

SELECTIVE SERVICE SYSTEM

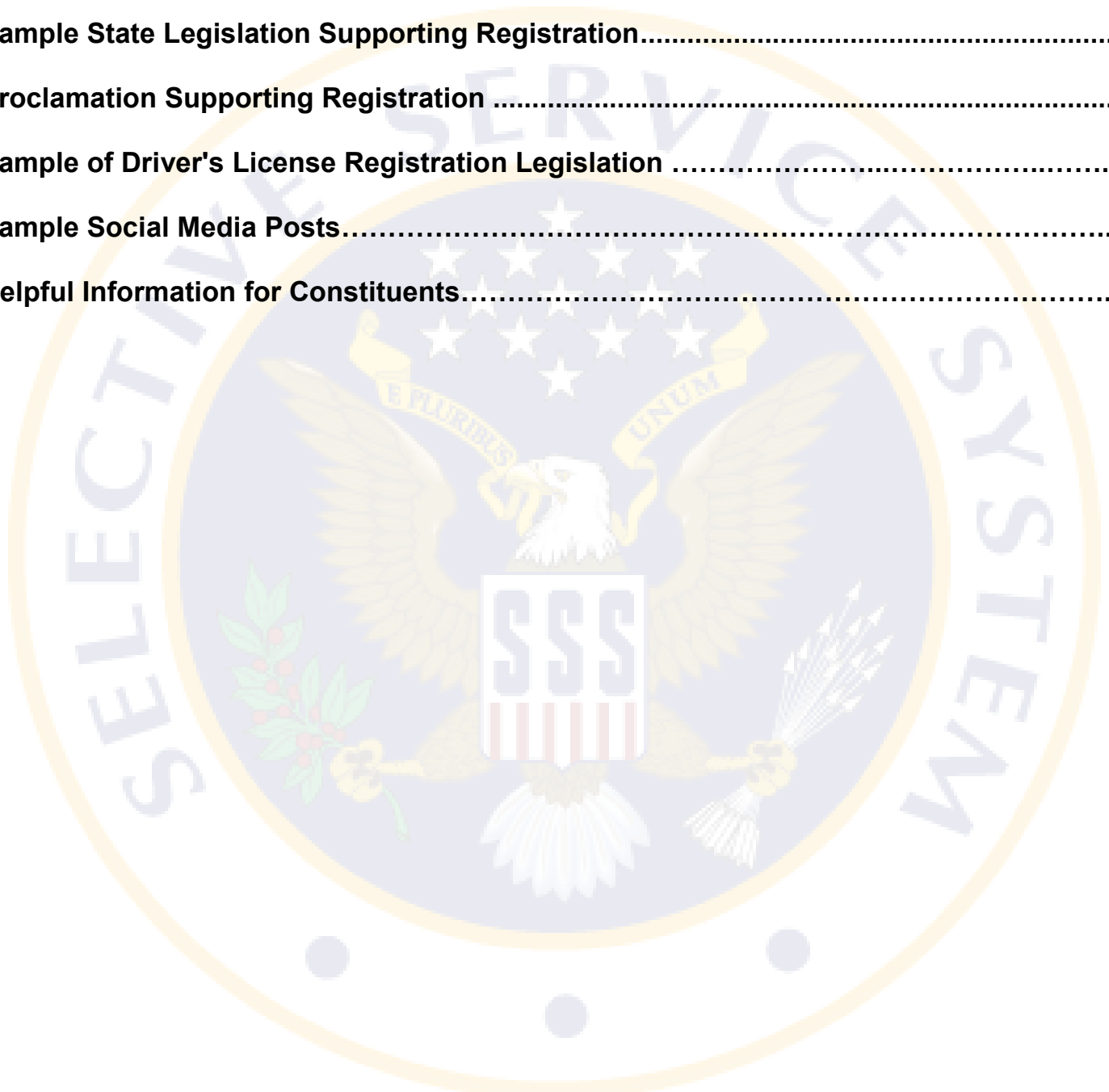


SSS.GOV

**LEGISLATOR & COMMUNITY
LEADER'S TOOLKIT**

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Introduction

Thank you for your service in your community and for checking out the Legislator and Community Leader's Toolkit. This is a resource you can use to improve the Selective Service registration rates in your community and to provide assistance to constituents. Selective Service System (SSS) registration is a way our government keeps a list of names of men from which to draw in case of a national emergency requiring rapid expansion of our Armed Forces.

SSS registration is important to your constituents because failure to register prior to reaching age 26 will negatively impact the future prospects of those who fail to register. Additionally, for every person who fails to register, less federal funds are distributed to those people in your community. This, in turn, has an impact on the local economy.

The mission of the Selective Service System is to register men and maintain a system that, when authorized by the President and Congress:

- (1) Rapidly provides personnel in a fair and equitable manner
- (2) While managing an alternative service program for conscientious objectors

The purpose of Selective Service is to provide a hedge against unforeseen threats as a relatively low-cost "insurance policy" in case of a national emergency.

Virtually all men ages 18 through 25 must be registered with Selective Service. The Military Selective Service Act (MSSA) requires men to register within 30 days of their 18th birthday. *See Presidential Proclamation 4771; 50 U.S.C. § 3802.*

Once a man turns 26, it is too late to register with Selective Service.

Failure to register with Selective Service is a violation of the MSSA. Conviction for such a violation may result in imprisonment for up to five (5) years and/or a fine of not more than \$250,000. *50 U.S.C. § 3811.*

Although prosecutions for failing to register are rare, those who fail to register may be ineligible for the following:

