	\$ 4,337,241	\$ 4,257,883	\$ 4,329,950	\$ 4,403,475	\$ 4,478,491	\$ 21,807,041
Human Resources						
Personnel	\$ 133,544	\$ 134,879	\$ 136,228	\$ 137,590	\$ 138,966	\$ 681,207
Contracts and Training 1 Year	\$ 120,500	\$ -	\$ -	\$ -	\$ -	\$ 120,500
Other						
Human Resources	\$ 254,044	\$ 134,879	\$ 136,228	\$ 137,590	\$ 138,966	\$ 801,707
Public Affairs						
Personnel	\$ 171,131	\$ 172,843	\$ 174,571	\$ 176,317	\$ 178,080	\$ 518,545
Outreach	\$ 450,000	\$ 410,000	\$ 369,000	\$ 352,600	\$ 335,790	\$ 1,917,390
Other						
Public Affairs	\$ 621,131	\$ 582,843	\$ 543,571	\$ 528,917	\$ 513,870	\$ 2,790,331
Operations						
Information Technology	\$ 857,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 1,177,000
Personnel *	\$ 1,164,058	\$ 1,175,698	\$ 1,187,455	\$ 1,193,282	\$ 1,205,214	\$ 5,925,707
Contractor Support 1 Year	\$ 364,000	\$ -	\$ -	\$ -	\$ -	\$ 364,000
Printing	\$ 120,000	\$ 112,750	\$ 105,319	\$ 102,827	\$ 100,272	\$ 541,168
Interagency Support	\$ 250,000	\$ 256,250	\$ 262,656	\$ 269,223	\$ 275,953	\$ 1,314,082
Regional Support						
Training and Travel	\$ 75,000	\$ 76,875	\$ 78,797	\$ 80,767	\$ 82,786	\$ 394,225
Other						
Operations (incl. regional support)	\$ 2,830,058	\$ 1,701,573	\$ 1,714,227	\$ 1,726,098	\$ 1,744,226	\$ 9,716,182
Financial Management						
Personnel	\$ 164,175	\$ 165,817	\$ 167,475	\$ 169,150	\$ 170,841	\$ 837,457
Oracle Licensing	\$ 13,742	\$ 14,086	\$ 14,438	\$ 14,799	\$ 15,169	\$ 72,234
Financial Management	\$ 177,917	\$ 179,903	\$ 181,913	\$ 183,949	\$ 186,010	\$ 909,691
Agency Subtotal (Direct)	\$ 8,220,391	\$ 6,857,080	\$ 6,905,889	\$ 6,980,028	\$ 7,061,563	\$ 36,024,952



**Selective Service System
Registration of Women**

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Joint Advertising, Marketing, Research and Studies (JAMRS)						
DMC Subtotal	\$ 4,707,241	\$ 4,637,133	\$ 4,718,681	\$ 4,801,925	\$ 4,886,902	\$ 23,751,882
Agency Subtotal (Reimbursable)	\$ 370,000	\$ 379,250	\$ 388,731	\$ 398,450	\$ 408,411	\$ 1,944,842
Grand Total	\$ 8,590,391	\$ 7,236,330	\$ 7,294,620	\$ 7,378,478	\$ 7,469,974	\$ 37,969,793

Performance Metrics

	18 - 26	18 - 26	18 - 26	18 - 26	18 - 26
Males (All Year Groups)	88%	89%	90%	91%	93%
	18 - 19	18 - 20	18 - 22	18 - 24	18 - 26
Females (Phased Implementation)	33%	50%	60%	70%	80%

Funded:

- 36 Additional FTE (DMC)
- 3 Additional FTE (Regions)
- 3 Additional FTE (State Directors)
- 2 Additional FTE (PIA)
- 1 Additional FTE (HR)
- 1 Additional FTE (OPS)

(\$K)

- \$1,727 IT Equipment Upgrades (OPS/DMC)
- \$468 Contractor support (personnel, legislation, and policy)
- \$450 Expanded Awareness & Outreach PIA
- \$100 Additional Training and Travel

Facts, Assumptions, and Planning Factors:

- » Indications and warnings prior to the registration mandate (POTUS, OMB, Congress, national media).
- » Supplemental appropriation of less than \$10M in the first year of execution, and less than \$40M over 5 years.
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 - Capital investment in IT infrastructure: IT database administration and maintenance are critical vulnerabilities
 - Augmentation of contact representatives (phone bank) and mailroom personnel for surge processing

Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Friday, December 8, 2017 3:11 PM
To: Kemp, David S CAPT USN OSD USMEPCOM (US)
Cc: Copp, Adam J. (AJ) SES
Subject: FW: Memorandum for the National Commission on Military, National, and Public Service, Monday, April 3, 2017
Attachments: 04-07-2017-0201 Presidential Principles.pdf; TAB B - SSS Report (13 Jul Final).pdf

Dave - just back to the office here in DC...thanks for the two emails and attachments you sent yesterday. Most appreciated. I've attached a couple of documents you might like to look at before briefing the NDAA Commission (NCoS). Both docs were initiated here at SSS and, of course, refined at OSD or NSC.

V/r, AJ Copp

Adam J. Copp, SES
Associate Director (Operations)
Selective Service System
National Headquarters
(703) 605-4111

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THE WHITE HOUSE

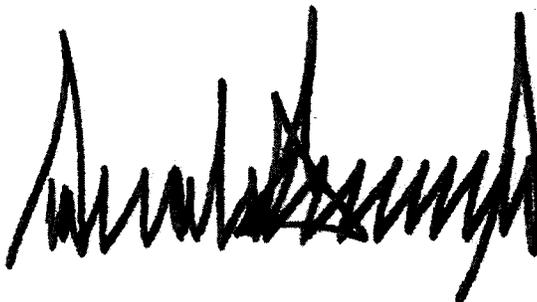
WASHINGTON

April 3, 2017

MEMORANDUM FOR THE NATIONAL COMMISSION ON MILITARY, NATIONAL,
AND PUBLIC SERVICE

SUBJECT: Principles for Reforming the Military Selective
Service Process

I am forwarding to you the attached Principles for Reforming the Military Selective Service Process, in accordance with section 555 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), which calls for the President to establish principles for reform of the military selective service process in support of the National Commission on Military, National, and Public Service.

A handwritten signature in black ink, appearing to be the name of the President at the time, Donald Trump. The signature is stylized and written in a cursive-like font.

Principles for Reforming the Military Selective Service Process

Sections 551-557 of the National Defense Authorization Act for Fiscal Year 2017 established the National Commission on Military, National, and Public Service. Section 555(c) requires the President to provide the Commission and the Congress with principles to guide the Commission's review and recommendations.

Our Nation requires a strong military for our security and for the defense of American values and our interests abroad. While we have successfully transitioned from a conscripted to an All-Volunteer Force comprised of Active Duty, Reserve, and National Guard personnel, and backed up by a program of selective service to meet emergency manpower requirements, sustaining this force requires prudent management.

The Nation must be ever mindful of the unpredictable global security environment that requires an effective and efficient means to provide manpower to the national security community, including military and non-military support in a national emergency. Historically, the Nation has maintained Selective Service registration to provide a hedge against the catastrophe not yet anticipated. Registration is a means to sustain preparedness, while also reminding youth that public service is a valued part of United States citizenship.

In conducting the Commission's review and in developing recommendations, the Commission should ensure close examination of all areas outlined in section 551(b) to include the need for a military Selective Service process; the means by which to foster a greater attitude, ethos, and propensity for military services among United States youth; the feasibility and advisability of modifying the Selective Service process to leverage individuals with critical skills for which the Nation has a need without regard to age or sex; and the feasibility and advisability of tying the Selective Service process to eligibility or entitlement for certain Federal benefits.

The Commission's recommendations and analysis for sustaining and/or modernizing the Selective Service process should be based upon the principles outlined in sections 555(c)(2). The Commission's recommendations should also be guided by the following principles established by the President:

1. The Nation must prepare to mitigate an unpredictable global security and national emergency environment and to provide manpower by which the agencies responsible for military, national, or public service requirements can identify, recruit, and employ individuals from the entire population with skills necessary to augment existing manpower within those agencies.
2. The Nation benefits from citizens who value civic responsibility and service. Any system, process, or program should assist the government in fostering conditions that afford opportunities and pathways to service for persons able to employ those critical skills necessary to augment skill sets during conflict or national emergency, including creating opportunities to incentivize volunteerism.

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2. The Nation benefits from citizens who value civic responsibility and service. Any system, process, or program should assist the government in fostering conditions that afford opportunities and pathways to service for persons able to employ those critical skills necessary to augment skill sets during conflict or national emergency, including creating opportunities to incentivize volunteerism.

3. Any system, process, or program used to identify, register, access, and employ individuals to augment the existing federal civilian sector, military, and private sector (including the non-profit sector) should draw upon the Nation's diversity by ensuring qualified United States youth across all demographics have the opportunity to participate in military, national, and public service.
4. Any system, process, or program used to identify, recruit, and employ additional skill sets should be effective in times of peace, war, and other levels of conflict or emergency response. Associated initiatives, systems, and processes must be seamless, robust, and able to expand and contract as needed. They also should ensure the means to create pathways through service that leverages enhanced, empowered, and experienced expertise across the spectrum of science, technology, engineering, mathematics, national security, cyber linguistics and foreign language, education, health care, and the medical professions.
5. Any system, process, or program should assist in incentivizing military, national, and public service, as well as exposing the opportunities for critical education and technical training opportunities via the U.S. Armed Forces, federal and private sector, and volunteerism that set conditions to advance individual engagement; academic and technical development; and engagement in industry that leads to a well-rounded and contributory society.
6. Any system, process, or program used to identify, register, access, and employ individuals for the purpose of sustaining or augmenting the military, national, or public service must be grounded in fiscal sustainability to ensure its long-term viability and reliability to the Nation. It should also utilize best practices based on existing public and private sector systems/processes.

Together, these principles form a useful foundation to guide the Commission's review and development of recommendations with respect to the Selective Service process and means to increase participation in public service to support the needs of the Nation.

**REPORT ON THE PURPOSE AND UTILITY
OF A REGISTRATION SYSTEM
FOR MILITARY SELECTIVE SERVICE**



**Office of the Under Secretary of Defense
for Personnel and Readiness**

The estimated cost of this report for the Department of Defense is approximately \$51,000 in Fiscal Years 2016-2017. This includes \$0 in expenses and \$51,000 in DoD labor.
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Introduction

Section 552 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 requires the Secretary of Defense to submit a report and on the current and future need for a centralized registration system under the Military Selective Service Act (MSSA)¹, to the Committees on Armed Services of the Senate and the House of Representatives and the National Commission on Military, National, and Public Service, for the purposes of assisting the Commission in carrying out its duties. The law further requires that the report include:

- A detailed analysis of the current benefits derived, both directly and indirectly, from the Military Selective Service System, including:
 - The extent to which mandatory registration benefits military recruiting;
 - The extent to which a national registration capability serves as a deterrent to potential enemies of the United States;
 - The extent to which expanding registration to include women would impact these benefits.
- An analysis of the functions currently performed by the Selective Service System that would be assumed by the Department in the absence of a national registration capability.
- An analysis of the systems, manpower, and facilities that would be needed by the Department to physically mobilize inductees in the absence of the Selective Service System.
- An analysis of the feasibility and utility of eliminating the current focus on mass mobilization of primarily combat troops in favor of a system that focuses on mobilization of all military occupational specialties, and the extent to which such a change would impact the need for both male and female inductees.
- A detailed analysis of the Department's manpower needs in the event of an emergency requiring mass mobilization, including:
 - A detailed timeline, along with the factors considered in arriving at this timeline, of when the Department of Defense (DoD) would require:
 - the first inductees to report for service;
 - the first 100,000 inductees to report for service; and
 - the first medical personnel to report for service.
 - An analysis of any additional critical skills that would be needed in the event of a national emergency, and a timeline for when the Department would require the first inductees to report for service.
- A list of the assumptions used by the Department when conducting its analysis in preparing the report.

¹ 50 USC 3801, *et seq.* [hereinafter MSSA]. The Military Selective Service Act (MSSA), first enacted as the Selective Service Act of 1948, establishes the Selective Service System (SSS) as an independent federal agency, responsible for delivering appropriately qualified civilian men for induction into the Armed Forces of the United States, as authorized by Congress.

Background

Throughout most of the 20th century, the laws of the United States have obligated male citizens and residents to register for a draft administered by an agency of the federal government.² Beginning with the Civil War and continuing through the Vietnam conflict, the federal government has episodically used draft calls and lotteries to mobilize military manpower for the Armed Forces. On June 30, 1973, statutory induction authority expired³ and in April 1975, then-President Gerald Ford temporarily suspended the registration requirement.⁴ The MSSA had not been repealed, however, and even as the military transitioned to the All-Volunteer Force (AVF), there remained in effect the requirement for a system and process ready to provide untrained manpower to the Armed Forces in the event of mass mobilization.⁵

In stark contrast to the “hollow force” of the post-Vietnam years, today’s U.S. military is universally considered to be the most powerful and capable in the world. Since its establishment in 1973, the AVF has proven its mettle in missions worldwide. In the face of repeated combat deployments—including the crucible of the last 15 years of wars in Iraq and Afghanistan—the men and women comprising our AVF have distinguished themselves as well-disciplined, resilient, and lethal.

Comprised of Active Duty, Reserve, and National Guard personnel numbering approximately 2.1 million, the AVF has historically been manned, trained, and resourced to meet national security requirements. However, the AVF was never intended to stand alone in time of national emergency.

In December 1979, the Soviet Union invaded Afghanistan, and in his January 1980 State of the Union address, then-President Jimmy Carter announced his intention to resume draft registration. By Presidential Proclamation of July 2, 1980, Carter reestablished the requirement for all males aged 18 to 25 to register for military selective service.⁶ Unlike in previous registration regulations, however, men were not required to undergo immediate classification and evaluation for fitness to serve in the military.⁷

The DoD currently has no operational plans that envision mobilization at a level that would require conscription.⁸ Even in the face of sustained conflicts in Iraq and Afghanistan, DoD has maintained its ability to recruit and retain a professional volunteer force without resorting to a draft. Some assert that the “revolution in military affairs” wrought by high-

² Kristy Kamarck, *The Selective Service System and Draft Registration: Issues for Congress* (Washington, DC: U.S. Library of Congress, Congressional Research Service, April 11, 2016) [hereinafter Kamarck, *Issues for Congress*], summary.

³ Per Public Law 92-129, *An Act to amend the Military Selective Service Act of 1967; to increase military pay; to authorize military active duty strengths for fiscal year 1972; and for other purposes*, September 28, 1971.

⁴ Presidential Proclamation 4360 (89 Stat. 1255).

⁵ Kamarck, *Issues for Congress*, p. 11.

⁶ For purposes of this report, the terms “selective service” and “military selective service” are used to refer to the program and process associated with registration of American men for induction into the Armed Forces in time of national emergency, as described in the MSSA. The title Selective Service System (SSS) refers to the independent federal agency charged to administer and oversee the selective service program and process.

⁷ Kamarck, *Issues for Congress*, p. 12.

⁸ Joint Staff, J-5, November 17, 2016.

technology weapons and the advent of the cyber battlefield could obviate the need to mobilize manpower at the rates seen in the 20th century.⁹

Nonetheless, the potential for global conflict on the scale of another world war still exists. Every Administration since 1980 has made the conscious decision to maintain national registration for selective service as the tool through which Congress and the President would provide additional manpower to the Armed Forces—an “insurance policy”—should future threats spark requirements for forces in excess of those available to the AVF.

The Selective Service System

The Selective Service System (SSS) is an independent federal agency within the executive branch, headquartered in Arlington, Virginia. Since 1973, the MSSA has designated the SSS as an “active standby” organization, with the mission to:

- maintain a complete registration and classification structure capable of immediate operation in the event of a national emergency (including a structure for the registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces); and
- maintain personnel adequate to reconstitute immediately the full operations of the System, including military reservists who are trained to operate such System, and who can be ordered to active duty for such purposes in the event of a national emergency.¹⁰

The report addresses each of these missions, in turn.

The SSS maintains a registration structure and database ready for immediate use in in the event of a national emergency. In accord with then-President Carter’s proclamation, selective service registration resumed in 1980. The MSSA requires registration by most male citizens and residents of the United States who are at least 18 years of age, and not yet 26. A man must register within 30 days of his 18th birthday and update his registration within 10 days of a change in address. Individuals are not permitted to register beyond their 26th birthday. Under current law, women may serve voluntarily in the U.S. Armed Forces but are not required to register with the SSS.

The SSS processes more than 2.3 million new registrations annually and regularly updates registrants’ addresses using self-reported information and automatic data feeds from other federal and state agencies. Most registration is accomplished on-line through the SSS website¹¹ and automatically via electronic data sharing arrangements with other federal and state

⁹ David Barno and Nora Bensahel, *Mirages of War: Six Illusions from our Recent Conflicts*, War on the Rocks, April 11, 2017 [hereinafter, Barno and Bensahel, *Mirages of War*].

¹⁰ MSSA, section 10(h).

¹¹ Selective Service System website, <https://www.sss.gov>. The website also serves as a public and intra-governmental interface that connects external and internal audiences and serves as a portal for access to information about SSS plans, policies, and initiatives.

agencies¹² that administer benefits for which selective service registration is a prerequisite.¹³ Registration also may be accomplished using the Interactive Voice Response system at the SSS National Call Center¹⁴, and by paper forms available from the U.S. Postal Service.¹⁵ The SSS engages with U.S. Embassies and consulates around the world in an effort to ensure that U.S. nationals living abroad are aware of registration requirement; approximately 40,000 registrations annually are from foreign addresses. Because the peacetime authority of the SSS does not extend to the classification or examination of registrants, all of those registered would generally be considered to be “available for service” in the case of a draft, at which time they could be reclassified or determined unfit.¹⁶

In calendar year 2015, the overall registration compliance rate for men ages 18 through 25 was 91 percent.¹⁷ Compliance is monitored and enforced through a variety of mechanisms, including crosschecks with the Social Security Administration, the Internal Revenue Service, state motor vehicle departments, and other federal and state agencies that administer benefits for which selective service registration is a prerequisite. Men who fail to register may be subject to criminal penalties, loss of eligibility for federal or state jobs and education benefits, and denial of a security clearance. Documented or undocumented immigrants who fail to register may not be able to obtain United States citizenship.

¹² The SSS reports that in FY 2016, approximately 22 percent of its electronic registrant data was collected by the Department of Education as part of the student aid application process. The application for federal student aid includes a “register me” checkbox that facilitates the automatic selective service registration of males. In cooperation with U.S. Citizenship and Immigration Services, immigrant men ages 18 through 25 who are accepted for permanent U.S. residence are registered automatically; men of registration age who apply for an immigrant visa through the Department of State are also automatically registered. 40 states, 3 territories, and the District of Columbia have enacted legislation that provides for automatic registration of males of age at the time they apply for a driver’s permit, license, or other form of state identification. In FY 2016, more than 1 million young men registered electronically through their state Department of Motor Vehicles. *See* SSS Report to the Congress of the United States for FY 2016, p. 8. *See generally* Kamarck, *Issues for Congress*, pp. 15-17.

¹³ For example, in November 1985, the *Thurmond Amendment* to the Defense Authorization Act established Title 5, U.S. Code, Section 3328, which requires a male to register with the selective service as a prerequisite for appointment to most federal jobs. The *Solomon Amendment* added Section 12(f) to the Military Selective Service Act in September 1982. Male students who have a requirement to register for the draft must do so as a precondition to receipt of Title 4 federal student financial aid, which includes such need-based programs as Guaranteed Student Loans and Pell Grants. And, on November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act, requiring males between the ages of 18 and 26 who applying for legalization under the act to register for selective service had they not already done so.

¹⁴ The telephonic Integrated Voice Response system accounts for an average of 21,000 annual registrations.

¹⁵ In FY 2016, only 3 percent of all registrations—78,000—were from paper forms “direct mailed” to potential registrants or distributed through the U.S. Postal Service and returned via its “mail back” program. The SSS ensures that the U.S. Postal Service is regularly stocked with a supply of registration and change of address forms for use in its nearly 32,000 post offices. This program facilitates registration by young men who do not have access to the internet, and have neither a driver’s license nor a social security number. Young men who enlist or access into the military are automatically registered. *See* SSS Report to the Congress of the United States for FY 2016, p. 6.

¹⁶ Although putatively labeled as “available for service”, in actuality many registrants could be eligible for postponement, deferment, or exemption from service. Further, many may not meet the military’s physical, mental, or moral suitability standards. The classification and examination processes responsible for such determinations would be initiated only were a draft to be directed.

¹⁷ SSS Report to the Congress of the United States for FY 2016, p. 5. It appears that calendar year 2015 is the last year for which complete data is available.

The backbone of the registration process is the database of registrants maintained at the SSS Data Management Center (DMC), located north of Chicago, Illinois.¹⁸ The registration database, on which the conduct of any future draft would rely, includes approximately 17 million records of men in the primary draft pool (18-25 years old), 22.5 million registrants in the extended pool (26-35 years old), and 45.5 million men 36-80 years old. With holdings totaling about 85 million records—the DMC maintains one of the largest databases of personally-identifiable information in the federal government.¹⁹

In peacetime, the database is used primarily to verify the registration of males who apply for federal or state employment or benefits, eligibility for which is conditioned on draft registration. To a great degree, data sharing is automated and automatic. Through its Registration, Compliance, and Verification tool, the SSS both provides data to, and receives data from, other government agencies, including the Department of Labor, the Department of Education, the Department of State, the United States Citizenship and Immigration Services, the DoD, and the Alaska Permanent Fund. Information received from these agencies is matched against existing database records; if no record exists, one is created and the SSS uses the information to reach out to individuals and remind them of their obligation to register.²⁰ Each year, the SSS provides the names, addresses, and Social Security Numbers of men aged 18 through 25 to the U.S. Census Bureau for its inter-census estimate program. Also annually, the SSS provides the Department of Justice with a list of individuals who are required to register, but have failed to do so.²¹

The SSS regularly trains and exercises personnel and systems to ensure readiness to execute a draft. The field structure of the SSS is grounded in 2,069 *local boards* staffed with 11,000 volunteer board members—located in almost every county of the United States and its territories. Each local board must be prepared to administer the registrant classification process in the community it serves and take action on any claims or appeals that arise. Board members must be trained in applicable regulations and procedures so that, if a draft is reinstated, they will be able to fulfill their obligations fairly and equitably, ensuring that registrants' rights to due process are protected. Board members receive annual training in which they review and adjudicate sample cases similar to real-life situations. The SSS board structure also includes 96 District Appeal Boards and one National Appeal Board. In the event of a mass mobilization, the SSS would draw on more than 500 Reserve Force Officers, 1,500 military retirees recalled to duty, 700 State Resource Volunteers, and 6,500 newly-hired federal employees to support the execution of a draft.²² Preparedness efforts span the entirety of the SSS, encompassing all

¹⁸ Kamarck, *Issues for Congress*, p. 22.

¹⁹ SSS Report to the Congress of the United States for FY 2016, p. 18.

²⁰ *Id.*

²¹ *Ibid* at p. 18. Annually, the SSS forwards to DoJ a list of roughly 630,000 names and addresses of men aged 19-30, who have either evaded registration or refused to register. In practice, there have been no criminal prosecutions for failure to register since January 1986.

²² See generally, Selective Service System website, <https://www.sss.gov>. The SSS now manages all of its personnel through the agency's three region headquarters located in North Chicago, Illinois, Marietta, Georgia, and Denver, Colorado. These regions are responsible for maintaining readiness at the grassroots level. They also manage the activities of the agency's 56 State Directors, conduct training for Reserve Forces Officers and civilian board members, and ensure the local boards and District Appeal Boards are staffed. The regions also directly support the SSS's goal of increasing registration compliance through local registration awareness programs.

functions necessary to maintain the mass mobilization infrastructure in a state of preparedness, transition it to full operational status, and manage it to accomplish the mobilization mission.

Actions Attending the Execution of a Draft

Although these processes could be modified for implementation in a future draft, past experience and current planning by the SSS indicate that the following actions, in the following sequence, likely would attend the execution of a draft.²³

Congress and the President authorize mass mobilization. Should a crisis occur that requires more troops than the AVF can supply, a draft may be initiated only after the Congress passes and the President signs enabling legislation. The President cannot initiate a draft on his own. Congress would first have to pass authorizing legislation, and the President would have to sign the bill into law.

All components of the SSS are activated. In the event of a return to conscription, the SSS would expand significantly and technology links between all SSS locations and components would be activated. The structure of the SSS is illustrated in *Figure 1*.

- 56 presidentially-appointed State Directors would establish *State Headquarters* at designated National Guard armories to provide operational management for induction processing and operation of the Alternative Service Program within the state.
- 436 *Area Offices* would begin opening in select recruiting station offices across the United States, with the support of more than 500 Reserve Force Officers representing all branches of the Armed Forces, 1,500 noncommissioned officers recalled from retirement, and 700 State Resource Volunteers. Area Offices are authorized to classify registrants into an administrative class (e.g., exemption to perform service in the National Guard, exemption as a “sole surviving son”)²⁴, issue decisions on postponements²⁵, and will serve as an intake point for claims or appeals filed by registrants who have been ordered to report for examination or induction.
- 2,069 *local boards* would be activated throughout the Nation, staffed by more than 11,000 volunteers. The local board will serve as the initial classifying authority for judgmental classifications (e.g., exemption as a conscientious objector, deferment for familial hardship, exemption as a minister) and will adjudicate claims or appeals of administrative classification and postponement decisions rendered by Areas Offices.²⁶

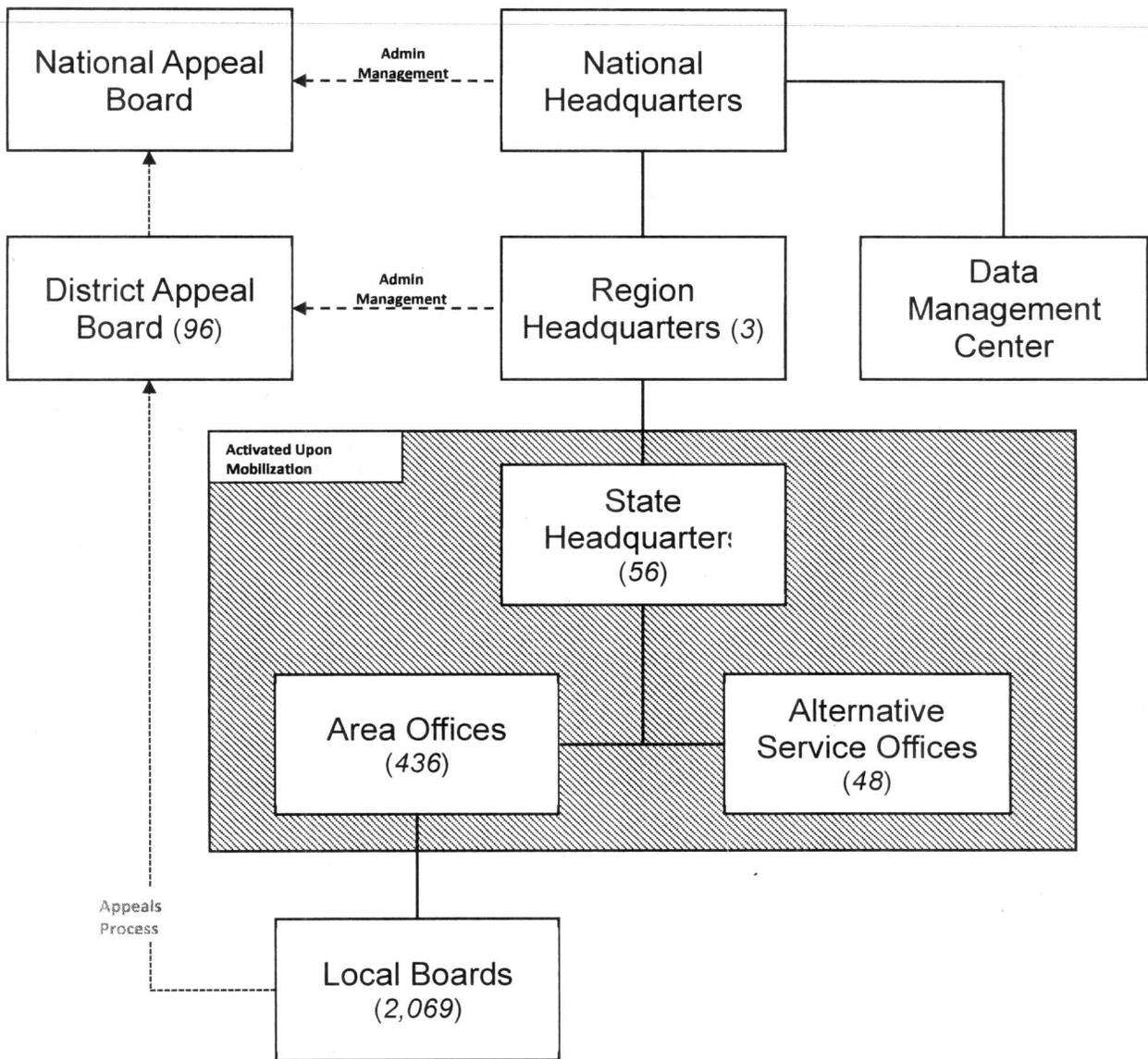
²³ See generally Selective Service System website, <https://www.sss.gov>.

²⁴ 32 Code of Federal Regulations, part 1633.1(f).

²⁵ For example, a college student may have his induction postponed until he finishes the current semester or, if a senior, until the end of the academic year; a high school student may have his induction postponed until he graduates or reaches age 20. 32 Code of Federal Regulations, part 1624.6.

²⁶ 32 Code of Federal Regulations, part 1633.1(d) and (e).

Figure 1: Structure of the Selective Service System



- The MSSA and federal regulations mandate the creation and establishment of at least one District Appeal Board in each of the 96 Federal judicial districts in the United States.²⁷ A District Appeal Board, consisting of three or more members, has the jurisdiction to review, and to affirm or change, any local board decision appealed to it.

²⁷ MSSA, Section 10(b)(3).

If a District Appeal Board denial is not unanimous, the case is reviewed and determined by a five-member National Appeal Board in Washington, D.C.²⁸

A lottery is conducted. An early step in the resumption of the induction process would be the conduct of a random drawing of dates of birth, to determine the sequence in which registrants of prime draft age would be called for processing for induction. For a conventional draft of “untrained” manpower, a man is in the first priority during the calendar year of his 20th birthday. The first to be called, in the sequence of birthdays determined by the lottery, will be men whose 20th birthday falls during that year, followed, if needed, by men aged 21, 22, 23, 24 and 25. 18-year-olds and those turning 19 probably would not be drafted. Each year, as a man ages, he shifts into a lower-priority group.

Registrants are classified. Classification is the process of determining who is available for military service and who is deferred or exempted. Registrants are not classified during peacetime, but in a national emergency requiring mass mobilization directed by the President and Congress, would be placed into categories based on their eligibility for military service. Initially, each registrant is presumed to be classified as “1-A” (available for unrestricted military service), unless and until they file a claim or appeal and are granted temporary deferment or permanent exemption in one of 21 different *administrative* (e.g., postponements to allow completion of education, deferral due membership in the National Guard, exemption as a “sole surviving son”) or *judgmental* (e.g., exemption as a conscientious objector, deferment for familial hardship, exemption as a minister) categories. Classifications are based on each registrant’s individual circumstances and beliefs.

The following *administrative* classification categories are among those available under extant policies and procedures²⁹:

- *Members of Reserve Components* (including members of the National Guard and senior Reserve Officers’ Training Corps cadets or midshipmen who have contracted to accept a Reserve commission) may perform service in the National Guard or Reserves.
- A *surviving son or brother* in a family in which the parent or sibling died as a result of U.S. military service, or is in a captured or missing in action status, is exempt from service.
- *Officials deferred by law*, including state governors, members of federal and state legislative bodies, and U.S. Court Judges, are exempt from service for as long as they continue to hold office.
- *Immigrants and dual nationals* may, in some cases, be exempt from U.S. military service, depending upon their place of residence and country of citizenship.

²⁸ 32 Code of Federal Regulations, part 1633.

²⁹ 32 Code of Federal Regulations, parts 1602.2 and 1630.

The following *judgmental* classification categories are among those available under extant policies and procedures³⁰:

- *Conscientious objectors* perform service to the Nation in a manner consistent with their moral, ethical, or religious opposition to participation in war in any form.³¹ Depending upon the nature of his beliefs, a conscientious objector serves in either a noncombatant capacity in the armed forces or a civilian job contributing to the national interest. The SSS administers an *Alternative Service Program* for conscientious objectors who are required to perform civilian service in lieu of serving in the military. Working with and through the *Alternative Service Employment Network*, the SSS identifies and approves employers ready to offer job placement to a classified conscientious objector in one of six approved occupations: health care services, educational services, environmental programs, social services, community services, or agricultural work. The employer supervises a conscientious objector's work and manages his 24-month period of alternative service.
- *Hardship* deferments are available for men whose induction would result in hardship to family members who depend upon them for support. Such deferments are limited to 365 days.
- *Ministers of Religion* are exempt from service.

Registrants are evaluated for physical, mental, and moral suitability for military service. Registrants with low lottery numbers are ordered to report to a U.S. Military Entrance Processing Station (MEPS) for a physical, mental, and moral evaluation to determine whether they are fit for military service. Those who pass the military evaluation will receive induction orders. An inductee will have 10 days to report to the local MEPS for induction.

Claims and appeals are adjudicated. If a registrant believes that for some reason he cannot or should not report for examination or induction as directed, he may request a postponement or reclassification by filing a claim and sending it to the *Area Office* supporting his *local board* of jurisdiction. The Area Office's receipt of such a claim delays the registrant's induction until his claim has been fully processed and adjudicated. Local board members will begin reviewing and deciding the outcome of the individual's claims. Board members may personally interview the registrant and persons who know him to gain a better understanding of his situation. A man may appeal a local board's decision to a District Appeal Board, and subsequently to the National Appeal Board.

Draftees are inducted into the military. According to current SSS plans, the first inductees must be delivered to the military within 193 days from a mass mobilization order.

Given this background, we now consider the specific matters posed by Congress in section 552 of the NDAA for FY 2017.

³⁰ 32 Code of Federal Regulations, parts 1602.13 and 1630.

³¹ 32 Code of Federal Regulations, part 1636. During the Vietnam conflict, an estimated 3 percent of inductees submitted judgmental claims for conscientious objector status.

Benefits Derived from the Military Selective Service System

Direct Benefits

The military selective service system guarantees the certain and timely fulfillment of military manpower requirements in a national emergency. Should mass mobilization be directed by the President and Congress, the selective service process is prepared to support DoD manpower requirements through the conduct of a fair and equitable draft. The SSS and the registration database provide the structure to support a mass mobilization that will rapidly increase the size of Service forces. This is not a theoretical capability. In the last three major engagements before the draft was abolished, the military selective service system provided DoD with nearly 13.5 million men to fight and win our Nation's wars: from 1940 to 1946 in World War II (10,021,279 inductions); from 1950 to 1953 in Korea (1,681,820 inductions); and from 1954 to 1973 in Vietnam (1,766,910 inductions).

The United States must always retain the ability to respond to the “catastrophe yet unanticipated.”³² Maintaining the systems, infrastructure, and processes required to conduct a draft provides a strategic “shock absorber”³³ that will enable the country to mobilize parts or all of society in the face of a crisis of existential proportions—or in the words of then-President Reagan, “a relatively low-cost ‘insurance policy’ against our underestimation of the maximum level of threat we expect our Armed Forces to face.”

Since the SSS resumed registration in 1980, each Administration has preserved the agency and its programs, with the realization that *it is the only* proven, time-tested mechanism by which to expand the AVF in the event of a national emergency. At present, 91 percent of U.S. men 18 to 25 years old have registered with the SSS—nearly 17 million names and addresses are on file for men in the primary age group for draft. The extended database for men aged 26 to 35 years contains the names and addresses of nearly 22.5 million registrants. The registration database itself mitigates risk to the Nation; its very existence would reduce the time required for full defense mobilization. More importantly, the vast pool of human capability represented in and by the database stands ready to be called to bridge a potential capacity gap between the AVF and the force requirements of a conflict of global proportions or mammoth national emergency. Even though such scenarios remain unlikely, the consequences of being unable to wage such a war or respond to such a crisis would prove disastrous.³⁴ A proven national program of selective service facilitates military manpower planning for an unknown future, particularly when contemplating the most likely and/or most dangerous national security scenarios.

No one can predict the future of war. As then-Secretary of Defense Robert Gates once quipped, since the Vietnam conflict, the United States has a perfect record of predicting the next war: “we have never once gotten it right.” The prospect of a future draft—and the readiness of

³² Attributed to then-Secretary of Defense Chuck Hagel, 2013.

³³ David Barno and Nora Bensahel, *Why We Still Need the Draft*, War on the Rocks, February 23, 2016 [hereinafter Barno and Bensahel, *Why We Still Need the Draft*].

³⁴ *Id.*

the underlying systems, infrastructure, and processes to effect it—serve as a quiet but important hedge against an unknowable future rife with ever-changing threats to the Nation.³⁵

The selective service registration database provides valuable military recruiting leads.

The continued existence of the requirement that young males register for military selective service allows DoD and the Services to concentrate their recruiting resources on manning the current AVF, with the confidence that the SSS can provide a vast influx of manpower if needed in a national emergency. Further, registration, once used only for conscription, now functions as a rich source of information for military recruiting. The selective service process engages more than 2 million enlistment-eligible males annually through routine registration and compliance actions. On a monthly basis, the SSS provides the DoD Joint Advertising and Market Research Studies Office (JAMRS) the names, addresses, and dates of birth of *all* new registrants—more than 2.3 million in FY 2016 alone—to be used by DoD for recruiting purposes. In turn, working through the Military Service Recruiting Commands, JAMRS forwards hundreds of thousands of timely leads to military recruiters from young men potentially eligible for military service. In addition, every man who registers with the SSS receives a registration acknowledgement letter and registration card in the mail. Per agreement with DoD, the SSS inserts in this mailing a “joint lead” generation card developed by JAMRS on behalf of all the Services. Annually, the “joint lead” generation card generates approximately 75,000-85,000 recruiting leads from men interested in the possibility of volunteering for service.

Although some have rightly suggested that JAMRS could obtain the names, addresses, and dates of birth of enlistment-eligible males through the purchase of data from commercial vendors—JAMRS purchases such databases as a means of securing information about enlistment-eligible females—recruiting experts believe that the “joint lead” generation card remains their most valuable source of new, “high propensity” leads. When a young man receives his registration acknowledgement in the mail and extracts the “joint lead” generation card, he inevitably must consider, if only for the briefest of moments, the possibility of military service. For some, the card and the thought are quickly set aside; for others, the moment induces an openness to, and curiosity about, the prospect of service—a consideration of one’s options as an adult and duty as a citizen. As a recruiting tool, the anonymous ease associated with culling the names of potential leads from a commercial database pales in comparison to the import and effect of that tangible “moment” at which a young man reviews the card and first thinks to himself, “maybe I could do that”.³⁶

The links to benefit programs that enlistment-eligible youths hold dear—such as student loan eligibility, federal employment opportunities, and the naturalization process—associate selective service registration with positive outcomes that may help influence their propensity to serve. In addition, the registration system provides opportunities for key influencers to engage

³⁵ *Id.*

³⁶ In the context of recruiting, it is critical to build in potential recruits a belief in their “self-efficacy” related to military service. “Self-efficacy” is defined generally as one’s belief in one’s ability to succeed in specific situations or accomplish a particular task. One’s sense of self-efficacy is believed to play a major role in how one approaches goals, tasks, and challenges. In general, a potential recruit who reviews the “joint lead” generation card, or other recruiting media and believes “maybe I can do that” is more likely to pursue additional information about military service.

with the targeted population. For example, 18,218 of the Nation's 20,989³⁷ targeted high schools—an 87 percent participation rate—participate in the selective service High School Registrar Program, affording an opportunity for civic-minded school officials to both encourage registration compliance and discuss with eligible students the positive aspects of military service.³⁸

Indirect Benefits

Registration reminds America's youth of the importance of Military, National, and Public Service. The military selective service registration process empowers America's young men. The voluntary act of registration by a young man on or around his 18th birthday has been, and will continue to be, an opportunity for young American men and male immigrants to consider deliberately a future of military service, and to act accordingly. By registering with the SSS, every young man is reminded of the possibility that in a time of emergency, he may be called to arms in the defense of his nation. As then-Secretary of Defense Chuck Hagel stated in May 2013, registration "remind[s] our youth that public service is a valuable part of American citizenship." Even more, registration is a reminder to all it touches—a registrant's family, teachers, clergy, and other influencers—that military, national, and public service are inherent obligations of citizenship in a free society.

Military selective service is a critical link between the AVF and society at large. Selective service is a lone, slender thread³⁹ that connects all U.S. citizens to their military. By reinforcing the fundamental responsibility of all citizens to defend the country in times of crisis, the possibility of a draft links the entirety of the American people to our Nation's wars, and the risks of military service in those wars.⁴⁰

Fewer than 1 percent of Americans today serve in uniform. As the conscripts of World War II, Korea, Vietnam, and the Cold War fade away, the veteran population is declining in both actual size and the percentage of society it inhabits.⁴¹ Congress and the media make much of the fact that today, fewer Americans have a personal connection to the military than at any time in the past several decades—the gap between the American people and their military is growing ever larger. The MSSA restates the sense of Congress that "in a free society, the obligations and privileges of serving in the armed forces . . . should be shared generally"⁴². But the general public's "[reliance] on others—self-selected volunteers—to fight for the Nation has slowly become an accepted norm."⁴³

³⁷ High School Facts at a Glance: Number of Institutions. Across the United States there are 26,407 public secondary schools and 10,693 private secondary schools. (Digest of Education Statistics, 2001, Table 89, June 18, 2014). However, the SSS High School Registrar's program targets only those schools with male students; therefore, the number of high schools cited is less than the total combined number of public, private, charter, parochial, and vocational secondary schools.

³⁸ SSS Report to the Congress of the United States for FY 2016, p. 2.

³⁹ Barno and Bensahel, *Why We Still Need the Draft*.

⁴⁰ *Id.*

⁴¹ Phillip Carter, *99 Problems But a Draft Ain't One*, War on the Rocks, December 3, 2013 [hereinafter, Carter, *99 Problems*.]

⁴² MSSA, Section 1(c).

⁴³ Barno and Bensahel, *Why We Still Need the Draft*.

As fewer and fewer members of our society have direct military experience, it becomes increasingly important to maintain the link between the AVF and our society at large. The men and women of today's Armed Forces must know that the general population of our country stands behind them, committed to sharing the risks and burdens of military service, should the preservation of our national security so require.

Absent the possibility of a draft, however remote, the American people will grow ever more distant from the military, from the need to think about America's changing role in a dangerous world, from the debates by their elected leaders on the use of force, and most importantly, from the always deadly decision to go to war.⁴⁴ In contrast, conscription would instantly link every family with a draftee in the force—or with a son, husband, father, or brother at risk of being drafted—to the military.⁴⁵ Maintaining the ability to mobilize the larger nation to fight when necessary, and the will of all to share personally in the hardships of war, is an essential link between the AVF, our society at large, and the preservation of our democracy.

Military selective service is a symbol of national will and a deterrent to potential enemies of the United States. Maintaining military selective service sends a strong signal to potential adversaries that the United States is willing to draw on the full depth and breadth of its national resources, if and when necessary to wage war. The mere existence of the SSS and the registration requirement serve as a symbol to the world of our Nation's resolve and preparedness. Those in favor of then-President Carter's 1980 decision to reestablish draft registration argued that it sent an unequivocal message to the Soviet Union that the United States was prepared to act to defend its interests.⁴⁶ In 1994, then-President Bill Clinton stated, "... terminating ... draft registration now could send the wrong signal to our potential enemies who are watching for signs of U.S. resolve." And in 2012, then-President Barack Obama described the registration system as having "both military and symbolic significance."

Beyond symbolism, selective service signals—to allies and potential adversaries alike—the depth of U.S. commitment to the defense of our nation and its interests. Of reassurance to our allies, this signal has a deterrent effect on our nation's enemies. "Deterrence is not only a function of current power; it also includes the nation's potential power when galvanized."⁴⁷ Active registration and compliance processes provide a rock-solid foundation for a national strategic reserve, setting the conditions for timely and certain access to the full weight of manpower that may be required to defend ourselves and our treaty partners. Even considering only the 17 million men aged 18 through 25 whose names and addresses are recorded in the registration database, our enemies cannot help but be struck by the sheer mass of human force the United States could leverage. Through registration and the mobilization capability it promises, America demonstrates the public will and the practical ability to fight and win our Nation's wars.

Any decision with respect to the program of selective service—whether to sustain, modify, reaffirm, expand, or terminate registration—will send a signal to the world and have an

⁴⁴ *Id.*

⁴⁵ Carter, *99 Problems*.

⁴⁶ Kamarck, *Issues for Congress*, p. 12.

⁴⁷ Barno and Bensahel, *Why We Still Need the Draft*.

impact on deterrence, one way or the other. Maintaining the mechanism to implement conscription in times of crisis, ensures that the United States stands ready to send an indisputable signal of national resolve by choosing to initiate a draft, even one of modest size.⁴⁸ In contrast, eliminating military selective service could be interpreted by adversaries of the United States as a potential weakness, thus emboldening existing or potential enemies.

The Extent to which Expanding Registration to Include Women would Impact the Benefits of the Military Selective Service System

As previously noted, under current law, women may serve voluntarily in the U.S. Armed Forces but are not, and never have been, required to register for selective service. In fact, the language of the MSSA and its implementing regulations prohibit the SSS from registering women.⁴⁹ Before considering the effects of requiring women to register, it is appropriate to consider why women are currently exempt from this requirement.

Then-President Carter's 1980 proposal to reinstate draft registration was originally accompanied by proposed legislative language that would have modified the MSSA to authorize the registration of women.⁵⁰ In justifying his proposal, the then-President Carter explained:

“ My decision to register women is a recognition of the reality that both women and men are working members of our society. It confirms what is already obvious throughout our society—that women are now providing all types of skills in every profession. The military should be no exception. [. . .] There is no distinction possible, on the basis of ability or performance, that would allow me to exclude women from an obligation to register.”⁵¹

Congress rejected the then-President Carter's proposal, with an explanation in Title VII of Senate Report 26-826:

“[T]he starting point for any discussion of the appropriateness of registering women for the draft is the question of the proper role of women in combat. The principle that women should not intentionally and routinely engage in combat is fundamental, and enjoys wide support among our people. It is universally supported by military leaders who have testified before the committee, and forms the linchpin for any analysis of this problem. [. . .] Current law and policy exclude women from being assigned to combat in our military forces, and the committee reaffirms this policy. The policy precluding the use of women in combat is, in the committee's view, the most important reason for not including women in a registration system.”

⁴⁸ *Id.*

⁴⁹ MSSA, Section 3(a). As presently written, the law refers specifically to “male persons”, in stating who must register and who is susceptible to draft. Implementing regulations at 32 Code of Federal Regulations, part 1615.5 provide that Federal regulations state, “[n]o person who is not required by selective service law or the Proclamation of the President to register shall be registered.” For women to be required to register with Selective Service, Congress would have to amend the law.

⁵⁰ Kamarck, *Issues for Congress*, p. 13.

⁵¹ Statement of the President, Office of the White House Press Secretary, February 8, 1980.

In the 1981 case of *Rostker v. Goldberg*⁵², the Supreme Court ruled on a challenge to the exemption of women from selective service registration, upholding the constitutionality of the Nation's practice of registering only men. Writing for a majority of the Court, Justice William Rehnquist reasoned: "The existence of the combat restriction clearly indicates the basis for Congress' decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them."

Beginning in 2012, the DoD gradually began to eliminate prohibitions on the assignment of women to direct ground combat. Following a unanimous recommendation by the Joint Chiefs of Staff, then-Secretary of Defense Leon E. Panetta announced, on January 24, 2013, the end of the direct ground combat exclusion rule for female service members. The Military Services began planning to eliminate all unnecessary gender-based barriers to service and in the ensuing two years, opened more than 300,000 new military occupations and duty positions to women. Finally, on December 3, 2015, then-Secretary of Defense Ashton Carter promulgated a crowning policy that opened *all* military occupational specialties to women and removed all final restrictions on the service of women in combat. Qualified women were eligible to participate in all career fields, in all duty positions, at all echelons of the Armed Forces.

In advance of this all-encompassing change, the Department was required, by statute, to provide a report to Congress, analyzing the policy's legal implications for the MSSA. In December 2015, DoD advised Congress that the impending change "further alters the factual backdrop" underpinning *Rostker*, but took no further stance on the legal issues raised by then-Secretary Carter's decision to open all military positions to women.

The year that followed saw the appointment of the first female Combatant Commander. Women graduated from the Army's elite Ranger school, served on Navy submarines, and completed Marine Corps Artillery officer's training. The shift also enabled the Department to expand its recruiting reach to the entirety of the American population and to enlist qualified personnel, both male and female, for service in combat occupations. And, in the context of a mass mobilization, this change would permit the Department to place any qualified person—male or female—in any position, in any Service, to meet the manpower demands of any mission.

Since the ban on women in combat was lifted, the merits of including women in the requirement to register for the draft have been hotly debated in the media and in the halls of Congress. In December 2016, then-Secretary of Defense Carter stated publicly:

"While I strongly support our all-volunteer approach and do not advocate returning to a draft, I do think it makes sense for women to register for selective service at this time. With all combat positions now open to women, we need to have access to 100-percent of America's population for our all-volunteer force to be able to recruit the most qualified individuals and remain the finest fighting force the world has ever known."

⁵² *Rostker v. Goldberg*, 453 U.S. 57 (1981).

Other senior military leaders from across the Services made similar personal statements in favor of registering women for the draft.⁵³

A December 2016 survey asked respondents for their views on requiring women to register for a possible military draft. About one-half (49 percent) of respondents would support requiring women to register for the military draft; only 14 percent would oppose the mandatory registration of women.⁵⁴ These “support” or “oppose” survey choices do not reflect the breadth of public opinion on the issue, however.

At least two challenges to the current law excluding women from registration have been raised: one lawsuit contending that the male-only draft is unconstitutional, the other claiming that the exclusion of women from the draft is unlawful discrimination. On a broader level, some believe that women cannot be equal in society as long as they are barred from full participation in all levels of the national security system and thus should be *allowed to* register for the draft.⁵⁵ Others argue that equal access to combat jobs should *oblige* women to take equal responsibility for registering for military selective service and potentially being assigned to combat roles in the event of a draft.⁵⁶ But as things stand currently, the legal effect of removing all restrictions on the assignment and utilization of women in the Armed Forces on the constitutionality of a male-only draft registration requirement, has yet to be determined.

Some argue that the preservation of the national security does not require the service of our country’s women. Recruiting studies estimate that only 29 percent of today’s youth qualify for entry into the military, for a variety of educational, medical, criminal justice and other reasons.⁵⁷ In rough proportion, were the United States to draft only 5 million of the 17 million men of primary draft age, the resultant force would far exceed the foreseeable manpower requirements of all but the most global of conflicts.⁵⁸

Others suggest that women should be obliged to enroll in the selective service system, but should not be forced into combat roles on the occasion of a draft. But any such exemption for women would raise fairness concerns for men, who would not have the same opportunities to opt out of combat assignments. And, making the choice not to serve in combat available to both male and female draftees would undercut the very purpose of the endeavor.⁵⁹

Those who are opposed to a requirement for women to register suggest that it is not fair and equitable for women to be placed in the same roles as men because women do not have the same physical capabilities as the average man and thus would have a lower probability of survival if forced to serve in direct ground combat roles. To this, they add that it would be

⁵³ Both General Mark Milley, Army Chief of Staff, and General Robert Neller, Commandant of the Marine Corps, have publicly stated that all eligible and qualified men and women should be required to register for the draft. Lamothe, Dan, “Army and Marine Corps Chiefs: It’s time for women to register for the draft”, *The Washington Post*, February 2, 2016.

⁵⁴ Joint Advertising Market Research and Studies, Current Events Tracker, December 2016.

⁵⁵ Kamarck, *Issues for Congress*, p. 26.

⁵⁶ Barno, David and Bensahel, Nora, “Now Women Should Register for the Draft”, *Time*, December 7, 2015.

⁵⁷ Joint Advertising Market Research and Studies, Quality of Military Accessions, 2014.

⁵⁸ See generally Carter, *99 Problems*.

⁵⁹ Kamarck, *Issues for Congress*, p. 26.

inefficient to draft thousands of women when only a small percentage would be physically qualified to serve as part of a combat troop. Those in favor of female draft registration riposte that future wars may have greater requirements for more technical skills in non-combat fields, for which the percent of individuals qualified would not be as variable by gender.⁶⁰

Finally, from a theological or moral perspective, some say that it is wrong for women to serve in combat roles; given that a draft would most likely be used to fill positions for combat operations, women should be exempt from registering. This argument resonates strongly with a segment of the U.S. population. Were women required to register for selective service, it could significantly increase public opposition to the conduct of a draft and degrade public support for engaging in a conflict that could require one.⁶¹ This leads to perplexing questions as to the potential draft classification of both men and women who hew to these perspectives, and whether such beliefs could translate into a form of conscientious objection to service in a mixed gender combat unit.

With this background in mind, we now address the potential effects of expanding registration to include women on the direct and indirect benefits of military selective service.

Direct Benefits Potentially Associated with Expanding Registration to Women

The military selective service system guarantees the certain and timely fulfillment of military manpower requirements in a national emergency. It would appear imprudent to exclude approximately 50 percent of the population—the female half—from availability for the draft in the case of a national emergency. Future wars may have requirements for skills in non-combat fields in which the percentage of individuals qualified would not be as variable by gender. A broader, deeper registrant pool would enhance the ability of the SSS to provide manpower to the DoD in accordance with its force needs. This is particularly important because future wars may have requirements for skills in non-combat fields in which the percentage of individuals qualified would not be as variable by gender.⁶² And, if a draft becomes necessary, the public must see that it is fair and equitable. For that to happen, the maximum number of eligible persons must be registered.

The registration database provides valuable military recruiting leads.⁶³ Requiring the registration of women would substantially increase the number of leads provided to Service recruiting organizations, effectively doubling the name and address data transferred monthly from the SSS to the DoD. The DoD-developed “joint lead” generation card enclosed in SSS mailings of acknowledgement letters to males who have registered, generates approximately 75,000-80,000 male leads annually. The Department anticipates that female registration could generate an additional 35,000-40,000 annual female leads, providing a significant boost to military recruiters, particularly given that female applicants tend to meet quality benchmarks at higher rates than do males.⁶⁴ If the discernable positive recruiting effects on males associated

⁶⁰ *Ibid.*, p. 27.

⁶¹ *Id.*

⁶² Kamarck, *Issues for Congress*, p. 26.

⁶³ The potential for sharing a “total citizen database” with other National Service Organizations, such as USA Freedom Corps, Citizen Corps, AmeriCorps, and America’s Promise, has yet to be explored.

⁶⁴ Joint Advertising Market Research and Studies, Joint Leads Study, 2009.

with reviewing the “joint lead” generation card—the “maybe I can do that” moment in which the possibility of military service is rendered tangible—translate as expected to a female registrant population, the number of female leads, motivated by the sense of self-efficacy, could be even higher. That all military positions are now open to women also may influence an increase in leads among women registrants curious about, or having a propensity for service in combat occupations, and inspired by the equal opportunity now afforded both men and women who can meet the military’s tough standards.⁶⁵ As an aside, DoD currently pays commercial vendors for data to generate female leads; this practice could be discontinued, rendering a small cost savings to the Department.⁶⁶

Indirect Benefits Potentially Associated with Expanding Registration to Women

Registration reminds America’s youth of the importance of Military, National, and Public Service. The draft’s utility as an “application of practical democracy” likely would be enhanced by the registration of females. As recently as December 1, 2016, the Obama administration announced support for the selective service registration of women, stating, “[t]he President believes adding women to the draft would serve two purposes: showing a commitment to gender equality throughout the armed services, and fostering a sense of public service that comes from requiring draft registration as a ritual of adulthood”.⁶⁷ Universal registration would expand emphasis on military, national, and public service by the totality of America’s youth, reminding both men and women that service is a key tenet of citizenship. As with young men, the act of registration, standing alone, would afford young American women a first, and perhaps best opportunity to act deliberately in considering and exploring the option of a military career.

Military selective service is a critical link between the AVF and society at large. Registering *all* young people between the ages of 18 and 25 for selective service, without regard to gender, would further conjoin the interests of the American people and their military. Universal registration would serve as a palpable reminder of the fundamental obligation, common to *all citizens*—men and women, sons and daughters, husbands and wives, brothers and sisters—to defend the country when called, and to share in the hardships of war. One would be hard pressed to find an individual, a family, or a community without connection to a young man or woman registered for the draft. These connections—the possibility that someone known or loved could be pressed into military service should the preservation of our national security so require, will link inextricably the American people with those who serve, now and into the future.

Military selective service is a symbol of national will and a deterrent to potential enemies of the United States. Registering females for the first time in the Nation’s history would not be expected to detract from the symbolic or deterrent effects of draft registration. Rather, it would seem to signal to allies and potential enemies alike, an enhanced resolve to defend our nation and its partners, through the commitment and capability of the entirety of our citizenry. It is not outside the realm of possibility, however, that nations that do not employ women in their Armed

⁶⁵ DoD Equities with Proposed Changes to the Selective Service System (SSS) In Support of the Deputies Small Group Meeting on Female Selective Service, July 1, 2016, p. 2.

⁶⁶ Discussion Paper, Deputies Small Group Meeting on Female Selective Service, June 29, 2016, TAB B, p. 3.

⁶⁷ Korte, Gregory and Vanden Brook, Tom, “White House: Obama supports registering women for military draft,” *USA Today*, December 1, 2016.

Forces or in combat roles, could perceive the extension of the draft to women as weakening the power and lethality of the U.S. military.

An Additional Benefit Potentially Associated with Expanding Registration to Women

The registration of women would provide an *additional* benefit not presently derived from the military selective service system, as follows:

The registration of women would promote fairness and equity. That no segment of the population from ages 18 to 25 would be exempt from draft registration would ensure an equity not previously possible in the registration process and would comport the military selective service system with our Nation's touchstone values of fair and equitable treatment, and equality of opportunity.

In a tactical manifestation of the inequity inherent in the current system, men are required to register for selective service as a condition of eligibility for myriad consequential benefits and services at both the federal and state levels. A man who forgets, delays, or fails to register is denied government employment, job training, student loans and grants, a driver's license, and a security clearance, to name but a few.⁶⁸ Even if he has registered, government action on a man's application for benefits and services for which he is eligible often is held in abeyance while his selective service registration is verified with the SSS. Women suffer none of these denials or delays, solely because they are not required to register for the draft, solely because they are . . . women. That technical arguments can be applied to justify such differences in treatment is beside the point. Men are treated differently than their female counterparts, for reasons seemingly grounded in gender; this inequity creates the perception of discrimination and unfair dealing—a tarnish that attaches to the military selective service system writ large.

A requirement for universal registration would place women and men on equal footing. Each would be required to register; each would be required to verify registration as a prerequisite to receipt of government benefits and services; and each would be subject to the same penalties—the denial of benefits and services—for non-compliance. Restoring the perception and *reality* of fair and equal treatment for *all* in the administration of essential federal and state programs is an additional benefit to be derived from extending to women the requirement to register for the draft.

Additional Resource Requirements to Register Women

The immediate registration of all females in the 18-25 age range, the prospect of doubling the number of annual registrations and the associated compliance and verification processes, together with the potential requirement to mobilize from this larger pool, if directed, would seem likely to require an increase in SSS resourcing, as well as the revision of selective service policies and procedures to address this new population.

⁶⁸ A man who forgets or neglects to register until after he turns 26, past the age at which registration is required, must show, by a preponderance of the evidence, that his failure was not "knowing and willful". The process for adjudicating the matter can be lengthy—as long as 18 months in some cases. During this period, the man is not eligible for certain federal and state benefits and services.

Were Congress and the President to authorize the registration of women, the current cohort of about 11 million women in the primary age range of 18-25 would need to be registered in short order. Annually thereafter, the inclusion of females would almost double the number of registrants, and the associated compliance and verification transactions.

The SSS has previously indicated that it has developed a five-year, phased implementation plan that would absorb such a significant increase in mission. As we understand it, the SSS could initiate a drive to register women of all age cohorts, beginning paper-based registration within approximately 45 days of the enactment of directive legislation or a court order, electronic registration of the primary draft age cohorts within 12 months, and full registration, including compliance and verification cross-checks, within approximately 18 months.

We understand that the SSS has projected that it would require additional appropriations along the order of approximately \$9 million in the first year of the plan, and \$37 million over the first five years of execution. If assigned the mission and provided the additional resources requested, the SSS believes that, with minor modifications, its existing infrastructure is adequate to register and draft women, as directed.⁶⁹

To enable expanded registration, it is expected that the SSS would augment its staff with full-time equivalent civilian employees and contractors focused on increasing the capacity and throughput of its data intake, sharing, and management systems, and on reviewing and updating existing data exchange agreements and Memoranda of Understanding with federal and state agency stakeholders.⁷⁰

Extant policies and procedures governing a future draft would require review and amendment to ensure consideration of women registrants in the execution of a fair and equitable lottery, call and deliver process, and MEPS examination and induction. The Alternative Service Program for conscientious objectors also would require amendment, and potentially expansion, to address the female population. And, the SSS would likely need to train and exercise its personnel and systems to ensure their readiness to execute a draft in accordance with the new policies and procedures, if directed to do so.

Functions Currently Performed by the SSS that would be Assumed by DoD in the Absence of a National Registration Capability

We begin our discussion in this section by recalling the Congressional declaration that the “Selective Service System should remain administratively independent of any other agency, including the Department of Defense.”⁷¹ Maintaining the clear distinction between the DoD and the administration of the Nation’s selective service registration system ensures the preeminence

⁶⁹ Selective Service System website, <https://www.sss.gov/Registration/Women-And-Draft>.

⁷⁰ Note too that federal and state laws conditioning the receipt of government benefits and services on draft registration would require deliberate assessment and possible modification to render them applicable to females. This would not be the responsibility of the SSS, but it would undoubtedly require the investment of significant time, effort, and funds on the part of federal and state stakeholders.

⁷¹ MSSA, Section 1(f).

of civilian control and has historically been viewed as important to the public's perception of the draft process as fair and equitable.⁷² DoD believes that there is great wisdom and value in sustaining this "separation of powers".

We note first the intractable challenge that would arise were the requirement for peacetime selective service registration repealed, precluding continued update of the current registration database. Each year hence, another birth group of men would reach age 26 and be dropped from the active database; at the same time, no new 18-year-olds would be registered. Consequently, in only 8 years, the current registration database would contain not a single name in the primary draft pool; in the face of a national emergency, our ability to identify the set of draft-age men and execute a mass mobilization would be undone.

In responding to this question, however, DoD presumed that it would be required to assume responsibility for the registration function as it currently exists, as detailed above in this report.⁷³ This report does not purport to envision how DoD might otherwise execute the registration function. While there would be no necessity for DoD to do things exactly as they have been done in the past, the SSS experience provides the only capability currently on hand to execute the registration requirement. In the absence of a comprehensive study beyond the scope of this report, DoD takes no position on whether the current national registration system and process could or should be modified. We look forward to participating in a broader national dialogue on these issues, to be fostered by the work of the National Commission on Military, National, and Public Service.

That said, were the current national registration responsibilities shifted to DoD, the Department would be required to assume responsibility for both the collection and verification of the personally-identifying information of draft-age men and the sustainment of the registration database. The express and implied tasks comprising these functions are legion, including in main:

- Implementing multi-pronged *public outreach and awareness efforts* to educate and inform young men and influencers about the importance of selective service registration and promote compliance with the legal registration requirement.
 - Supporting and leveraging the efforts of approximately 26,192 part-time uncompensated civilian volunteer registrars in high schools, at job training sites, in the Federal Bureau of Prisons and State Correction Institutions, and at National Farm-Worker Jobs locations, to generate awareness of the registration requirement and promote compliance among their constituencies.
- Assuming wholesale responsibility for the *administration and management of all means and methods of registration*: an on-line registration-capable web-site; automatic registration via electronic data exchanges with federal and state agencies (including more than 40 state Departments of Motor Vehicles); the Interactive Voice Response system and Call Center; and the printing and mailing of paper draft

⁷² Kamarck, *Issues for Congress*, 25.

⁷³ *Supra* pp. 3-5. We believe it likely that DoD's assumption of the registration function would require significant legislative and regulatory action to modify the MSSA and its implementing regulations.

registration packets to eligible males and distribution of paper forms to U.S. Post Offices.

- developing and sustaining interagency data exchange agreements and Memoranda of Understanding with the panoply of federal and state agencies that enable automatic registration and routinely share data with the registration database.
 - preparing and mailing approximately 2.3 million registration acknowledgment letters each year to new registrants.
 - identifying and taking appropriate action to address instances of registration non-compliance.
- Assuming responsibility for the *administration and management of one of the largest databases* of personally-identifiable information in the federal government. This would include all Chief Information Officer and network security functions, the requirement to maintain and update information technology hardware and software applications to ensure continuous operation of the system and its relational data base, and ensuring system connectivity with authorized federal and state agency stakeholders for purposes of data exchange.
 - ensuring the accuracy and completeness of data maintained in the registration database, by cross-checking and validating information from individuals who register via electronic means, preventing fraudulent registrations, identifying deceased individuals, and correcting inaccurate personal information.
 - responding timely to requests from federal and state agencies to verify a registration, with a view to determining eligibility for benefits linked to the selective service registration requirement.
 - *Responding to inquiries* from registrants, the public, Congress, and the media.

Some have proposed that the personal data needed to inform a future draft could be acquired from other federal or state government databases, augmented by the purchase of third-party commercial datasets—a “big data” model. The current registration database relies extensively on information collected and shared by other federal and state entities, which is routinely validated and cross-checked by the SSS for accuracy and completeness. But because each federal agency’s information systems include only that data related to the persons with whom that agency engages in the conduct of its particular mission, no single agency database is likely to be complete for purposes of a draft; each list would likely exclude some draft-eligible individuals. A cursory assessment leads to a preliminary conclusion that, at the present time, reliance on other existing government and/or commercial databases to generate a definitive list of draft-eligible youth would: raise privacy concerns; inject uncertainties as to data quality and completeness that would bear on the fairness and equity of the draft writ large; and potentially effect the missions of participating government agencies adversely as individuals sought to avoid inclusion on the list of potential draftees.⁷⁴

⁷⁴ Kamarck, *Issues for Congress*, p. 25. Although a study of some vintage, in 1978, the Congressional Budget Office (CBO) proposed automatic registration of eligible persons by merging existing data on file with the Social Security System and Internal Revenue Service (IRS). The CBO report suggested that such a list might miss as many as 40 percent of eligible registrants. Further, IRS officials were concerned that such an approach would raise the level of tax evasion by those seeking to avoid draft registration.

Systems, Manpower, and Facilities needed by DoD to Mobilize Inductees in the Absence of the SSS

We begin this section's discussion by reiterating the Department's stalwart belief in the value of maintaining a clear distinction between the DoD and the administration of the Nation's conscription processes.

For the first half of the 20th century, the military establishment was responsible for the operation of the national draft. These Byzantine drafts⁷⁵ suffered from a dearth of consistency in the administration of postponements, deferments, and exemptions; the maltreatment of conscientious objectors; and lottery and quota systems racked by cronyism. At times, the chance of being drafted varied by state, by local community, and by one's economic status, fostering near-universal perceptions of a lack of fairness and equity.⁷⁶ The MSSA's establishment of an independent agency charged to administer the mass mobilization process was an unequivocal statement of Congress's intent to rectify these ills. The "separation of powers" between DoD and the execution of the draft—codified in the MSSA—is essential to maintaining public trust in the fundamental fairness of the process, confidence in the system, and willingness to participate. Vesting in DoD the responsibility for mobilizing inductees has the potential to compromise the draft process, diminish the Department's effectiveness, and divert DoD senior leader attention from the grave national security challenges at hand during a mass mobilization.

Over the years, the SSS has developed a complex, yet methodical process to achieve the fair, orderly, time-phased induction of large numbers of men, with parallel tracking and processes for deferred inductions and reclassified personnel. In responding to this question, DoD presumed that it would assume responsibility for the mobilization function as it currently exists, as detailed in this report.⁷⁷ This report does not purport to envision how DoD might otherwise execute the mobilization function. While there would be no necessity for DoD to do things exactly as they have been done in the past, the SSS experience provides the only model presently available for dealing with these requirements. In the absence of a comprehensive study beyond the scope of this report, DoD takes no position on whether the current mass mobilization system and process could or should be modified. We look forward to participating in a broader national dialogue on these issues, to be fostered by the work of the National Commission on Military, National, and Public Service.

In the absence of the SSS, DoD would need the following systems, manpower, and facilities to mobilize inductees.

Systems

Were DoD required to assume the mass mobilization functions presently under the auspices of the SSS, it would presumably need to inherit or replicate the capabilities of existing SSS systems, inclusive of the current public website and specialized Information Technology

⁷⁵ Carter, *99 Problems*.

⁷⁶ Kamarck, *Issues for Congress*, p. 8.

⁷⁷ *Infra* pp. 6-9, 23-25, 31-34. We believe it likely that DoD's assumption of the mass mobilization function would require significant legislative and regulatory action to modify the MSSA and its implementing regulations.

systems and databases, many of which are described earlier in this report. In addition, DoD would assume responsibility for the Integrated Mobilization Information System (IMIS) to facilitate management of the more than 11,000 local board members, accession requirements, and Reserve Force Officer administration, as well as for the Central Registrant Processing Portal, which builds on IMIS as the system of record for the management of information related to the induction process.

Manpower

The SSS reports that in peacetime it is manned by about 125 full-time civilian employees assigned to its national and region headquarters. In addition, 56 part-time State Directors, appointed by their State Governors, oversee selective service activities in every state, territory, and the District of Columbia. These civilians support a field structure grounded in 2,069 local boards staffed with 11,000 volunteer board members—located in almost every county of the United States and its territories. 96 District Appeal Boards and one National Appeal Board provide avenues of redress for registrants dissatisfied with decisions at the local board level.

In keeping with SSS plans, in the event of a mass mobilization, DoD would recruit, onboard, train, and sustain more than 500 Reserve Force Officers, 1,500 military retirees recalled to duty, 700 State Resource Volunteers, and 6,500 newly hired federal employees, to support the execution of a draft. Manpower augmentee assignments during a mass mobilization are projected as follows:

National headquarters	724 personnel (1 location)
Region headquarters	531 personnel (3 locations)
State headquarters	784 personnel (56 locations)
Area Offices	4,360 personnel (436 locations)
Alternative Service Offices	576 personnel (48 locations)
Liaisons at MEPS stations	65 personnel
Reserve Force Officers	504 personnel
Retiree recalls	1,500 personnel

Management of the Alternative Service Program would warrant special DoD attention. When properly classified by a local board in the context of a mass mobilization, conscientious objectors are required to fulfill their service obligation in a civilian capacity that contributes to the maintenance of the national health, safety, or interest. DoD would be responsible for maintaining alternative service policies and procedures, building the Alternative Service Employer Network, and interfacing with religious institutions and the conscientious objector community.⁷⁸

Facilities

DoD would assume responsibility for managing the facilities housing the SSS National headquarters and 3 Region headquarters. 56 State headquarters would be established at designated National Guard armories, and 436 Area Offices would operate from select recruiting

⁷⁸ 32 Code of Federal Regulations, part 1656.2.

station offices across the United States. 48 Alternative Service Offices would be co-located with designated Area Offices to administer the Alternative Service Program for conscientious objectors.

The MSSA and federal regulations⁷⁹ mandate the establishment of one or more local boards in each county or political subdivision of the United States. Each of the 2,069 local boards presently in existence performs its official duties at sites within the jurisdiction for which it is established. DoD would coordinate site location and support requirements through servicing Area Office personnel, assigned Reserve Force Officers, and local government authorities.

Additional facilities would be required for the 96 District Appeal Boards, the National Appeal Board, and various other supporting elements.

Feasibility and Utility of Eliminating the Current Focus on Mass Mobilization of Primarily Combat Troops in Favor of a System that Focuses on Mobilization of Military Occupational Specialties

The current registration requirement and systems for mass mobilization are designed to provide a fair and equitable process by which individuals are generally conscripted as “untrained manpower,” without regard to their individual skills or abilities. We will never know with certainty how an enemy might fight or precisely what demands a future conflict might place on our forces; we must guard against a presumption that future wars will be “just like the last.”⁸⁰ The particular skills needed by DoD and the Military Services in the event of a national emergency will vary with the nature of the crisis. For example:⁸¹

- The changing shape of future wars may require conscripting the nation’s best experts at code writing, hacking, and cyber security to rapidly build a world-class cadre of cyber warriors.
- There might be an immediate need to put financial experts and market analysts into uniform to help protect the nation from potentially disruptive economic warfare.
- The military might need to mobilize social media experts who can understand and undercut the insidious messaging of highly sophisticated adversaries aiming to inflame and radicalize populations at home and abroad.

This reality prompts questions as to the feasibility and utility of targeting the draft process to specific military occupation specialties (MOSs) that may be of particular necessity or high-value in the prosecution of a given conflict, similar to recruiting practices that have been used with some success to target persons with “high-demand, low-density” skills for enlistment in the AVF.

⁷⁹ 32 Code of Federal Regulations, part 1605.51.

⁸⁰ Barno and Bensahel, *Mirages of War*.

⁸¹ These examples are excerpted directly from Barno and Bensahel, *Why We Still Need the Draft*.

A targeted draft focusing on specific MOSs is feasible, but would add significant complexity to registration and mobilization processes. More important is the understanding that applying qualitative conscription criteria to some, inevitably devolves into *de facto* exemptions for others.⁸² Significant thought and effort would need to be devoted to countering the specter of an unfair and inequitable draft raised by the use of targeted mobilization. By segregating elements of society by intellect; skill, education or achievement in the desired discipline; or experience—the perennial question of “who serves when not all serve?” takes on a new connotation. Those who meet the military’s particular need would be conscripted to serve; those who do not would go home. It has also been suggested that a targeted draft could prove an inefficient use of high-value labor, “indiscriminately compelling employment in the military regardless [of the fact that that even in the context of a national emergency, the] individual could have much greater value to our society elsewhere.”⁸³

Mobilization of General Combat Forces

Under current law, the SSS will provide trained and untrained manpower to DoD in a national emergency, when directed by the President and Congress. Although all 18-25 year old males are required to register with selective service, not all will serve. In a mass mobilization, the Office of the Under Secretary of Defense for Personnel and Readiness would submit military manpower induction requirements through the U.S. Military Entrance Processing Command (MEPCOM) to the Director of the SSS. The specific induction requirement would be extrapolated to identify the number of men who must be called up to achieve the desired end state, and define the timeline for processing and inducting them. The mass mobilization system is both flexible and scalable, designed to adapt to the volume and immediacy of the requirement presented. The MEPS receive manpower from the SSS, examine each registrant who presents to determine his physical, mental, moral, and administrative qualifications for military service, and induct qualified registrants into military service, before moving them onward to their Service military reception center for training.⁸⁴

Past practice and current plans envision two methods for processing registrants. Using a “one-step” process, the SSS would deliver a fixed number of registrants to each MEPS daily, in accordance with a predetermined order of call based on age cohort, lottery selection, and random sequence. The MEPS will administer the Armed Services Vocational Aptitude Battery (ASVAB) and necessary Service-specific specialty tests, conduct a physical examination, induct qualified men into their respective Services, and provide for their immediate movement to training. Applying the “two-step” method, the SSS would deliver a fixed number of registrants to each MEPS for aptitude testing, medical examination, and moral qualifications assessment. Although the progression of registrants through the MEPS station mirrors the “one-step” method, at the “end of the day”, registrants return home to await induction at a later date, as determined by the SSS and their respective Services. In the interim, postponement, deferment, and

⁸² Carter, *99 Problems*.

⁸³ *Id.* See also Kamarck, *Issues for Congress*, p. 23.

⁸⁴ Army Regulation 601-270, OPNAVINST 1100.4C CH-2, AFI 36-2003_IP, MCO 1100.75, COMDTINST M 1100.2E Military Entrance Processing Station (MEPS)(Washington, DC: Department of Defense, September 13, 2011), p. 1.

exemption claims are adjudicated, and potential medical or conduct disqualifications are resolved.⁸⁵

Although most of these inductees likely will be used to fill the ranks of combat units, MEPS testing is generally capable of identifying those with special skills or aptitude for a particular military occupation for which there is a need. Those so identified *may be* trained and utilized accordingly.

Mobilization by Military Occupational Specialties

“Conscription in the future could look very different than the draft calls of Korea or Vietnam”.⁸⁶ Those who would threaten our national security wear many faces; the dangers they would unleash take many forms. Countering those bad actors and the threats they pose may require a fighting force not based solely on combat power, as was the case in the last century. But the 21st-century, cutting edge human capital so crucial to success in a major war of the future will not likely be found in our military of today.⁸⁷ Scrambling to identify, locate, and induct experts from scratch in the middle of a crisis mobilization would take too long, at a time when every day counts. Thus, there is some appeal to the idea of structuring a mobilization process to target and render up those with unique skills and capabilities relevant to the crisis at hand, in other words, “drafting to need.” Secretary of Defense James Mattis signaled his interest in such an approach, when, in response to written question posed by the Senate Armed Services Committee in advance of his confirmation hearing he stated, “I will direct the Department to determine which needed skills are anticipated and pass those requirements to the Selective Service.”

In its simplest form, rather than trusting to chance and presuming that each cohort of registrants that passes through a MEPS for examination and induction will possess, in the aggregate, the right mix of skills and experience that DoD needs, a targeted draft could focus on using information in the registration database to identify and cull for induction, those individuals with the knowledge, skills, and abilities associated with specific MOSs in demand. Populating the selective service registration database, well in advance of a crisis, with information requisite to the identification of “experts” in a wide variety of disciplines, would be integral to such a plan.⁸⁸

The registration database maintains basic information comprising a registrant “profile” on men between the ages of 18 and 26. At initial registration, the individual could be required to report data reflecting his profession, skill certifications, conferred degrees, and licenses for inclusion in his profile. Given the relative youth of most of the registrant population, information of this sort is likely to be scant, however.⁸⁹ With successive periodic updates to the

⁸⁵ *Ibid* at p. 18.

⁸⁶ Barno and Bensahel, *Why We Still Need the Draft*.

⁸⁷ *Id.*

⁸⁸ A broad-brush approach to collecting and recording information about a wide variety of skill categories would render it more likely that the registration database would be useful for a targeted draft going forward.

⁸⁹ Currently, the only profile information routinely updated is the registrant’s “current address”, changes in which are required to be reported within 10 days of a move. New address information is also collected and validated

“critical skills” section of the profile—perhaps every two to three years, continuing even after the registrant is no longer in the primary draft pool—the foundation of a targeted draft could be established and sit ready for years. A major deficit of this method is that to maintain the functionality of the database, every American male would have to update his skills competencies with selective service on a regular basis, over most of his adult life. Further, efforts to mandate reporting of this additional information are likely to meet with widespread objection because of perceived infringements on privacy rights and civil liberties. Given the level of detail in the information required, the periodicity of updates, the length of the reporting period, and the likelihood of public opposition to the proposal, securing the level of compliance necessary to ensure the accuracy and completeness of the database, and enforcing penalties for non-compliance, would present significant challenges.

And, given that females are not authorized to register for the draft, there would be no mechanism by which to collect and maintain a record of their professions, skills, academic degrees, and licenses—even were use of the information intended only for voluntary recruitment purposes. This would prove an unfortunate omission. A targeted draft in a future war would presumptively focus on highly technical skills in short supply in the labor market as a whole. The percent of individuals qualified in such skills is unlikely to be as variable by gender as are the combat MOSs. Accordingly, targeting a draft to only 50 percent of the available population would severely limit success.

Considering other options, in past conflicts, state medical licensing boards arranged to provide licensing lists to the SSS as means of identifying health care providers. Similar “partnering” arrangements could be negotiated with licensing and credentialing boards associated with other disciplines, professional organizations, academic institutions, and private industry, to share data about individuals with particular high-value skills. For example, the American Society for Civil Engineers or the National Society of Professional Engineers could provide the SSS with information about their members specializing in the management of electric grids or the build-out of transportation infrastructures. Microsoft and Cisco Systems could yield a cadre of trained software engineers and coders. Adding information about these individual’s specialties to their profile in the selective service registration database would allow for easy retrieval, by area of expertise, when needed by DoD in a national emergency. Of course, any such endeavor would likely raise privacy and other civil liberties concerns. Absent Congressional engagement, these “partnering” arrangements would rely on voluntary disclosures by boards, professional organizations, academia, and industry. Their willingness to participate should not be presumed. Finally, given that only males participate in the registration database, even were such information to be made available, there would be no means of recording and maintaining it for similarly expert females. Once again, this constraint would limit the military’s ability to identify the right expert, with the right skills, for use in the right place, at the right time.

Also, it is important to note that any mass mobilization process in which only those with critical skills are subject to draft will be pilloried as inequitable and unfair. Efforts to evade would be commonplace, and—given that the information on which the draft would rely could be obtained only through voluntary disclosure—more often than not, successful.

through SSS data exchanges with other federal and state agencies. The remaining information—name and social security number—is unlikely to change with the passage of years.

Taking another tack, the examination phase of the induction process could be modified to permit a more robust assessment of a registrant's skills and capabilities, earlier in the mobilization timeline. DoD would be required to identify, in advance, the critical skills and occupations known or projected to require expert manning. A structured interview, designed to elicit detailed information about the registrant's profession, skills, academic degrees, and licenses; a post call-up review of the registrant's selective service database profile; and consideration of the results of pinpoint aptitude tests, in addition to ASVAB scores, could identify those well suited for the high-value MOSs needed by DoD. Those registrants would be separated from the cohort for special processing and channeled expeditiously to required training. Although this method likely would not work with a one-step induction process, the two-step process could prove more adaptable. The time required to conduct detailed interviews and the timing, logistics, and expense of pinpoint aptitude testing could prove challenging, however. Nonetheless, this approach would probably be viewed as "more" fair and equitable, because an individual's identification for MOS targeting would occur only after he already had been selected for draft by regular random processes. Given that the pool of individuals considered for channeling to special skills occupations would not include men not yet drafted and would include no women at all, the chance of identifying an individual with the particular expertise needed still would be limited.

The Health Care Professional Delivery System (HCPDS)⁹⁰ is yet another model for the induction of persons with special skills and qualifications. HCPDS is a *standby plan* developed at the request of Congress that could be used to draft health care personnel in a crisis.⁹¹ No portion of the plan is intended for peacetime implementation; the plan could be implemented in connection with mass mobilization in a national emergency, but only if Congress and the President pass and sign legislation to enact it. Further, the HCPDS plan would be activated only if the military's existing medical capability proved insufficient and there was a shortage of volunteers. If implemented, HCPDS would provide a fair and equitable draft of medical personnel from the existing civilian pool of 3.4 million doctors, nurses, specialists, and allied health professionals in more than 60 fields of medicine. Implementation would begin with the mass registration of both male and female⁹² health care workers between the ages of 20 and 45. The draft would call a very small percentage of these into military service. The impact of the draft on the availability of civilian health care would be minimal; those health-care workers whose absence would seriously hurt their communities would be deferred on the basis of community essentiality.⁹³ The benefits of this approach are that registration, which in itself can be controversial, takes place only after an emergency is declared and the President and Congress act affirmatively to implement the plan. Because the ages of those required to register span a greater period of years, and females are included in the process, the pool of specialists is broader and more representative of all those with the requisite skill sets. And, because the pool is larger,

⁹⁰ Throughout the Vietnam conflict, the SSS located doctors and nurses by scouring state medical licensing boards. They were offered an officer's commission and a two-year service commitment. According to lore, some 83 of these 30,000 individuals actually refused the offer. They were drafted anyway and put in the Army as buck privates, the military's lowest rank.

⁹¹ In 1987, Congress enacted Public Law 100-180, codified at 50 USC Appendix, Section 460(h), ordering the SSS to prepare contingency plans for HCPDS.

⁹² Female health care professionals would be included in the registration and draft unless the President or Congress directed otherwise.

⁹³ Selective Service System website, <https://www.sss.gov/About/Medical-Draft-in-Standby-Mode>.

the chance that any single individual will be selected for draft is less, and the greater the likelihood that the process will be perceived as fair and equitable. Because they are already skilled personnel, HCPDS draftees would require minimal training, allowing them to take their place in the force almost immediately. Finally, the exemption process expressly weighs the needs of the community, blunting across-the-board assertions that these professionals would be of greater benefit to national security in their civilian capacities.

Finally, a “draft” targeted at particular skills should never forswear the benefits of incentivized volunteerism. For example:⁹⁴

- Older civilian experts in particular disciplines could be requested to pre-register (*i.e.*, if you are of a certain age and within the past 12 months you have worked in the following fields, you are encouraged to register), so that the SSS could locate them quickly in the event of an emergency. These older recruits could be permitted to serve as civilians—enabling them to serve without committing to the full rigors of military life, and their period of obligation limited to a short-term stretch of perhaps six months, renewable at the individual’s election.
- Skill-targeted conscripts could be “drafted” into the Reserve Components, and authorized to split time between their uniformed and civilian jobs, leveraging skills from both.
- Specialists who volunteer could be offered an incentive package that will differentiate between classes of service. Serve at home providing healthcare, and you get some credit for doing so. Serve in the military and deploy into harm’s way, and you’ll earn a more generous package of educational and economic benefits.

DoD Manpower Needs in an Emergency Requiring Mass Mobilization

As far back as 1994, a DoD bottom-up review stated, “[w]e will never know with certainty how an enemy might fight or precisely what demands might be placed on our own forces in the future.” In an uncertain world, maintaining the systems, manpower, and infrastructure required to conduct a draft will enable the country to mobilize parts or all of society, as needed to counter the catastrophe yet unenvisioned. The vast pool of human capability represented in and by the selective service registration database mitigates risk to the Nation, standing ready to be called to bridge a gap between the AVF and the force requirements of a future conflict, the demands of which we cannot predict.

A June 2012 Government Accountability Office (GAO) review recommended that the Department establish a process for “periodically reevaluating DoD’s requirements for the SSS in light of changing threats, operating environments, and strategic guidance.”⁹⁵ In February 2013,

⁹⁴ These examples are excerpted directly from Barno and Bensahel, *Why We Still Need the Draft*.

⁹⁵ U.S. Government Accountability Office, *DoD Should Reevaluate Requirements for the Selective Service System*, (Washington, DC: U.S. Government Accountability Office, June 2012), p. 16.

then-Principal Deputy Assistant Secretary of Defense for Readiness and Force Management Frederick Vollrath, responded to GAO on behalf of the Department, stating:

“Currently the AVF is of adequate size and composition to meet the Department’s demands, and the Department has no operational plans that envision mobilization at a level that would require conscription.

...

There would be merit in a thorough assessment of this issue, to include a review of the statutes and polices surrounding the current registration process, and the potential to include the registration of women. This review is part of a much broader national discussion and should not be solely determined by DoD. However, the Department stands ready to participate in such a review.”⁹⁶

In March 2014, then-Acting Under Secretary of Defense for Personnel and Readiness Jessica L. Wright, responded to questions posed by the Senate Armed Services Committee, advising, “[d]uring our 2013 Government Accountability Office audit, DoD was asked to reevaluate the mission and military requirements for the Selective Service. We found that the changes in the world following the end of the Cold War have revised our mobilization requirements. As such, the Department has no operational plans that envision mobilization at a level that would require conscription. However, we contend that although there may be no immediate military necessity, there continue to be national necessities for continuation of the SSS.”⁹⁷

Timeline

The DoD currently has no operational plans that envision mobilization at a level that would require conscription.⁹⁸ At this time, should a national emergency so require, the Department would rely on the SSS and its current plans, policies, and procedures. The timeline begins when Congress amends Section 17(c) of the MSSA to authorize the President to induct personnel into the Armed Forces, and the President issues follow-on directives governing the mass mobilization process. The Office of the Under Secretary of Defense for Personnel and Readiness would submit military manpower induction requirements through MEPCOM to the Director of the SSS. The specific induction requirement would be extrapolated to identify the number of men who must be called up to achieve the desired end state, and define the timeline for processing and inducting them. The mass mobilization system is both flexible and scalable, designed to adapt to the volume and immediacy of the requirement presented. Generally, as reported by the SSS, the phased timeline for mobilization would proceed as follows:

⁹⁶ Letter to Director, Capabilities and Management, Government Accountability Office, from Frederick E. Vollrath, Principal Deputy Assistant Secretary of Defense for Readiness and Force Management, Office of the Secretary of Defense, February 26, 2013.

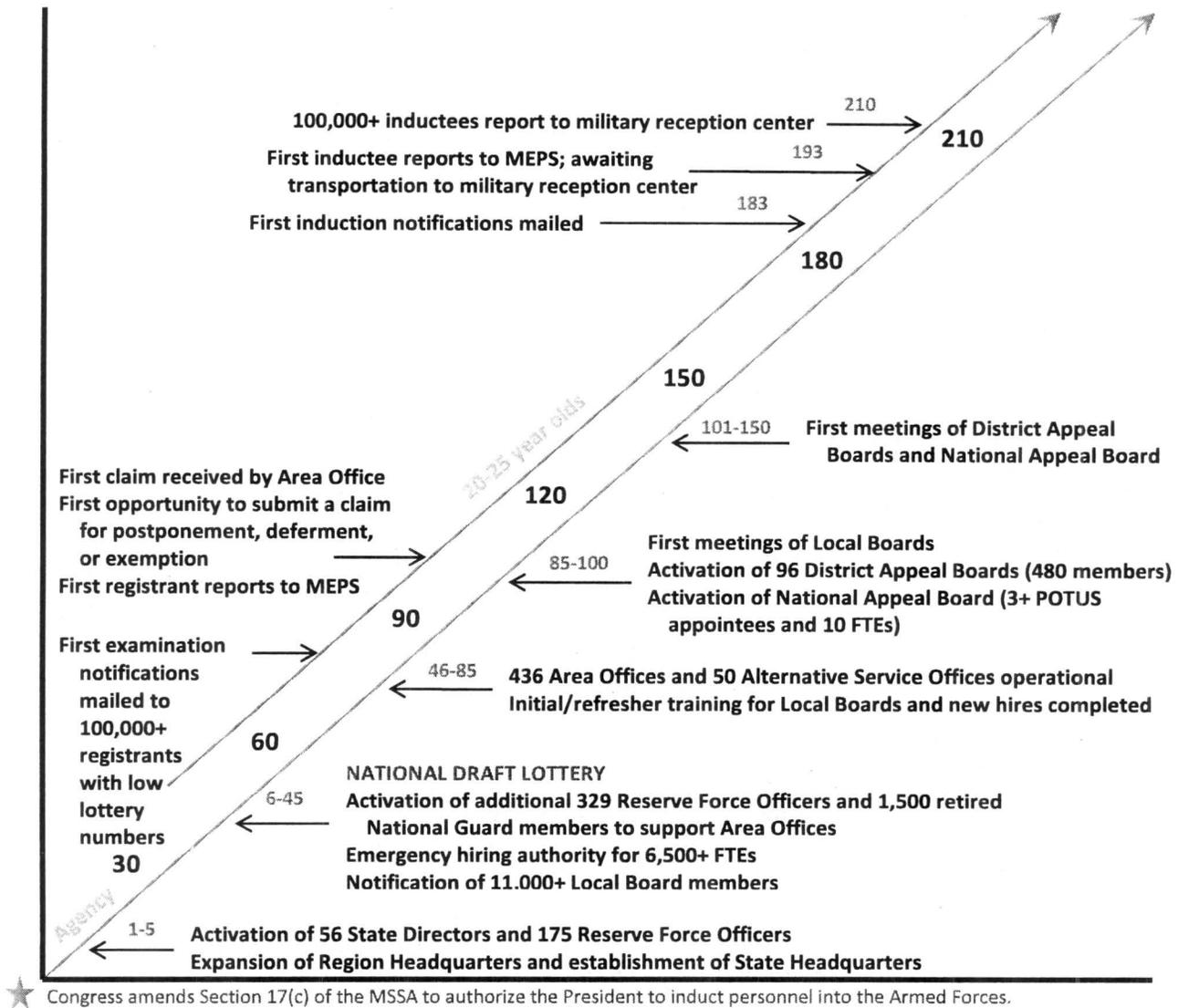
⁹⁷ Acting Under Secretary of Defense for Personnel and Readiness Jessica L. Wright, “Response to SASC Question #91”, March 26, 2014.

⁹⁸ Joint Staff J-5, November 17, 2016.

- *Days 1-5.* The 56 State Directors and 175 Reserve Force Officers are activated. Concurrently, the SSS Region headquarters are expanded and the State headquarters are established.
- *Days 6-45.* The national draft lottery is conducted. An additional 329 Reserve Force Officers and 1,500 retired National Guard members are recalled to active duty to support Area Offices. The SSS receives authority for the expedited hire of more than 6,500 full-time employees. In communities across the country, more than 11,000 local board members are notified to report for duty.
- *Days 46-85.* The 436 Area Offices and 48 Alternative Service Offices are established and operational. Initial and refresher training for local board members and new civilian employee hires is completed.
 - The first 100,000 or more registrants receive a notice to report to the MEPS for examination. Notice is mailed to the most recent address for the registrant as recorded in the registration database.
- *Days 85-100.* The first local board meeting takes place. The 96 District Appeal Boards, consisting of 480 members, and the National Appeal Board, consisting of three or more Presidential appointees and 10 full-time employees, are activated.
 - Area Offices receive their first claims for postponement, deferral, or exemption.
- *Days 101-150.* The first meetings of the District Appeal Boards and the National Appeal Board take place.
- *Day 183.* The first induction notifications are mailed.
- *Day 193.* The first inductees report to the MEPS for transport to their Service military reception center.
- *Day 210.* The first 100,000 inductees report for service.
- *Day 222.* The first medical personnel report for service.

Figure 2 depicts the notional SSS mobilization timeline in graphic form.

Figure 2: Notional SSS Mobilization Timeline



The Alternative Service Program is activated on a similar timeline. An individual granted conscientious objector status would be processed and enrolled for employment through the Alternative Service Employment Network at generally the same rate as an inductee is processed for entry into military service.

The information above reflects the notional timeline established by the SSS. We note, however, the findings of a 2012 GAO review, advising that “[a]ccording to official spokespersons for the SSS, the agency is not currently resourced to meet DoD’s requirement for

it to deliver the first inductees in 193 days and 100,000 inductees in 210 days, without jeopardizing the fairness and equity of the draft.”⁹⁹

Additional Critical Skills Needed

The DoD currently has no operational plans that envision mobilization at a level that would require conscription.¹⁰⁰ At present, the only plan for a separate registration and mobilization process targeting critical skills focuses on health care personnel.¹⁰¹ We will never know with certainty how an enemy might fight or precisely what demands might be placed on our own forces in the future. Other critical skills needed in the event of a national emergency will depend on the threat we face, but certainly *could* extend to cyber specialists, drone operators, technical and scientific experts, and linguists. Other more prosaic skills: expertise in rapid road and rail logistics, fuel distribution and water purification, and policing and physical security, also *could* be deemed critical, depending on the nature of the conflict, the mission, environment, and other factors.

Assumptions Used by the Department

- For the purpose of this report, the term “mass mobilization” refers to the activation of conscription or a military draft.
- Mass mobilization will be properly authorized by law and Presidential directive. Legal authorities will be available to support mobilization processes. Adequate funding and manpower will be available to execute the induction of untrained manpower (general registrants) and/or the registration and induction of health care personnel.
- The entry processing capability of MEPCOM is 18,000 registrants per day, presuming adequate augmentation of manpower and facilities. Accessions will be inducted or enlisted/appointed and transported to designated Service training centers/duty stations identified by the Office of the Secretary of Defense or the appropriate Service.
- The SSS will adjust its master data file to remove from the list of eligible draftees those individuals reported by MEPCOM as already having been accessed by a Military Service. The Defense Manpower Data Center (DMDC) will report to the SSS the names of personnel with less than 1 year of service who have been discharged or transferred to a Reserve Component for the convenience of the government. DMDC’s report will include the length of each individual’s service and characterization of discharge.

⁹⁹ U.S. Government Accountability Office, *DoD Should Reevaluate Requirements for the Selective Service System*, (Washington, DC: U.S. Government Accountability Office, June 2012), p. 7.

¹⁰⁰ Joint Staff J-5, November 17, 2016.

¹⁰¹ *Supra* p. 29.

- Conduct of the credentialing process for health care personnel, including the review and validation of professional licenses, diplomas, training certificates, and related materials, is the responsibility of the individual Military Service. The Services will provide qualified representatives at each MEPS to credential and determine the appropriate military pay grade of each health care professional prior to induction or commission.
- Lead-time permitting, the SSS will first use a two-step examination and induction process for both general and health care registrants, with only those deemed qualified for military service subsequently ordered for induction. Given insufficient lead-time, however, SSS would employ the one-step examination and induction process, then shift to a two-step process, as time and the number of inductees permit. Both large and small volume deliveries of registrants to DoD for induction processing can be managed under either process.

Conclusion

Throughout most of the 20th century, the laws of the United States have obligated male citizens and residents to register for a draft administered by an agency of the federal government. The DoD currently has no operational plans that envision mobilization at a level that would require conscription. Even in the face of sustained conflicts in Iraq and Afghanistan, DoD has maintained its ability to recruit and retain a professional volunteer force without resorting to a draft. Nonetheless, the potential for global conflict on the scale of another world war still exists. Every Administration since 1980 has made the conscious decision to maintain national registration for selective service as the tool through which Congress and the President would provide additional manpower to the Armed Forces—an “insurance policy”—should future threats spark requirements for forces in excess of those available to the AVF.

The SSS is an independent federal agency within the executive branch, headquartered in Arlington, Virginia. Since 1973, the MSSA has designated the SSS as an “active standby” organization, with the mission to: maintain a complete registration and classification structure capable of immediate operation in the event of a national emergency (including a structure for the registration and classification of persons qualified for employment in a health care occupation essential to the maintenance of the Armed Forces); and maintain personnel adequate to reconstitute immediately the full operations of the mass mobilization system, including trained volunteers, military reservists and military retirees.

A number of benefits derive, both directly and indirectly, from the military selective service system. Primarily, selective service guarantees the certain and timely fulfillment of military manpower requirements in a national emergency. Also of significance, the selective service registration database provides valuable military recruiting leads. In a more indirect vein, registration reminds America’s youth of the importance of Military, National, and Public Service and the existence of a draft serves as a critical link between the AVF and society at large. Finally, military selective service is both a symbol of our national will and a deterrent to potential enemies of the United States.

Under current law, women may serve voluntarily in the U.S. Armed Forces but are not, and never have been, required to register for selective service. Since the ban on women in combat was lifted, the merits of including women in the requirement to register for the draft have been hotly debated in the media and in the halls of Congress. It appears that, for the most part, expanding registration for the draft to include women would enhance further the benefits presently associated with the selective service system. Opening registration to *all* members of the population aged 18-25—regardless of gender—would convey the added benefit of promoting fairness and equity not previously possible in the process and would comport the military selective service system with our nation’s touchstone values of fair and equitable treatment, and equality of opportunity.

Maintaining the clear distinction between the DoD and the administration of the Nation’s selective service system ensures the preeminence of civilian control and has historically been viewed as important to the public’s perception of the draft process as fair and equitable. DoD believes that there is great wisdom and value in sustaining this “separation of powers.” This report does not purport to envision how DoD might otherwise execute the registration and mass mobilization functions. In the absence of a comprehensive study and a broader national dialogue on the issues, DoD takes no position on whether the current national registration system and mobilization process could or should be modified.

The current registration requirement and systems for mass mobilization are designed to provide a fair and equitable process by which individuals are generally conscripted as “untrained manpower,” without regard to their individual skills or abilities. We will never know with certainty how an enemy might fight or precisely what demands a future conflict might place on our forces. The particular skills needed by DoD and the Military Services in the event of a national emergency will vary with the nature of the crisis. A targeted draft focusing on specific MOSs is feasible, but would add significant complexity to registration and mobilization processes. Significant thought and effort would need to be devoted to countering the specter of an unfair and inequitable draft raised by the use of targeted mobilization.

One option might be that at initial registration, the individual could be required to report data reflecting his profession, skill certifications, conferred degrees, and licenses for inclusion in his selective service profile. With successive periodic updates to the “critical skills” section of the profile—perhaps every two to three years, continuing even after the registrant is no longer in the primary draft pool—the foundation of a targeted draft could be established and sit ready for years. “Partnering” arrangements could be negotiated with licensing and credentialing boards associated with other disciplines, professional organizations, academic institutions, and private industry, to share data about individuals with particular high-value skills.

Taking yet another tack, the examination phase of the induction process could be modified to permit a more robust assessment of a registrant’s skills and capabilities, earlier in the mobilization timeline. Those registrants identified through structured interviews and aptitude testing as possessing special skills would be separated from their MEPS cohort for special processing and channeled expeditiously to required training. This approach would probably be viewed as “more” fair and equitable, because an individual’s identification for MOS targeting would occur only after he already had been selected for draft by regular random processes.

HCPDS is yet another model for the induction of persons with special skills and qualifications. HCPDS is a *standby plan* developed at the request of Congress that could be used to draft health care personnel in a crisis. Finally, a “draft” targeted at particular skills should never forswear the benefits of incentivized volunteerism.

Given that females are not authorized to register for the draft, there would be no mechanism by which to collect and maintain a record of their professions, skills, academic degrees, and licenses—even were use of the information intended only for voluntary recruitment purposes. This would prove an unfortunate omission. A targeted draft in a future war would presumptively focus on highly technical skills in short supply in the labor market as a whole. The percent of individuals qualified in such skills is unlikely to be as variable by gender as are the combat MOSs. Accordingly, targeting a draft to 50 percent of the available population—males only—would severely constrain success.

A June 2012 GAO review recommended that the Department establish a process for “periodically reevaluating DoD’s requirements for the SSS in light of changing threats, operating environments, and strategic guidance.” The Department has consistently responded to such recommendations by advising that the AVF is currently of adequate size and composition to meet the Department’s demands, and that we have no operational plans that envision mobilization at a level that would require conscription. At the same time, the Department acknowledges the merit of a thorough assessment of this issue, to include a review of the statutes and policies surrounding the current registration process, and the potential to include the registration of women. Any such review should be part of a much broader national discussion and should not be solely determined by DoD.

Finally, at this time, should a national emergency so require, the Department would rely on the SSS and its current plans, policies, and procedures to execute a mass mobilization.

Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Wednesday, November 15, 2017 6:30 PM
To: [REDACTED]
Cc: Sanchez, Rudy; Hubbard, Roderick R.; Prigmore, John; Copp, Adam J. (AJ) SES
Subject: NDAA COMmission Brief - Director - 16 Nov 2017.pptx
Attachments: NDAA COMmission Brief - Director - 16 Nov 2017.pptx

Kent – Slides for Director Benton’s brief tomorrow at 3:15. These are scene setter slides for his discussion with the Commission.

r/ AJ
Mail has been archived on 12/01/2017 at 20:05:58 by FNETCC
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The United States Selective Service System

An Introduction and Overview
presented to the
National Commission on Military, National, and Public Service
(NCoS)

Senator Donald Benton
13th Director of Selective Service
November 16, 2017



Vision and Mission

VISION

The Selective Service System will be an active partner in the national preparedness community and provide a fair and equitable process in responding to the changing needs of the nation.

MISSION

The statutory mission of the selective Service System is twofold:

- To be prepared to provide trained and untrained personnel to the Department of Defense in the event of a national emergency;
- To be prepared to manage a non-military program for men conscientiously opposed to military service.

Our two focus areas: Registration and Readiness



Statutes and Authorities

MILITARY SELECTIVE SERVICE ACT 50 U.S.C 3801 et seq

Establishment of Selective Service System
Policy and Intent of Congress
Registration
Training and Service
Deferment and Exemption
Penalties

32 CODE OF FEDERAL REGULATIONS Chapter XVI – Selective Service System

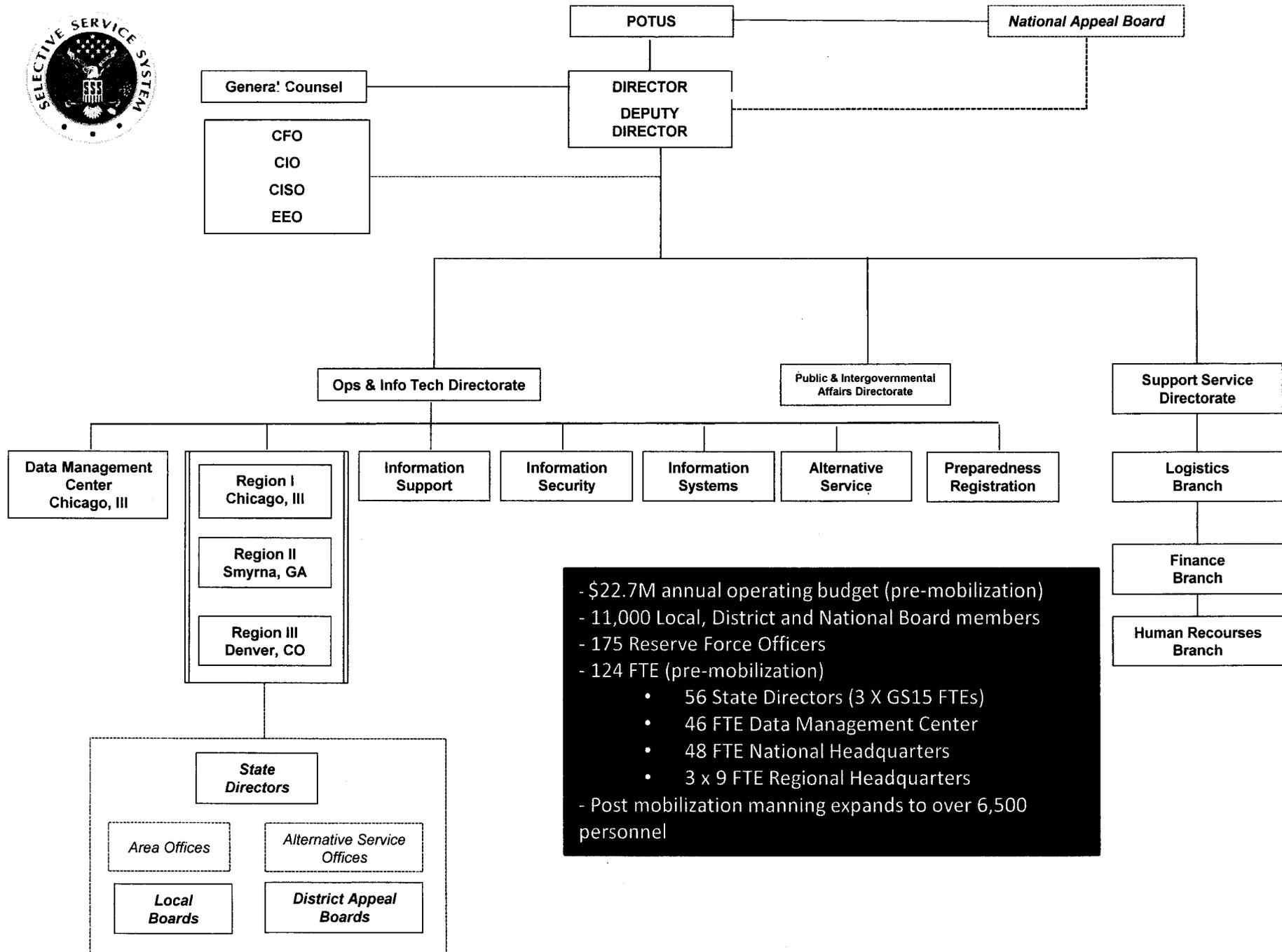
Selective Service System Organization
Uncompensated Personnel (Volunteer Support)
Administration of Classification - Alternative Service
Classification of Conscientious Objectors
Classification of Registrants deferred because of Hardship of Dependents
Classification of Local Board; District Appeal Board
Appeals to President



SSS Strategic Goals

- 1: Timely manpower to the DoD during a national emergency.
- 2: Management excellence: economy and effectiveness.
- 3: Operationalized readiness capabilities: scaled, capable, and optimized.
- 4: Advanced Information Technology: knowledge management.
- 5: Alternative Service: satisfaction, meaning and opportunity while in service.

Registration and Readiness



- \$22.7M annual operating budget (pre-mobilization)
 - 11,000 Local, District and National Board members
 - 175 Reserve Force Officers
 - 124 FTE (pre-mobilization)

- 56 State Directors (3 X GS15 FTEs)
- 46 FTE Data Management Center
- 48 FTE National Headquarters
- 3 x 9 FTE Regional Headquarters

 - Post mobilization manning expands to over 6,500 personnel



SSS Challenges

- Registration and Outreach
 - Maintain 90% compliance for 18-25 year old males
 - Sustain MOUs/IAAs
 - Current and relevant database
- Readiness: If directed by Congress and POTUS:
 - First inductee to MEPS at N+193
 - 100,000 inductees to MEPS at N+ 210
 - Mass registration of health care professionals
 - 3.5M professionals across 60 specialties
 - N + 193 registration
 - N + 214 induction
- Registration of Females, If directed
 - Non-electronic registration of women within 45 days of notification (USPS)
 - Internet Registration
 - 12-14 months programming effort (700K lines of code)
 - Full compliance and verification capability within 12-16 months
 - Assumes 5 year phased registration (rolling start) by age groups, vice mass registration
 - Less than 10M in year of execution, \$38M over 5 years, in addition to base



Take Away

- SSS provides a service to the Nation
 - 80M registrants in the database; 92% compliance rate for 20 year olds
 - Low cost insurance policy – not needed TODAY, but a hedge against the unknown TOMORROW
 - Services – benefits (State and Federal); federal jobs
- SSS is most prepared when aligned with DoD
 - Stronger together – supported/supporting relationship
 - DoD accessions (MEPCOM)
 - Joint Staff/Service force structure
 - National Guard and Reserve manpower requirements in steady state and in mobilization
 - Preparedness for an increasingly complex set of strategic challenges and force structure requirements
 - Database of eligible enlistees to sustain the All Volunteer Force

Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Monday, November 6, 2017 9:16 AM
To: ajcopp9953@gmail.com
Cc: Copp, Adam J. (AJ) SES
Subject: FW: American Legion Speeches
Attachments: ANAVICUS 2017 Final.doc; 2017 The American Legion National Security Commission Speech FINAL.docx

From: McHugh, Brian E.
Sent: Friday, November 03, 2017 10:24 AM
To: Copp, Adam J. (AJ) SES
Subject: American Legion Speeches

Good Morning Mr. Copp,

Per your request sir, I have attached the speeches presented at the American Legion National Convention and the Anavicus Breakfast. Thank you.

v/r
Brian

Brian E. McHugh
Public Affairs Specialist
Public & intergovernmental Affairs
US Selective Service System
Brian.McHugh@sss.gov
(703)605-4108

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Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Friday, August 18, 2017 11:06 AM
To: Keith, Kevin G
Cc: Copp, Adam J. (AJ) SES
Subject: RE: GAO Engagement 102119 - Selective Service System
Attachments: 06-29-2016-0158 4416002829.pdf

Mr. Keith – sorry for the delay in responding. Does the attached help?
Standing by to support as needed.
V/r, AJ Copp

From: Keith, Kevin G [<mailto:KeithK@gao.gov>]
Sent: Thursday, August 17, 2017 9:50 AM
To: Copp, Adam J. (AJ) SES
Cc: Beale, Rebecca S
Subject: GAO Engagement 102119 - Selective Service System

Mr. Copp,

We appreciate you and your staff meeting with us to discuss DOD's *Report on the Purpose and Utility of a Registration System for Military Selective Service*. You all were very helpful. In the meeting, we discussed an estimate prepared by your office on the cost to register women with the selective service. This estimate was included in DOD's report. When you have a moment, could you forward us a copy of that estimate?

Thank you,
Kevin

Kevin G. Keith
Senior Analyst
Government Accountability Office
(757) 552-8156
keithk@gao.gov

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Remarks by Director, Selective Service System
Army, Navy & Air Force Veterans in Canada
-- U.S. Unit (ANAVICUS) Breakfast
American Legion National Convention
Reno NV
20 August 2017

**Good morning ANAVICUS United States Unit
President COMER, Vice President SMITH, American
Legion National Commander SCHMIDT, proud
veterans, ladies and gentlemen. I am delighted to
be with so many dedicated patriots today- both
Canadian and American. Not only as the Director of
Selective Service, but also as a proud member of the
Sons of the American Legion, and the son of a World
War Two sailor who proudly sailed with the Royal
Navy supporting the American, Canadian, and**

British landings in Normandy in 1944. In addition to the pride I feel as the son of a D-day veteran, and the brother of Vietnam vets, I'm proud to be in the presence of such an honorable organization and I salute all of you for your dedication and service.

There has long been, and there continues to be a strong, common link between ANAVICUS, the Legion, and the Selective Service System. We share a purpose - promoting and supporting national security, honoring our Veterans, and concerning ourselves with the future of today's youth. As the Director of Selective Service, I intend to sustain and strengthen this relationship which has served the

Agency so well for many, many years.

A great American and friend of all in the room, General Lewis Hershey, was a long time Director of Selective Service and for over 20 years was President of ANAVICUS here in the United States. As the Selective Service Director from 1941 to 1970, General Hershey led our Agency, which facilitated the provision of tens of millions of men in the U.S. to answer the call to serve in the uniform of their country in peacetime and throughout WWII, Korea, and Vietnam. Many of you may not know that the General, as a Major, was one of two officers who, with a meager 10,000 dollar budget, planned and

initiated the modern day Selective Service System through a Joint Army and Navy Commission, and built the centralized management and decentralized local board and appeals processes which functionally remain intact today. As the Director of Selective Service, his planning and political skill facilitated the induction of over 10 Million men in World War Two, setting conditions for VE and VJ day five years later. This loyalty, sense of duty, and patriotism has been sustained though several directors since, and with modern day leaders, such as your own Mr. Larry Romo, who is here with us today, General Hershey's legacy has

lived on. Mr. Romo is the second longest serving Director of Selective Service and is also a proud member of the Texas Legion and ANAVICUS. He leaves big shoes for me to fill.

If not for Veterans like you - members of ANAVICUS and the American Legion - the Agency that General Hershey built might have disappeared years ago. Each time the necessity for Selective Service in the United States has been questioned, your voices have been heard in the halls of Congress and on the streets of America, enabling the sustainment of a solid system that has answered the call, and is

prepared to answer the call again, in a fair and equitable manner since 1940.

It's because of your knowledge, experience and voice that this Agency continues today as an inexpensive insurance policy, providing preparedness and readiness to defend against an ever increasing and threatening global security environment. Selective Service is ready to respond should the Nation call. The unparalleled support you continue to provide in our enduring attempt to build and sustain ten thousand local board members and hundreds of

volunteer appeals boards across the country has been a key factor in the Agency's readiness to support our Nation in a crucial moment. I want to invite any of you here today that would like to serve on one of the boards to Contact me.

Before I close, I should mention that this year's National Defense Authorization Act charters a three-year national commission to study the Selective Service, its role, its functions, the potential for National Service and Public Service, and to explore the possibilities and scope of expanding national Registration

efforts to include females. Regardless of your views on these issues, it is important to let the commission know that the continuation and proper funding for the Selective Service is critical to our national security. Please weigh in with them.

Certainly these are interesting and dangerous times, and I look forward to sustaining a close relationship with all of you as we move forward in the next months.

And so I say again, thank you. Thanks to you, Selective Service is proud to stand as a

visible symbol of national resolve. It provides the last remaining link between today's all-volunteer military and our society at large. And will continue to do so.

Enjoy the remainder of the Convention, thank you again for your warm reception, and may God continue to Bless America and Canada.

**COMMANDER SCHMIDT, CHAIRMAN SCHLEE,
DEPUTY DIRECTOR POWELL, MY HEART FELT
THANKS TO YOU AND THE AMERICAN LEGION FOR
INVITING ME TO SPEAK TO THE NATIONAL
SECURITY COMMITTEE.**

**I AM TRULY HONORED TO BE HERE. AS A VERY
PROUD SON OF THE AMERICAN LEGION, LET ME
TAKE THIS SPECIAL OPPORTUNITY TO THANK
YOU FOR YOUR CONTINUED OUTSTANDING
SERVICE TO OUR GREAT NATION, THE UNITED
STATES OF AMERICA! MY FATHER, A RETIRED
NAVAL OFFICER AND WORLD WAR TWO VETERAN,
AS WELL AS MY TWO- VIET-NAM WAR VETERAN
BROTHERS STAND WITH ME HERE TODAY AS**

FELLOW VETERANS; I AM TRULY HUMBLLED TO BE
IN YOUR PRESENCE TODAY.

**THE NATIONAL SECURITY COMMITTEE ENSURES
THE NATIONAL SECURITY OF THE UNITED STATES
OF AMERICA THROUGH STEADFAST OVERSITE OF
THE FEDERAL BUDGET PROCESS; THROUGH
TIMELY AND MEANINGFUL ENGAGEMENT WITH
THE UNITED STATES CONGRESS; AND THROUGH
CONGRESSIONAL TESTIMONY REPRESENTING THE
NEEDS OF OUR ACTIVE DUTY SERVICE MEMBERS
AND VETERANS THROUGHOUT THE WORLD.
THANK YOU FOR YOUR MILITARY SERVICE AND**

YOUR SUBSTANTIAL AND CONTINUED EFFORTS TO SUSTAIN AND ENHANCE THE NATIONAL SECURITY OF OUR GREAT COUNTRY. INDEED, THROUGH THE EFFORTS OF THIS COMMITTEE, THE AMERICAN LEGION IS A SIGNIFICANT CONTRIBUTING FACTOR TO THE GREATNESS OF AMERICA.

I HAVE SERVED AS THE 13TH DIRECTOR OF THE SELECTIVE SERVICE SYSTEM FOR NEARLY FIVE MONTHS NOW. BEFORE PRESIDENT TRUMP APPOINTED ME, I SERVED THE PRESIDENT AS HIS LEAD ON THE EPA TRANSITION TEAM AND AT THE ENVIRONMENTAL PROTECTION AGENCY AS THE WHITE HOUSE SENIOR ADVISOR. MANY OF MY PACIFIC NORTHWEST FRIENDS IN THE ROOM MAY

ALSO RECALL THAT I SERVED MANY YEARS IN THE WASHINGTON STATE LEGISLATURE, TWENTY YEARS OF THAT TIME AS A SENATOR WHERE I WAS PROUD TO BE THE AUTHOR OF THE LEGISLATION THAT BUILT OUR STATE'S WWII MEMORIAL.

IT IS CLEAR TO ME THAT THE PROFESSIONAL RELATIONSHIP BETWEEN THE SELECTIVE SERVICE AND THE AMERICAN LEGION IS A VERY SPECIAL RELATIONSHIP. I HAVE MET WITH NATIONAL COMMANDER SCHMIDT, PAST NATIONAL COMMANDER BOCK, AND MANY LEGIONNAIRES ON THE NATIONAL MALL IN WASHINGTON DC WHILE VISITING OUR NATIONAL MEMORIALS. AS

RETIRED MARINE COLONEL AJ COPP -- MY DIRECTOR FOR OPERATIONS - WHOM MANY OF YOU MET LAST YEAR AT THIS CONVENTION - COMMENTED TO ME RECENTLY, THE FABRIC OF THE NATION IS BUILT THROUGH THE CONTRIBUTIONS OF VETERANS WHO HAVE VOLUNTARILY SERVED OUR NATION IN PEACE AND IN WAR, AND ON THE BACK OF MILLIONS OF VETERANS WHO ANSWERED THE NATION'S CALL THROUGH A MILITARY DRAFT. HE IS CORRECT - AND THE SELECTIVE SERVICE, AS LONG AS I HAVE ANYTHING TO SAY ABOUT IT, WILL SUSTAIN A LASTING AND MEANINGFUL RELATIONSHIP WITH THE AMERICAN LEGION FOR YEARS TO COME.

I AM HERE THIS MORNING TO SPEAK TO YOU ABOUT THE UNITED STATES SELECTIVE SERVICE SYSTEM AND WHY WE ARE A NECESSARY AND INEXPENSIVE INSURANCE POLICY THAT ENSURES THE AVAILABILITY OF TRAINED AND UNTRAINED PERSONNEL TO THE DEPARTMENT OF DEFENSE IN THE EVENT OF A NATIONAL EMERGENCY.

LIKE THE AMERICAN LEGION, WE MUST BE MAINTAINED AND MAINTAINED WITH AN APPROPRIATE BUDGET!

THE SELECTIVE SERVICE IS A SMALL AGENCY WITHIN THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT, AND WE HAVE TWO

VITAL MISSIONS, SHOULD THE PRESIDENT AND THE CONGRESS DIRECT THE DRAFT OF PERSONNEL INTO THE ARMED FORCES.

WE WILL PROVIDE MANPOWER TO THE ARMED FORCES IN AN EMERGENCY; AND WE WILL ESTABLISH AND MAINTAIN AN ALTERNATIVE SERVICE PROGRAM FOR MEN CLASSIFIED AS CONSCIENTIOUS OBJECTORS.

DURING PEACETIME, WE WILL FULFILL THIS OBLIGATION WHEN CALLED, THROUGH REGISTRATION OUTREACH AND READINESS PREPARATION. THE OBLIGATION OF A MAN TO REGISTER FOR SELECTIVE SERVICE IS IMPOSED BY

THE MILITARY SELECTIVE SERVICE ACT, WHICH ESTABLISHES AND GOVERNS THE OPERATIONS OF THE SELECTIVE SERVICE SYSTEM.

VIRTUALLY ALL MEN - AGES 18 THROUGH 25 - ARE REQUIRED TO REGISTER WITH THE SELECTIVE SERVICE SYSTEM. ONLY IF THERE IS HIGH COMPLIANCE WITH THIS CIVIC AND LEGAL RESPONSIBILITY TO REGISTER, WILL A FUTURE DRAFT BE FAIR AND EQUITABLE TO ALL MEN.

BY LAW, A MAN MUST REGISTER WITH SELECTIVE SERVICE WITHIN 30 DAYS OF HIS 18TH BIRTHDAY. BUT THE SELECTIVE SERVICE WILL ACCEPT LATE REGISTRATIONS THROUGH A MANS 25TH

BIRTHDAY BUT NOT AFTER HE HAS REACHED AGE

26. AT AGE 26, IT'S TOO LATE TO REGISTER!

WHAT I AM ASKING YOU ALL TO TAKE AWAY FROM MY COMMENTS TODAY IS THIS.... IT IS VERY IMPORTANT TO REALIZE THAT REGISTRATION WITH THE SELECTIVE SERVICE IS IN FACT THE LAW - BUT COMPLIANCE WITH THE LAW COMES WITH CERTAIN TANGIBLE BENEFITS, AND THAT FAILURE TO REGISTER HAS A SIGNIFICANT CONSEQUENCE. REGISTRATION IS LINKED TO IMPORTANT EDUCATION, JOB TRAINING, AND EMPLOYMENT BENEFITS AT BOTH FEDERAL AND STATE LEVELS. MANY OF THE YOUNG MEN IN YOUR COMMUNITIES ARE LOSING THESE BENEFITS

BECAUSE THEY HAVE NOT REGISTERED. MY FEAR IS THAT MANY YOUNG MEN DON'T REALIZE THEY ARE LOSING THESE OPPORTUNITIES UNTIL IT IS TOO LATE. A LOSS OF BENEFITS AND EMPLOYMENT OPPORTUNITIES IS A TERRIBLE THING FOR A YOUNG MAN, WHICH IS WHY I EMPHASIZE THIS POINT TO YOU - THE INFLUENCERS, YOU, THE LEADERS THAT SHAPE, MOLD, MENTOR AND STEER THE NATIONS YOUTH THROUGH YOUR SUCCESSFUL PROGRAMS AND IN EACH OF YOUR COMMUNITY'S BACK HOME. WE CAN NOT AFFORD TO ALLOW OUR YOUNG MEN NOT TO TAKE ADVANTAGE OF FEDERALLY FUNDED COLLEGE LOANS AND GRANTS; FEDERAL

AND STATE JOB TRAINING, POSTAL SERVICE POSITIONS, AND AN INCREASING NUMBER OF PRIVATE CONTRACTOR JOBS. REGISTRATION TAKES ABOUT 45 SECONDS ON-LINE THROUGH WWW.SSS.GOV THAT SEEMS LIKE A SIMPLE THING TO DO, BUT IT OFTEN TAKES INFLUENCERS AND SENIOR MENTORSHIP LIKE I SEE IN THIS ROOM TO MOTIVATE A YOUNG MAN TO INITIATE THE PROCESS. I ASK FOR YOUR COMMITMENT TODAY TO TAKE BACK HOME TO YOUR APARTMENTS, POSTS, AND COMMUNITIES, THE SIMPLE MESSAGE THAT ALL MEN MUST REGISTER WHEN THEY TURN 18.

I ASK FOR YOUR CONTINUED SUPPORT IN SPREADING THE WORD, AND IN PARTICIPATING IN OUR LOCAL AND DISTRICT BOARDS, AND IN VOLUNTEER POSITIONS IN THE SELECTIVE SERVICE STATE AND REGIONAL ORGANIZATIONS.

LADIES AND GENTLEMEN, I AM CHARGED AS THE DIRECTOR OF SELECTIVE SERVICE TO ENSURE OUR NATION IS READY TO RESPOND TO A NATIONAL EMERGENCY – RAPIDLY, FAIRLY, AND EQUITABLY. WHILE THERE HAS BEEN TALK RECENTLY ABOUT WOMEN IN COMBAT. THERE HAS BEEN NO DECISION TO REQUIRE FEMALES TO REGISTER WITH SELECTIVE SERVICE, OR TO BE SUBJECT TO A FUTURE MILITARY DRAFT. AS OF TODAY,

SELECTIVE SERVICE CONTINUES TO REGISTER ONLY MEN.

WOMEN HAVE PROUDLY AND HONORABLY SERVED IN OUR VOLUNTEER FORCE AND HAVE INCREASED THEIR PRESENCE FROM 1% OF THE MILITARY FORCE DURING THE VIETNAM ERA TO BETWEEN 15 TO 20% IN TODAY'S ALL VOLUNTEER FORCE. WOMEN HAVE SHOWN GREAT CAPABILITIES IN ALL ASPECTS OF OUR MILITARY. IN FACT, 25% OF THIS YEAR'S GRADUATION CLASS, AS WELL AS THE INCOMING CLASS OF PLEBES AT WESTPOINT IS COMPOSED OF WOMEN WHO ARE COMMITTED TO DUTY, HONOR, AND COUNTRY. BUT THE BOTTOM LINE FOR THE

**SELECTIVE SERVICE SYSTEM IS THAT WE DO NOT
CREATE POLICY, WE SIMPLY IMPLEMENT THE
POLICY THAT OUR PRESIDENT AND THE
CONGRESS DIRECTS.**

**AS THE NATIONAL DEFENSE COMMITTEE KNOWS,
THE HOUSE AND THE SENATE HAVE VARIOUS
POSITIONS ON REGISTERING WOMEN. AND THERE
ARE AT LEAST TWO CURRENT COURT CASES
ADDRESSING THE WOMEN AND REGISTRATION
ISSUE WORKING THEIR WAY THROUGH THE
COURTS. BASICALLY THE DEPARTMENT OF
JUSTICE POSITION IS FOR THE CASES NOT TO
MOVE FORWARD IN ORDER TO GIVE TIME FOR
CONGRESS TO ADDRESS THE POLICY ISSUE,**

ESPECIALLY NOW THAT DOD HAS OPENED ALL COMBAT POSITIONS TO WOMEN. IN THE MEANTIME, CONGRESS IS REVIEWING THE NEED FOR THE SELECTIVE SERVICE SYSTEM, TO INCLUDE REVIEWING OUR POTENTIAL ROLE IN NATIONAL PUBLIC SERVICE. WE OF COURSE WILL BE CLOSELY WATCHING THIS, AND PARTICIPATING IN THE DEBATE.

AS I MENTIONED EARLIER, I APPRECIATE AND GREATLY VALUE THE SUPPORT OF THE AMERICAN LEGION, AND THE SELECTIVE SERVICE SYSTEM WANTS TO HEAR FROM MEN AND WOMEN IN YOUR COMMUNITIES WHO MIGHT BE WILLING TO

SERVE IN VOLUNTEER POSITIONS ACROSS THE UNITED STATES AND IN THE TERRITORIES.

I'M REFERRING TO OUR LOCAL BOARD PROGRAM, WHICH IS THE LYNCHPIN TO THE SUCCESSFUL COMPLETION OF OUR STATUTORY MISSIONS.

LOCAL BOARD MEMBERS ARE VOLUNTEERS NOMINATED BY THE STATE'S GOVERNOR OR EQUIVALENT OFFICIAL AND APPOINTED BY THE DIRECTOR OF THE SELECTIVE SERVICE SYSTEM ON BEHALF OF THE PRESIDENT OF THE UNITED STATES. LOCAL BOARDS PLAY AN IMPORTANT CIVIC ROLE IN THE COMMUNITY AND ARE CLOSELY CONNECTED WITH OUR NATION'S DEFENSE.

IF A MILITARY DRAFT EVER BECOMES NECESSARY, APPROXIMATELY 2,000 LOCAL BOARDS THROUGHOUT THE UNITED STATES AND OUR TERRITORIES WOULD DECIDE WHICH YOUNG MEN IN YOUR COMMUNITIES RECEIVE DEFERMENTS, POSTPONEMENTS, OR EXEMPTIONS FROM MILITARY SERVICE BASED ON FEDERAL GUIDELINES. INDIVIDUALS CAN APPLY TO BE A BOARD MEMBER ON OUR WEBSITE: WWW.SSS.GOV.

I AM HAPPY TO DISCUSS OUR LOCAL DISTRICT OR NATIONAL BOARD MEMBER PROCESSES WITH YOU, OR TO REFER YOU TO MY REGIONAL

LEADERSHIP, WHO MANAGE THE BOARD MEMBER PROGRAM.

BEFORE OPENING TO QUESTIONS, I'D LIKE TO CONCLUDE BY REMINDING ALL OF US THAT ONLY 1% OF OUR POPULATION ACTUALLY SERVES IN THE UNITED STATES ARMED FORCES. WE ALL ENJOY THE FREEDOMS AND PRIVILEGES THAT U.S. CITIZENSHIP GUARANTEES US. YET WE RELY UPON THAT 1% AND A "VOLUNTEER FORCE" TO PROTECT THEM.

WE NEED TO PRESERVE THIS LINK BETWEEN THE ALL-VOLUNTEER MILITARY AND SOCIETY-AT-LARGE. ON A DAILY BASIS, THE SELECTIVE

SERVICE SYSTEM DIRECTLY SUPPORTS THE ALL-VOLUNTEER RECRUITING EFFORT. LINKED WITH DOD ASSESSIONS POLICY AND PLANNING, WE CONTINUOUSLY INFORM OUR YOUNG MEN THAT THEY CAN VOLUNTARILY SERVE AMERICA TODAY IN THE U.S. ARMED FORCES.

I CALL ON YOU TO HELP ME INFORM OUR MEMBERS OF CONGRESS THAT THE SELECTIVE SERVICE SYSTEM REMAINS AN 'INEXPENSIVE INSURANCE POLICY" IN AN UNCERTAIN WORLD AND A CERTAIN PROTECTION AGAINST UNDERESTIMATING THE MILITARY FORCE STRUCTURE NEEDED TO FIGHT AND WIN ANY FUTURE CRISIS.

**WE HAVE MEN AND WOMEN STATIONED IN SOME
130 COUNTRIES AROUND THE WORLD.
TERRORISM IS A CONSTANT MENACE AND IN
COUNTLESS AREAS AROUND THE GLOBE FREEDOM
IS BEING CHALLENGED AND SUPPRESSED. EVERY
DAY, NORTH KOREA, RUSSIA, IRAN AND THE
BROADER MIDDLE EAST, HOMELAND SECURITY...
JUST TO MENTION A FEW. THERE IS NO SHORTAGE
OF CHALLENGES AND THE THREAT TO OUR
NATIONAL SECURITY IS REAL.**

**IN A TESTIMONY BEFORE CONGRESS ON THE
SELECTIVE SERVICE SYSTEM, SECRETARY OF
DEFENSE LEON PANETTA SAID QUOTE ...THAT WE
OUGHT TO MAINTAIN THE REGISTRATION ASPECT**

BECAUSE...WE'VE GOT TO HAVE SOME MECHANISMS IN PLACE IN ORDER TO BE ABLE TO RESPOND. AND WHILE...THE VOLUNTEER FORCE IS THE BEST, WE ALWAYS HAVE TO BE READY FOR THAT... UNEXPECTED EVENT." UNQUOTE...

...PANETTA WAS RIGHT

I WILL LEAVE YOU TODAY WITH THREE POINTS:

- 1. WE MUST CONTINUE THE CURRENT SSS REGISTRATION PROGRAM, WHETHER WE REGISTER ONLY MEN OR BOTH MEN AND WOMEN;**
- 2. WE MUST OBTAIN THE ADDITIONAL NECESSARY FUNDING TO FULLY OPERATE THE SELECTIVE SERVICE SYSTEM**

**3. WE MUST SUSTAIN A COST-EFFECTIVE OVERALL
NATIONAL SECURITY PROGRAM OF
REGISTRATION, COMPLIANCE, AND READINESS.**

**THANK YOU AMERICAN LEGION FOR YOUR
STRONG SUPPORT OF THE U.S. SELECTIVE SERVICE
SYSTEM. WITH YOUR RESOLUTION OF SUPPORT
YOU SHOW CONGRESS, DOD AND THE AMERICAN
PEOPLE THAT YOU SUPPORT THE NEED TO
MAINTAIN OUR AGENCY FOR A STRONGER
AMERICA AND AS AN IMPORTANT TOOL TO
DEFEND OUR FREEDOM.**

NOW OPEN TO QUESTIONS?

THE WHITE HOUSE

WASHINGTON

June 29, 2016

MEMORANDUM FOR

MS. KRISTEN D. BAKOTIC
Executive Secretary
Office of the Vice President

MR. MICHAEL L. BRUHN
Executive Secretary
Department of Defense

MS. TASHINA GAUHAR
Associate Deputy Attorney
General
Department of Justice

MR. JONATHAN LACHMAN
Associate Director for
National Security Programs
Office of Management and
Budget

MS. VALERIE JARRETT
Senior Advisor and Assistant to
the President for
Intergovernmental Affairs and
Public Engagement

MS. KRISTIE A. CANEGALLO
Assistant to the President and
Deputy Chief of Staff for
Implementation

MR. RICHARD W. BOLSON
Special Assistant for
Interagency Affairs (J-5)
Joint Chiefs of Staff

MR. LAWRENCE G. ROMO
Director
Selective Service System

SUBJECT: Deputies Small Group Meeting on Female Selective
Service

There will be a Deputies Small Group meeting on Female Selective Service on Friday, July 1, 2016, from 2:30 - 4:00 p.m. in the White House Situation Room. An agenda is attached at Tab A. A discussion paper is attached at Tab B. Additional background material is attached at Tab C. **Please pass the attached to Deputies (to include plus one, if applicable).** If you have any questions, please contact Jennifer Hay at (202) 456-9195.



Suzanne A. George
Executive Secretary

Attachments

Tab A Agenda

Tab B Discussion Paper on Female Selective Service (NSC)

Tab C Press Guidance on Selective Service - Women (NSC)

Tab A

DEPUTIES SMALL GROUP MEETING ON FEMALE SELECTIVE SERVICE

DATE: July 1, 2016
LOCATION: White House Situation Room
TIME: 2:30 - 4:00 p.m.

AGENDA

- I. Legislative Overview NSC
- II. Legal Backdrop DOJ
- III. Resource Implications SSS
- IV. Administration Position All
- V. Public Messaging All

Tab B

DISCUSSION PAPER FOR
DEPUTIES SMALL GROUP MEETING ON FEMALE SELECTIVE SERVICE

Deputies will decide whether to recommend that the Administration adopt a public position on requiring women to register with the Selective Service System (SSS) and, if so, what that position should be. Deputies also will provide guidance on a proposed messaging plan.

Legislative Overview

Since the Department of Defense (DOD) lifted the ban on women serving in combat positions, many press outlets and the Congress have debated the appropriateness of women now being required to register with the SSS. The Administration, however, has not taken a position on this issue. As the Senate and House begin to conference on the National Defense Authorization Act (NDAA), it is likely the Administration will be asked for its stance.

On June 14, 2016, the U.S. Senate approved the Fiscal Year (FY) 2017 NDAA by a vote of 85-13. The bill includes a provision that requires women who turn 18 on or after January 1, 2018, to register for Selective Service. The provision was included initially in the NDAA by Senate Armed Services Committee (SASC) Chairman McCain, with strong support from SASC Ranking Member Reed.

During the SASC Committee consideration of the bill, there was an effort to strike the provision requiring women to register; however, the amendment failed by a vote of 7-19. As a result of the strong vote in Committee, opponents of the provision did not attempt to strip the provision during the full Senate consideration in June. The Senate bill is at odds with the House version of the NDAA, which includes no such provision in the version passed in mid-May. During consideration of the NDAA in the House Armed Services Committee, an opponent of the change, offered an amendment to force women to register to demonstrate the strong opposition to the policy change. His effort, however, backfired when the provision actually passed by a vote of 32-30. House leadership utilized a procedural tactic to strip the provision during floor consideration and replaced it with a requirement for DOD to conduct a study on the need for a registration system and the impact of expanding it.

The differing bills will have to be negotiated between the House and the Senate, and this could be a particularly divisive issue,

given strong feelings on all sides. Additionally, the House and Senate Defense and Financial Services appropriations bills (which fund SSS) are silent on the issue. The House approved the FY 2017 Defense Appropriations Act on June 16. The Senate is expected to consider the FY 2017 Defense Appropriations Act on the floor in July. The Financial Services bill is similarly in process.

Deputies will be briefed on the status and timing of legislative efforts to require women to register with the SSS.

Legal Backdrop

By statute, in advance of changes that would open units or positions previously closed to women, the Secretary of Defense was required to provide a report to the Congress that analyzed the legal implications for the Military Selective Service Act (MSSA). In December 2015, in connection with the announcement of the decision to open all direct ground combat positions to women, DOD advised the Congress that the impending change "further alters the factual backdrop" underpinning *Rostker v. Golberg*, the 1981 Supreme Court case that upheld the constitutionality of the male-only registration requirement in the MSSA. In *Rostker*, the Supreme Court reasoned that the male-only registration requirement did not violate the Constitution because men and women were not similarly situated for purposes of a draft or registration, in that women were excluded from combat by statute and military policy. Noting the Supreme Court's analysis in *Rostker* did not expressly consider "whether other rationales underlying the statute would be sufficient to limit the application of the MSSA to men," the notification emphasized DOD would continue to consult the Department of Justice as appropriate on legal issues raised by the decision. There is already pending litigation challenging the constitutionality of the male-only registration requirement, and it is expected that additional lawsuits will likely be filed seeking resolution of this question in the absence of a legislative change.

Deputies will be briefed on the status of pending litigation challenging the male-only registration requirement, the legal framework in which such challenges arise, and how the Administration's position with respect to the pending legislation could impact the pending litigation.

Resource Implications

The Selective Service is an independent civilian agency that has a staff of 124 full-time, primarily civilian, employees. It is supported by 150 National Guard and Reserve officers who are assigned to the Selective Service for their monthly drills and 2-week active duty training sessions. The current annual budget is almost \$23 million.

Initial estimates by the SSS and the Office of Management and Budget indicate that expanding the SSS Draft Registration system to include women would require an additional 40 full-time staff members and approximately \$9.8 million in the first year and approximately \$7 million for the next 4 years during a 5-year phased implementation process. This would equal an approximately \$38 million increase over 5 years. SSS also estimates it will need a topline increase to its current budget when it has reached steady-state operations, but has not fully conducted its analysis on the estimate.

Deputies will be briefed on the SSS's proposed implementation plan and additional resources that would be required if the registration system were expanded to include women.

Recruiting Advantages and Other Considerations

The SSS provides a hedge against a catastrophe that the country does not anticipate. In addition, the SSS serves as a means to sustain the legacy of public service by reminding the Nation's youth that public service is a valued part of American citizenship. National registration information has important application for military recruiting, the naturalization process, student loan processing, and Federal employment.

Due to agreements with the SSS, DOD receives a recruiting advantage from the SSS which provides names, address, and telephone numbers of new SSS registrants to DOD to be used as recruiting leads. In addition, SSS inserts a lead generation card developed by the DOD in the SSS registration packet that generates approximately 75,000-80,000 male leads annually. As DOD expands the number of females recruited, the leads generated by the SSS could be a significant boost to military recruiters. In addition, DOD currently pays third-party vendors to generate female leads. This would no longer be required, thus achieving a small cost savings to DOD.

On the other hand, expanding registration to require women has significant implementation challenges. In addition to policy modifications and information technology upgrades, the SSS has approximately 75 memorandums of agreement with various state and Federal government agencies (e.g., SSS has agreements with over 40 states to register men when they get a driver's license). As these agreements are updated and it becomes public as to how SSS information is used throughout the government, states may restrict or rescind SSS information sharing agreements. This could potentially result in the SSS not reaching its benchmark of 90 percent of adult males aged 18-25 registering and DOD losing a valuable recruiting resource.

Educating the public, specifically the new female registrants, on the second-order effects of registering/not registering would be required. SSS registration is required for Federal financial aid, Federal employment, and U.S. citizenship.

Deputies will decide whether to recommend that the Administration adopt a position on requiring women to register with the SSS.

Public Messaging

After an increase in public interest on this topic following the opening up of all military positions to women, that interest has died down, and the White House Press Secretary has not been asked about this issue for several weeks (the last time was on April 28, 2016). However, press interest may be renewed as the Congress debates this issue during the NDAA conference discussions.

An Administration position on the Senate provision was not included in the Statement of Administration Policy for NDAA.

The Secretary of Defense has stated publicly that this is a matter for the Congress to determine and that a draft in today's climate does not make sense. However, Air Force Secretary Deborah James, Army Chief of Staff General Mark Milley, and Marine Corps Commandant General Robert Neller have all stated publicly that all eligible and qualified men and women should register for the draft.

The current White House press guidance (Tab C) focuses on the value that the President places on all Americans who want to serve in the All-Volunteer force and the positive changes the Administration has made to increase gender equality. However,

it does not specifically state an Administration position on women registering for the SSS.

~~Deputies will discuss recommended changes to the attached press guidance and how best to convey to the public the Administration's position.~~

Tab C

PRESS GUIDANCE ON SELECTIVE SERVICE - WOMEN

The Administration believes our military is strongest when we draw from a pool of all eligible recruits.

The President highly values the service of men and women who comprise our All-Volunteer force and have proven their mettle in our missions worldwide, including operations in Afghanistan and Iraq.

In April, the Administration opened all military occupational specialties, including so-called "combat jobs" to women. In the past year, we have seen women graduate from the Army's elite Ranger school; serve on submarines; finish Marine Corps Artillery officer's training; and with Gen. Lori Richardson, we have the first-ever female Combatant Commander. These are just a few examples of the high-caliber women we already have serving in uniform.

Q. Does the President believe that the Selective Service Act should be modified to require women to register for the draft?

- The President highly values the service of men and women who comprise our All-Volunteer force and have proven their mettle in our missions worldwide, including operations in Afghanistan and Iraq.
- Since February 2012, this Administration has supported women in the military by opening 13,000 new positions and duty locations for women.
- The Administration's commitment to recruiting our All-Volunteer force from across the eligible pool of candidates has guided all of our personnel decisions to date and will continue to guide future decisionmaking as the legislative process moves forward with respect to this issue.

IF PRESSED:

Q. Isn't there an ongoing lawsuit regarding Selective Service?

- Yes, there are two pending lawsuits at the moment. We refer you to the Department of Justice for information on those cases.

Q. What happens if a court in one of the two pending lawsuits determines that the Selective Service Act is unconstitutional?

- I refer you to the Department of Justice.

QUOTES FROM DEPARTMENT OF DEFENSE LEADERSHIP

Secretary Carter (March 1, 2016)

Q: There's been some discussion about whether women should register for the draft and so, who makes that decision? How will --

Secretary Carter: It's not made, and I don't want to speak for it because there's a separate part of the government that does Selective Service. And by the way, it's all prescribed in law. I mean, it stands to reason that Congress would reconsider that, given that women are now - qualified women-qualified women who can meet the standards are allowed to compete for any position in the U.S. military and it would stand to reason that they would look at the Selective Service law.

I just want to say one thing. As secretary of defense, I don't want a draft, for the reason I just told you. I don't - I want to pick people. I don't want to be given people because sad to say, half of the young people in America don't meet our physical standards. Ten percent of them have law enforcement records that prevent them entering our military.

About a third of them don't have a high school diploma and almost everybody we recruit in the military has a high school - well, 99 percent have a high school diploma. And so, we want all volunteer force. That's our strength.

Air Force Secretary Deborah Lee James: "I see no reason why not to have that requirement (registration) for men and women."

Gen. Mark Milley, Chief of Staff of the U.S. Army: "I think that all eligible and qualified men and women should register for the draft."

Gen. Robert Neller, Marine Corps Commandant: "Now that the restrictions that exempted women from [combat jobs] don't exist, then you're a citizen of a United States, it doesn't mean you're going to serve, but you go register."

Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Friday, August 25, 2017 9:38 AM
To: Keith, Kevin G
Cc: Copp, Adam J. (AJ) SES
Subject: RE: GAO Engagement 102119 - Selective Service System
Attachments: Registration of Women Speculative Costs - OMB 20160622 1952 RRH.PDF

Mr. Keith. I'm just back from travel so sorry for the delay. I pulled this attachment from files. Hope it is closer to what you are looking for.

V/r, AJ Copp

From: Keith, Kevin G [<mailto:KeithK@gao.gov>]
Sent: Wednesday, August 23, 2017 10:22 AM
To: Copp, Adam J. (AJ) SES
Cc: Beale, Rebecca S
Subject: FW: GAO Engagement 102119 - Selective Service System

Mr. Copp,
The attached document did help; however, we were hoping for a bit more detail on the cost estimate. Did you have a document that explains more of the cost estimate.

r/
Kevin

Kevin G. Keith
Senior Analyst
Government Accountability Office
(757) 552-8156
keithk@gao.gov

From: Copp, Adam J. (AJ) SES [<mailto:Adam.Copp@sss.gov>]
Sent: Friday, August 18, 2017 11:06 AM
To: Keith, Kevin G
Cc: Copp, Adam J. (AJ) SES
Subject: RE: GAO Engagement 102119 - Selective Service System

Mr. Keith – sorry for the delay in responding. Does the attached help?
Standing by to support as needed.

V/r, AJ Copp

From: Keith, Kevin G [<mailto:KeithK@gao.gov>]
Sent: Thursday, August 17, 2017 9:50 AM
To: Copp, Adam J. (AJ) SES
Cc: Beale, Rebecca S
Subject: GAO Engagement 102119 - Selective Service System

Mr. Copp,

We appreciate you and your staff meeting with us to discuss DOD's *Report on the Purpose and Utility of a Registration System for Military Selective Service*. You all were very helpful. In the meeting, we discussed an estimate prepared by your office on the cost to register women with the selective service. This estimate was included in DOD's report. When you have a moment, could you forward us a copy of that estimate?

Thank you,
Kevin

Kevin G. Keith
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**Selective Service System
Registration of Women**

Salaries and Expenses Category	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Data Management Center (DMC)	\$ 4,337,241	\$ 4,257,883	\$ 4,329,950	\$ 4,403,475	\$ 4,478,491	\$ 21,807,041
Human Resources	\$ 254,044	\$ 134,879	\$ 136,228	\$ 137,590	\$ 138,966	\$ 801,707
Public Affairs	\$ 621,131	\$ 582,843	\$ 543,571	\$ 528,917	\$ 513,870	\$ 2,790,331
Operations (incl. regional support)	\$ 2,830,058	\$ 1,701,573	\$ 1,714,227	\$ 1,726,098	\$ 1,744,226	\$ 9,716,182
Financial Management	\$ 177,917	\$ 179,903	\$ 181,913	\$ 183,949	\$ 186,010	\$ 909,691
Agency Subtotal (Direct)	\$ 8,220,391	\$ 6,857,080	\$ 6,905,889	\$ 6,980,028	\$ 7,061,563	\$ 36,024,952
Reimbursable (Joint Advertising, Marketing, Research and Studies (JAMRS))	\$ 370,000	\$ 379,250	\$ 388,731	\$ 398,450	\$ 408,411	\$ 1,944,842
Grand Total	\$ 8,590,391	\$ 7,236,330	\$ 7,294,620	\$ 7,378,478	\$ 7,469,974	\$ 37,969,793
Performance Metrics						
	18 - 26	18 - 26	18 - 26	18 - 26	18 - 26	
Males (All Year Groups)	88%	89%	90%	91%	93%	
	18 - 19	18 - 20	18 - 22	18 - 24	18 - 26	
Females (Phased Implementation)	33%	50%	60%	70%	80%	

Facts, Assumptions, and Planning Factors:

- » Indications and warnings prior to the registration mandate (POTUS, OMB, Congress, national media).
- » Supplemental appropriation of less than \$10M in the first year of execution, and less than \$40M over 5 years.
- » Authority to initiate planning for expanded registration, supplemental budget execution, FTE, and interagency coordination (e.g., SSA, Department of Education, etc.)
- » Paper registration of females initiated within 45 days of mandated start date
- » Paper registration will cause backlog in notification and response (7 - 12 months) and requires FTE or contracted support and warehouse space
- » Registration of females in orderly phases instead of mass registration. Year 1: 18 - 19 year olds; Year 2: 18 - 20; Year 3: 18 - 22; Year 4: 18 - 24; Year 5: 18 - 26.
- » Time lag for systems programming. Male registration sustained while programming occurs.
- » Female electronic registration rate will lag males until IT applications are fully functional (goal >90% by year 6)
- » Anticipated risks: technology overload, throughput, USPS backlog, personnel recruitment/hiring timelines, contractor support
 - Capital investment in IT infrastructure: IT database administration and maintenance are critical vulnerabilities
 - Augmentation of contact representatives (phone bank) and mailroom personnel for surge processing

Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Friday, August 11, 2017 10:39 AM
To: Tittmann, Matthew
Cc: Wingo, Betty Lou; Copp, Adam J. (AJ) SES
Subject: 2017 The American Legion National Security Commission Speech FINAL
Attachments: 2017 The American Legion National Security Commission Speech FINAL.docx

This is a good speech to use as a baseline for a continuous and consistent message from the Director....
Mail has been archived on 08/11/2017 at 10:43:00 by FNETCC
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CHAIRMAN SCHLEE, DEPUTY DIRECTOR POWELL, MY HEART FELT THANKS TO THE AMERICAN LEGION FOR INVITING ME TO SPEAK TO THE NATIONAL SECURITY COMMITTEE.

I AM TRULY HONORED TO BE HERE. AS A VERY PROUD SON OF THE AMERICAN LEGION, LET ME TAKE THIS SPECIAL OPPORTUNITY TO THANK YOU FOR YOUR CONTINUED OUTSTANDING SERVICE TO OUR GREAT NATION, THE UNITED STATE OF AMERICA MY FATHER, A RETIRED NAVAL OFFICER AND WORLD WAR TWO VETERAN, AS WELL AS MY TWO- VIET-NAM WAR VETERAN BROTHERS STAND WITH ME HERE TODAY AS FELLOW VETERANS; I AM TRULY HUMBLD TO BE IN YOUR PRESENCE TODAY.

THE NATIONAL SECURITY COMMITTEE ENSURES THE NATIONAL SECURITY OF THE UNITED STATES OF AMERICA THROUGH STEADFAST OVER SIGHT OF THE FEDERAL BUDGET PROCESS; THROUGH TIMELY AND MEANINGFUL ENGAGEMENT WITH THE UNITED STATES CONGRESS; AND THROUGH CONGRESSIONAL TESTIMONY REPRESENTING THE NEEDS OF OUR ACTIVE DUTY SERVICE MEMBERS AND VETERANS THROUGHOUT THE WORLD. THANK YOU FOR YOUR MILITARY SERVICE AND YOUR SUBSTANTIAL AND CONTINUED EFFORTS TO SUSTAIN AND ENHANCE THE NATIONAL SECURITY OF OUR GREAT COUNTRY. INDEED, THROUGH THE EFFORTS OF THIS COMMITTEE, THE AMERICAN LEGION IS A SIGNIFICANT CONTRIBUTING FACTOR TO THE GREATNESS OF AMERICA.

I HAVE SERVED AS THE 13TH DIRECTOR OF THE SELECTIVE SERVICE SYSTEM FOR NEARLY FIVE MONTHS NOW. BEFORE PRESIDENT TRUMP APPOINTED ME, I SERVED THE PRESIDENT AS HIS LEAD ON THE EPA TRANSITION TEAM AND AT THE ENVIRONMENTAL PROTECTION AGENCY AS A SENIOR ADVISOR. MANY OF MY PACIFIC NORTHWEST FRIENDS IN THE ROOM MAY ALSO RECALL THAT I SERVED MANY YEARS IN THE WASHINGTON STATE LEGISLATURE, TWENTY YEARS AS A SENATOR.

IT IS CLEAR TO ME THAT THE PROFESSIONAL RELATIONSHIP BETWEEN THE SELECTIVE SERVICE AND THE AMERICAN LEGION IS A VERY SPECIAL RELATIONSHIP. I HAVE MET WITH NATIONAL

COMMANDER SCHMIDT, PAST NATIONAL COMMANDER BOCK, AND MANY LEGIONNAIRES ON THE NATIONAL MALL IN WASHINGTON DC WHILE VISITING OUR NATIONAL MEMORIALS. AS RETIRED MARINE COLONEL AJ COPP -- MY DIRECTOR FOR OPERATIONS - WHOM MANY OF YOU MET LAST YEAR AT THIS CONVENTION - COMMENTED TO ME RECENTLY, THE FABRIC OF THE NATION IS BUILT THROUGH THE CONTRIBUTIONS OF VETERANS WHO HAVE VOLUNTARILY SERVED OUR NATION IN PEACE AND IN WAR, AND ON THE BACK OF MILLIONS OF VETERANS WHO ANSWERED THE NATION'S CALL THROUGH A MILITARY DRAFT. HE IS CORRECT - AND THE SELECTIVE SERVICE, AS LONG AS I HAVE ANYTHING TO SAY ABOUT IT, WILL SUSTAIN A LASTING AND MEANINGFUL RELATIONSHIP WITH THE AMERICAN LEGION.

I AM HERE THIS MORNING TO SPEAK TO YOU ABOUT THE UNITED STATES SELECTIVE SERVICE SYSTEM AND WHY WE ARE A NECESSARY AND INEXPENSIVE INSURANCE POLICY THAT ENSURES THE AVAILABILITY OF TRAINED AND UNTRAINED PERSONNEL TO THE DEPARTMENT OF DEFENSE IN THE EVENT OF A NATIONAL EMERGENCY.

LIKE THE AMERICAN LEGION, WE MUST BE MAINTAINED!

THE SELECTIVE SERVICE IS A SMALL AGENCY WITHIN THE EXECUTIVE BRANCH OF THE FEDERAL GOVERNMENT, AND WE HAVE TWO VITAL MISSIONS, SHOULD THE PRESIDENT AND THE CONGRESS DIRECT THE DRAFT OF PERSONNEL INTO THE ARMED FORCES.

WE WILL PROVIDE MANPOWER TO THE ARMED FORCES IN AN EMERGENCY; AND WE WILL ESTABLISH AND MAINTAIN AN ALTERNATIVE SERVICE PROGRAM FOR MEN CLASSIFIED AS CONSCIENTIOUS OBJECTORS.

THE OBLIGATION OF A MAN TO REGISTER FOR SELECTIVE SERVICE IS IMPOSED BY THE MILITARY SELECTIVE SERVICE ACT, WHICH ESTABLISHES AND GOVERNS THE OPERATIONS OF THE SELECTIVE SERVICE SYSTEM.

THE SELECTIVE SERVICE WOULD ACHIEVE OUR MISSIONS BY CONDUCTING A DRAFT USING A LIST OF YOUNG MEN'S NAMES GATHERED THROUGH THE SELECTIVE SERVICE REGISTRATION AND COMPLIANCE PROCESS.

BY LAW, VIRTUALLY ALL MEN - AGES 18 THROUGH 25 - MUST REGISTER WITH THE SELECTIVE SERVICE SYSTEM. ONLY IF THERE IS HIGH COMPLIANCE WITH THIS CIVIC AND LEGAL RESPONSIBILITY TO REGISTER, WILL A FUTURE DRAFT BE FAIR AND EQUITABLE TO ALL MEN.

BY LAW, A MAN MUST REGISTER WITH SELECTIVE SERVICE WITHIN 30 DAYS OF HIS 18TH BIRTHDAY. SELECTIVE SERVICE WILL ACCEPT LATE REGISTRATIONS BUT NOT AFTER A MAN HAS REACHED AGE 26.

WHAT I AM ASKING YOU ALL TO TAKE AWAY FROM MY COMMENTS TODAY, HOWEVER, IS THIS: IT IS VERY IMPORTANT TO REALIZE THAT REGISTRATION WITH THE SELECTIVE SERVICE IS IN FACT THE LAW - BUT COMPLIANCE WITH THE LAW COMES WITH CERTAIN TANGIBLE BENEFITS, AND THAT FAILURE TO REGISTER HAS CONSEQUENCE. REGISTRATION IS LINKED TO IMPORTANT EDUCATION, JOB TRAINING, AND EMPLOYMENT BENEFITS AT BOTH FEDERAL AND STATE LEVELS. MANY OF THE YOUNG MEN IN YOUR COMMUNITIES ARE LOSING THESE BENEFITS BECAUSE THEY HAVE NOT REGISTERED. MY FEAR IS THAT MANY YOUNG MEN DON'T REALIZE THEY ARE LOSING THESE OPPORTUNITIES UNTIL IT IS TOO LATE. A LOSS OF BENEFITS AND EMPLOYMENT OPPORTUNITIES IS A TERRIBLE THING, WHICH IS WHY I EMPHASIZE THIS POINT TO YOU - THE INFLUENCERS, YOU, THE NATIONAL LEADERS THAT SHAPE, MOLD, MENTOR AND STEER THE NATIONS YOUTH THROUGH YOUR SUCCESSFUL PROGRAMS AND COMMUNITY OUTREACH. WE CAN NOT AFFORD ALLOW OUR YOUNG MEN NOT TO TAKE ADVANTAGE OF FEDERALLY FUNDED COLLEGE LOANS AND GRANTS; FEDERAL AND STATE JOB TRAINING, POSTAL SERVICE POSITIONS, AND AN INCREASING NUMBER OF PRIVATE CONTRACTOR POSITIONS. REGISTRATION TAKES ABOUT 45 SECONDS ON-LINE THROUGH WWW.SSS.GOV THAT SEEMS LIKE A SIMPLE THING TO DO, BUT IT OFTEN TAKES INFLUENCERS AND SENIOR MENTORSHIP LIKE I SEE IN THIS ROOM TO MOTIVATE A YOUNG MAN TO INITIATE THE

PROCESS. I ASK FOR YOUR COMMITMENT TODAY TO TAKE BACK TO YOUR POSTS AND COMMUNITIES, THE SIMPLE MESSAGE THAT ALL MEN MUST REGISTER WHEN THEY TURN 18.

I ASK FOR YOUR CONTINUED SUPPORT IN SPREADING THE WORD, IN PARTICIPATING IN OUR LOCAL AND DISTRICT BOARDS, AND IN VOLUNTEER POSITIONS IN THE SELECTIVE SERVICE STATE AND REGIONAL ORGANIZATIONS.

LADIES AND GENTLEMEN, I AM CHARGED AS THE DIRECTOR OF SELECTIVE SERVICE TO ENSURE OUR NATION IS READY TO RESPOND TO A NATIONAL EMERGENCY – RAPIDLY, FAIRLY, AND EQUITABLY. WHILE THERE HAS BEEN TALK RECENTLY ABOUT WOMEN IN COMBAT. THERE HAS BEEN NO DECISION TO REQUIRE FEMALES TO REGISTER WITH SELECTIVE SERVICE, OR TO BE SUBJECT TO A FUTURE MILITARY DRAFT. AS OF TODAY, SELECTIVE SERVICE CONTINUES TO REGISTER ONLY MEN.

WOMEN HAVE PROUDLY AND HONORABLY SERVED IN OUR VOLUNTEER FORCE AND HAVE INCREASED THEIR PRESENCE FROM 1% OF THE MILITARY FORCE DURING THE VIETNAM ERA TO BETWEEN 15 TO 20% IN THE CURRENT ALL VOLUNTEER FORCE. WOMEN HAVE SHOWN GREAT CAPABILITIES IN ALL ASPECTS OF OUR MILITARY. BUT THE BOTTOM LINE FOR THE SELECTIVE SERVICE SYSTEM IS THAT WE DO NOT CREATE POLICY, WE SIMPLY IMPLEMENT THE POLICY THAT OUR PRESIDENT AND THE CONGRESS DIRECTS.

AS THE NATIONAL DEFENSE COMMITTEE KNOWS, THE HOUSE AND THE SENATE HAVE VARIOUS POSITIONS ON REGISTERING WOMEN. AND THERE ARE AT LEAST TWO CURRENT COURT CASES ADDRESSING THE WOMEN AND REGISTRATION ISSUE. BASICALLY THE DEPARTMENT OF JUSTICE POSITION IS FOR THE CASES NOT TO MOVE FORWARD SO TO GIVE TIME FOR CONGRESS TO ADDRESS THE POLICY ISSUE, ESPECIALLY NOW THAT DOD HAS OPENED ALL COMBAT POSITIONS TO WOMEN. IN THE MEANTIME, CONGRESS IS REVIEWING THE NEED FOR THE SELECTIVE SERVICE SYSTEM, TO INCLUDE OUR POTENTIAL ROLE IN NATIONAL PUBLIC SERVICE. WE OF COURSE WILL BE CLOSELY WATCHING THIS, AND PARTICIPATING IN THE DEBATE.

AS I MENTIONED EARLIER, I APPRECIATE THE SUPPORT OF THE AMERICAN LEGION, AND THE SELECTIVE SERVICE SYSTEM WANTS TO HEAR FROM MEN AND WOMEN IN YOUR COMMUNITIES WHO

MIGHT BE WILLING TO SERVE IN VOLUNTEER POSITIONS ACROSS THE UNITED STATES AND IN THE TERRITORIES.

I'M REFERRING TO OUR LOCAL BOARD PROGRAM, WHICH IS THE LYNCHPIN TO THE SUCCESSFUL COMPLETION OF OUR STATUTORY MISSIONS.

LOCAL BOARD MEMBERS ARE VOLUNTEERS NOMINATED BY STATE GOVERNOR OR EQUIVALENT OFFICIALS AND APPOINTED BY THE DIRECTOR OF THE SELECTIVE SERVICE SYSTEM ON BEHALF OF THE PRESIDENT OF THE UNITED STATES. LOCAL BOARDS PLAY AN IMPORTANT CIVIC ROLE IN THE COMMUNITY AND ARE CLOSELY CONNECTED WITH OUR NATION'S DEFENSE.

IF A MILITARY DRAFT BECOMES NECESSARY, APPROXIMATELY 2,000 LOCAL BOARDS THROUGHOUT THE UNITED STATES AND OUR TERRITORIES WOULD DECIDE WHICH YOUNG MEN IN YOUR COMMUNITIES RECEIVE DEFERMENTS, POSTPONEMENTS, OR EXEMPTIONS FROM MILITARY SERVICE BASED ON FEDERAL GUIDELINES. INDIVIDUALS CAN APPLY TO BE A BOARD MEMBER ON OUR WEBSITE: WWW.SSS.GOV.

I AM HAPPY TO DISCUSS OUR LOCAL DISTRICT OR NATIONAL BOARD MEMBER PROCESSES, OR TO REFER YOU TO MY REGIONAL LEADERSHIP, WHO MANAGE THE BOARD MEMBER PROGRAM.

BEFORE OPENING TO QUESTIONS, I'D LIKE TO CONCLUDE BY REMINDING ALL OF US THAT ONLY 1% OF OUR POPULATION ACTUALLY SERVES IN THE UNITED STATES ARMED FORCES. WE ALL ENJOY THE FREEDOMS THAT U.S. CITIZENSHIP GUARANTEES US. YET WE RELY UPON THAT 1% AND A "VOLUNTEER FORCE" TO PROTECT THEM.

WE NEED TO PRESERVE THIS LINK BETWEEN THE ALL-VOLUNTEER MILITARY AND SOCIETY-AT-LARGE. ON A DAILY BASIS, THE SELECTIVE SERVICE SYSTEM DIRECTLY SUPPORTS THE ALL-VOLUNTEER RECRUITING EFFORT. LINKED WITH DOD ASSESSMENTS POLICY AND PLANNING, WE CONTINUOUSLY INFORM OUR YOUNG MEN THAT THEY CAN VOLUNTARILY SERVE AMERICA TODAY IN THE U.S. ARMED FORCES.

I CALL ON YOU TO HELP ME INFORM OUR MEMBERS OF CONGRESS THAT THE SELECTIVE SERVICE SYSTEM REMAINS AN 'INEXPENSIVE INSURANCE POLICY" IN AN UNCERTAIN WORLD AND A CERTAIN PROTECTION AGAINST UNDERESTIMATING THE MILITARY FORCE STRUCTURE NEEDED TO FIGHT AND WIN ANY FUTURE CRISIS.

WE HAVE MEN AND WOMEN STATIONED IN SOME 130 COUNTRIES AROUND THE WORLD. TERRORISM IS A CONSTANT MENACE AND IN COUNTLESS AREAS AROUND THE GLOBE FREEDOM IS BEING CHALLENGED AND SUPPRESSED. EVERY DAY, NORTH KOREA, RUSSIA, IRAN AND THE BROADER MIDDLE EAST, HOMELAND SECURITY... THERE IS NO SHORTAGE OF CHALLENGES AND THE THREAT TO OUR NATIONAL SECURITY IS REAL.

IN A TESTIMONY BEFORE CONGRESS ON THE SELECTIVE SERVICE SYSTEM, SECRETARY OF DEFENSE LEON PANETTA SAID QUOTE ...THAT WE OUGHT TO MAINTAIN THE REGISTRATION ASPECT BECAUSE...WE'VE GOT TO HAVE SOME MECHANISMS IN PLACE IN ORDER TO BE ABLE TO RESPOND. AND WHILE...THE VOLUNTEER FORCE IS THE BEST, WE ALWAYS HAVE TO BE READY FOR THAT... UNEXPECTED EVENT." UNQUOTE

I WILL LEAVE YOU TODAY WITH THREE POINTS:

WE MUST CONTINUE THE CURRENT SSS REGISTRATION PROGRAM, WHETHER WE REGISTER ONLY MEN OR BOTH MEN AND WOMEN;

WE MUST OBTAIN THE ADDITIONAL NECESSARY FUNDING TO FULLY OPERATE THE SELECTIVE SERVICE SYSTEM AND WE MUST SUSTAIN A COST-EFFECTIVE OVERALL NATIONAL SECURITY PROGRAM OF REGISTRATION AND COMPLIANCE.

THANK YOU AMERICAN LEGION FOR YOUR STRONG SUPPORT OF THE U.S. SELECTIVE SERVICE SYSTEM. WITH YOUR RESOLUTION OF SUPPORT YOU SHOW CONGRESS, DOD AND THE AMERICAN PEOPLE THAT YOU SUPPORT THE NEED TO MAINTAIN OUR AGENCY FOR A STRONGER AMERICA AND AN IMPORTANT TOOL TO DEFEND OUR FREEDOM.

NOW OPEN TO QUESTIONS?

Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Monday, August 14, 2017 8:05 AM
To: Tittmann, Matthew
Cc: Hubbard, Roderick R.; Yakhour, Wadi; Copp, Adam J. (AJ) SES
Subject: Women and Registration vis a vis the Congress

Matt – just a reminder that the Director is looking for PIA to keep tabs on congressional positions on women's registration – an up to date list of members (House and Senate) that the Director can reference before going to the Hill.

Mr. Adam J. Copp, SES
Acting Deputy Director
Selective Service System
1515 Wilson Blvd, Arlington VA 22209
703.605.4010/4111

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Brown, Craig T.

From: Copp, Adam J. (AJ) SES
Sent: Monday, August 7, 2017 5:44 PM
To: Devine, Thomas
Cc: Copp, Adam J. (AJ) SES
Subject: Emailing: Register Women Director Brief May 13 2016
Attachments: Register Women Director Brief May 13 2016.pptx

Your message is ready to be sent with the following file or link attachments:

Register Women Director Brief May 13 2016

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Cost to Register Women

- Bottom line up front:

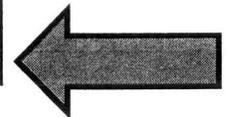
Year 1	Year 2	Year 3	Year 4	Year 5	Total
8,590,391	7,236,330	7,294,620	7,378,478	7,469,974	37,969,793

Salaries and Expenses Category	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Direct						
Data Management Center (DMC)						
Personnel	\$ 2,269,297	\$ 2,291,990	\$ 2,314,910	\$ 2,338,059	\$ 2,361,440	\$ 11,575,697
Information Technology	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ 150,000
Operating	\$ 1,917,944	\$ 1,965,893	\$ 2,015,040	\$ 2,065,416	\$ 2,117,051	\$ 10,081,344
DMC Subtotal	\$ 4,337,241	\$ 4,257,883	\$ 4,329,950	\$ 4,403,475	\$ 4,478,491	\$ 21,807,041
Human Resources						
Personnel	\$ 133,544	\$ 134,879	\$ 136,228	\$ 137,590	\$ 138,966	\$ 681,207
Contracts and Training 1 Year	\$ 120,500	\$ -	\$ -	\$ -	\$ -	\$ 120,500
HR Subtotal	\$ 254,044	\$ 134,879	\$ 136,228	\$ 137,590	\$ 138,966	\$ 801,707
Public Affairs						
Personnel	\$ 171,131	\$ 172,843	\$ 174,571	\$ 176,317	\$ 178,080	\$ 518,545
Outreach	\$ 450,000	\$ 410,000	\$ 389,000	\$ 352,600	\$ 335,790	\$ 1,917,390
Public Affairs Subtotal	\$ 621,131	\$ 582,843	\$ 563,571	\$ 528,917	\$ 513,870	\$ 2,790,331
Operations						
Information Technology	\$ 857,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 80,000	\$ 1,177,000
Personnel	\$ 1,184,058	\$ 1,175,698	\$ 1,187,455	\$ 1,193,282	\$ 1,205,214	\$ 5,925,707
Contractor Support 1 Year	\$ 364,000	\$ -	\$ -	\$ -	\$ -	\$ 364,000
Printing	\$ 120,000	\$ 112,750	\$ 105,319	\$ 102,827	\$ 100,272	\$ 541,168
Interagency Support	\$ 250,000	\$ 256,250	\$ 262,656	\$ 269,223	\$ 275,953	\$ 1,314,082
Regional Support						
Training and Travel	\$ 75,000	\$ 76,875	\$ 78,797	\$ 80,767	\$ 82,786	\$ 394,225
Operations Subtotal	\$ 2,830,068	\$ 1,701,673	\$ 1,714,227	\$ 1,726,098	\$ 1,744,226	\$ 9,716,182
Financial Management						
Personnel	\$ 164,175	\$ 165,817	\$ 167,475	\$ 169,150	\$ 170,841	\$ 837,457
Oracle Licensing	\$ 13,742	\$ 14,086	\$ 14,438	\$ 14,799	\$ 15,169	\$ 72,234
Financial Management Subtotal	\$ 177,917	\$ 179,903	\$ 181,913	\$ 183,949	\$ 186,010	\$ 909,691
Agency Subtotal (Direct)	\$ 8,220,391	\$ 6,857,080	\$ 6,905,889	\$ 6,980,028	\$ 7,061,563	\$ 36,024,952
Reimbursable						
Data Management Center (DMC)	\$ 370,000	\$ 379,250	\$ 388,731	\$ 398,450	\$ 408,411	\$ 1,944,842
Joint Advertising, Marketing, Research and Studies (JAMRS)						
DMC Subtotal	\$ 4,707,241	\$ 4,637,133	\$ 4,718,681	\$ 4,801,926	\$ 4,886,902	\$ 23,761,882
Agency Subtotal (Reimbursable)	\$ 370,000	\$ 379,250	\$ 388,731	\$ 398,450	\$ 408,411	\$ 1,944,842
Grand Total	\$ 8,590,391	\$ 7,236,330	\$ 7,294,620	\$ 7,378,478	\$ 7,469,974	\$ 37,969,793
Performance Metrics						
	18 - 26	18 - 26	18 - 26	18 - 26	18 - 26	
Males (All Year Groups)	88%	89%	90%	91%	93%	
	18 - 19	18 - 20	18 - 22	18 - 24	18 - 26	
Females (Phased Implementation)	33%	50%	60%	70%	80%	

Manpower

52 FTE requirement		
DMC	1 x GS13	IT Supervisor/Data base Administrator
	12 x GS 6	Agent calls
	8 x GS7	Data Management
	2 x GS8	Correspondence
	1 x GS9	Supervisory Research Assistant
	4 x GS4	Data Entry
	7 x GS6	Mail Room
	1 x GS7	Mail Room
	1 x GS8	Mail Supervisor
HR	1 x GS13	Hiring actions
PIA	1 x GS11	Exhibits
	1 x GS9	Outreach
OP	2 x GS15	CIO, DEPDIR
	3 x GS11	Regional Program Analyst
	1 x GS 13	Budget Analyst
	3 x GS15	State Director FTE equivalent
	1 x GS12	Program Analyst
FM	1 x GS11	Budget Analyst
	1 x GS8	Contracts

Personnel costs	
DMC	\$2,269K
HR	\$133K
PA	\$171K
OP	\$1,164K
FM	\$164K
PIA	\$171K
	\$4,073K

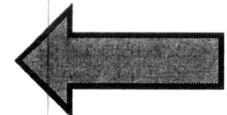


Operating Expenses, 1st year

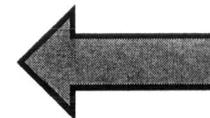
Start-up functional requirements

- Ack Letters
- Compliance Letters
- Other letters
- USPS forms and reimbursement
- PIA outreach
- ISP upgrade
- RCV upgrade
- ISDN phone line upgrade
- DMV lists
- Phone line services
- Toll free services
- Telephone Equip maintenance
- Online registration Services
- Misc. expenses

Start-up Operating Expenses	
DMC	\$1,917K
HR	\$120K
PIA	\$450K
OP	\$809K
IT	\$857K
	\$4,154K



\$375K



Facts

- Registering females will not obligate more than \$8.6M in the first year of execution
 - SSS requires supplemental appropriations to initiate/sustain female registration
 - RCV may require 5-7 months to re-program applications and IT systems
 - Paper registration for females can initiate within 30-45 days
 - Registration and compliance is dependent on re-programmed RCV
 - There will be a back log of Female registrations in year of execution (impact to Federal benefits, SIL, etc)
 - Female electronic registration compliance rates will lag male compliance until RCV applications are functional for females
 - Male registration can be sustained while RCV reprogramming occurs
 - Increased USPS/paper registration will require FTE or contracted support, and warehouse space

Assumptions

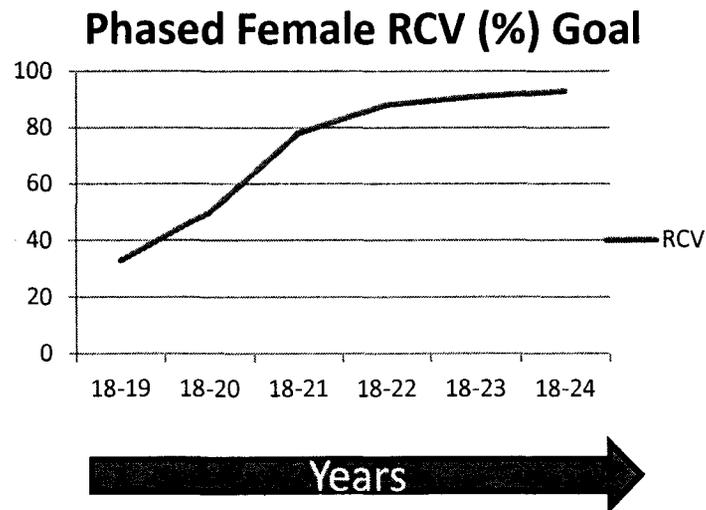
- There will be indications and warnings prior to Registration beginning
 - POTUS, OMB, and/or Congress
 - House and Senate professional staff
 - Hearings and Testimony – SSS and interagency
 - Public discourse and national media
- Director, SSS will have or gain authorities prior to registration
 - To initiate planning for expanded registration
 - Contracting activities, FTE accessions
 - IT systems upgrades, education and training
 - Budget planning
 - To exceed 124 FTEs
 - To synchronize and coordinate interagency activities, including MOAs/IAAs
 - Social Security Administration; DoD, DoEd, etc.
 - DLL impact

Assumptions

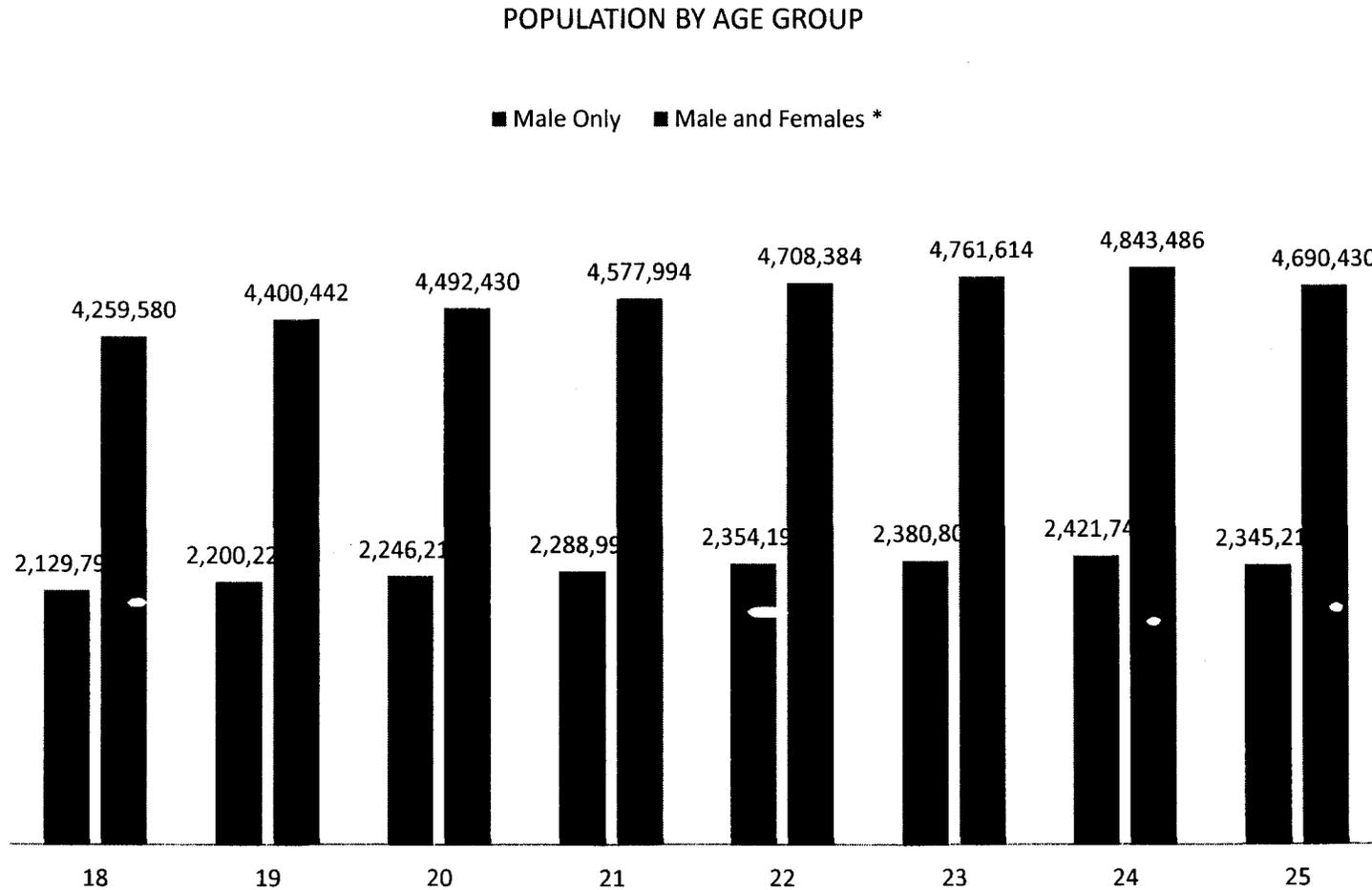
- IT infrastructure can be ready and capable of accepting a surge in registration
- IT database administration and maintenance is a critical vulnerability
 - IT infrastructure and modernization will be a SSS capitol investment
 - Holistic approach – applications, systems, programming
- Paper registration for female will be augmented by electronic registration for females in first year of execution
- SSS will augment contact representative and mail-room actions to support paper registration
 - SSS will be prepared to surge processing actions for USPS registrations
- Female registration will be phased over five-six or more years
 - For planning purposes, assume 18-19 year olds
 - Then 18,19,20 year olds; 18, 19, 20, 21 year olds, etc.
- Registration compliance rates will also be phased

Planning Factors

- Critical elements dictate a ROLLING START to female registration
 - Time (8 age groups, 18-25) - 8 year phased process
 - Registration Compliance Rate – same as males – goal to exceed 90% by the 6th year
 - Cost – inversely proportional to time
 - Risk – technology overload, throughput, USPS backlog, HR timeliness, contracted support
- Rolling Start
 - Feasible timeframe, acceptable risk, programmable cost, phased registration)
 - Allows steady state 90% Registration Compliance for males
 - Phased Implementation for Females
 - Initiate TODAY
 - Year 1: 18-19 year olds, 33% RCV
 - Year 2: 18,19,20: 50%
 - Year 3: 18,19,20,21: 78%
 - Year 4: 18,19,20,21,22: 88%
 - Year 5: 18,19,20,21,22,: 91%
 - Year 6: 18,19,20,21,22,23: 93%
 - Year 7: 18,19,20,21,22,23,24:93%
 - Year 8: 18,19,20,21,22,23.24.25: 93%

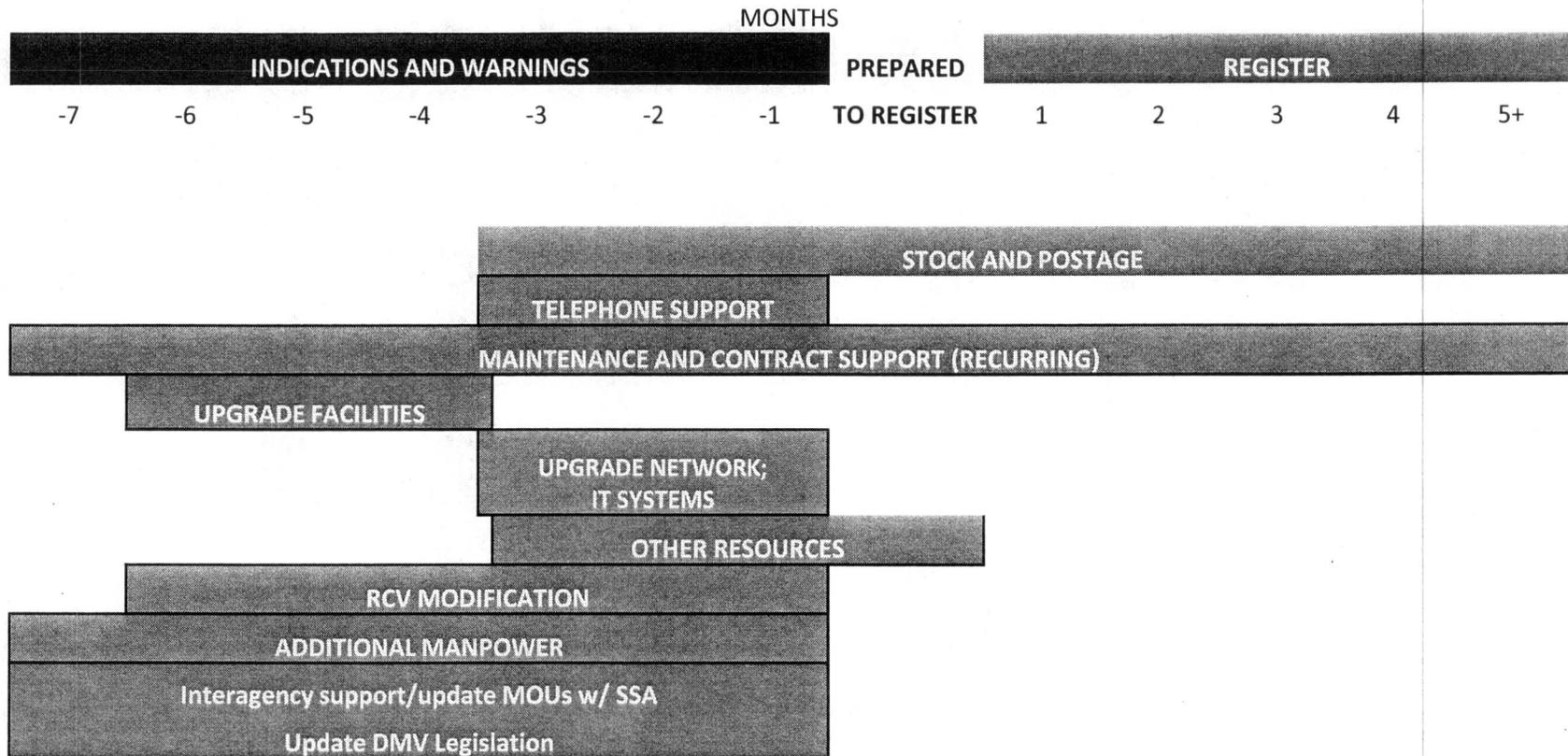


Projected Registrant Population by Age Group



* = Assumption that female population will mirror male census data (2014)

**NOTIONAL SYNCHRONIZATION MATRIX
(not all inclusive)**



BACKUP SLIDES

NOTIONAL DMC Operations Plan

Primary reasons why DMC would exceed \$4.3M+ estimated budget:

1. Do not obtain 80% electronic registration rate (all sources), requiring additional staffing
2. Mass registration changes support requirements (postage, material, etc)

Maintenance and support of DMC facilities and equipment

DMC CRITICAL PATH Personnel support required to register women

**RISK IF NOT DONE MOU/Legislation required to support 80% electronic registration rate
5/1/2015

DMC Tasks	\$\$ ~4.3M	M-12	M-11	M-10	M-9	M-8	M-7	M-6	M-5	M-4	M-3	M-2	M-1	GO
Upgrade Network/IVR	100K				DMC - 3 months									R
Upgrade Furniture/Facility	50K			DMC - 4 months										E
Letters - Stock & Postage	1.78M	Recurring												G
DMV Compliance List Acquisition	30K	Recurring												I
External Telephone Support	27K			DMC - 2 mo.										S
Maintenance Contracts	75K	Recurring												T
Acquisition of Additional Resources	10K					DMC 2 mo.								E
Hire/Train RI/R (GS 6 - GS 9) x23 FTE	1.39M			NHQ/DMC - 4 months Hiring			DMC - 6 months, Training						R	
Hire/Train C/S (GS -11) x1 FTE	89K				NHQ/DMC - 4 months Hiring			DMC - 4 months, Training						
Hire/Train D/E (GS-4) x4 FTE	166K				NHQ/DMC - 4 months Hiring			DMC - 3 mo., Training			W			
Hire/Train M/L (GS 6 - GS 8) x9 FTE	558K				NHQ/DMC - 4 months Hiring			DMC - 4 months, Training				O		
Update MOU with SSA	TBD				NHQ - 4 months								M	
Update DMV Legislation	TBD	NHQ - 10 months +++									DMC - 2 mo.		E	
Update FAFSA w/ ED	TBD	NHQ - 10 months +++									DMC - 2 mo.		N	
RCV Modifications	\$750K		predecisional			NHQ - 6 months					DMC - 2 mo.		12	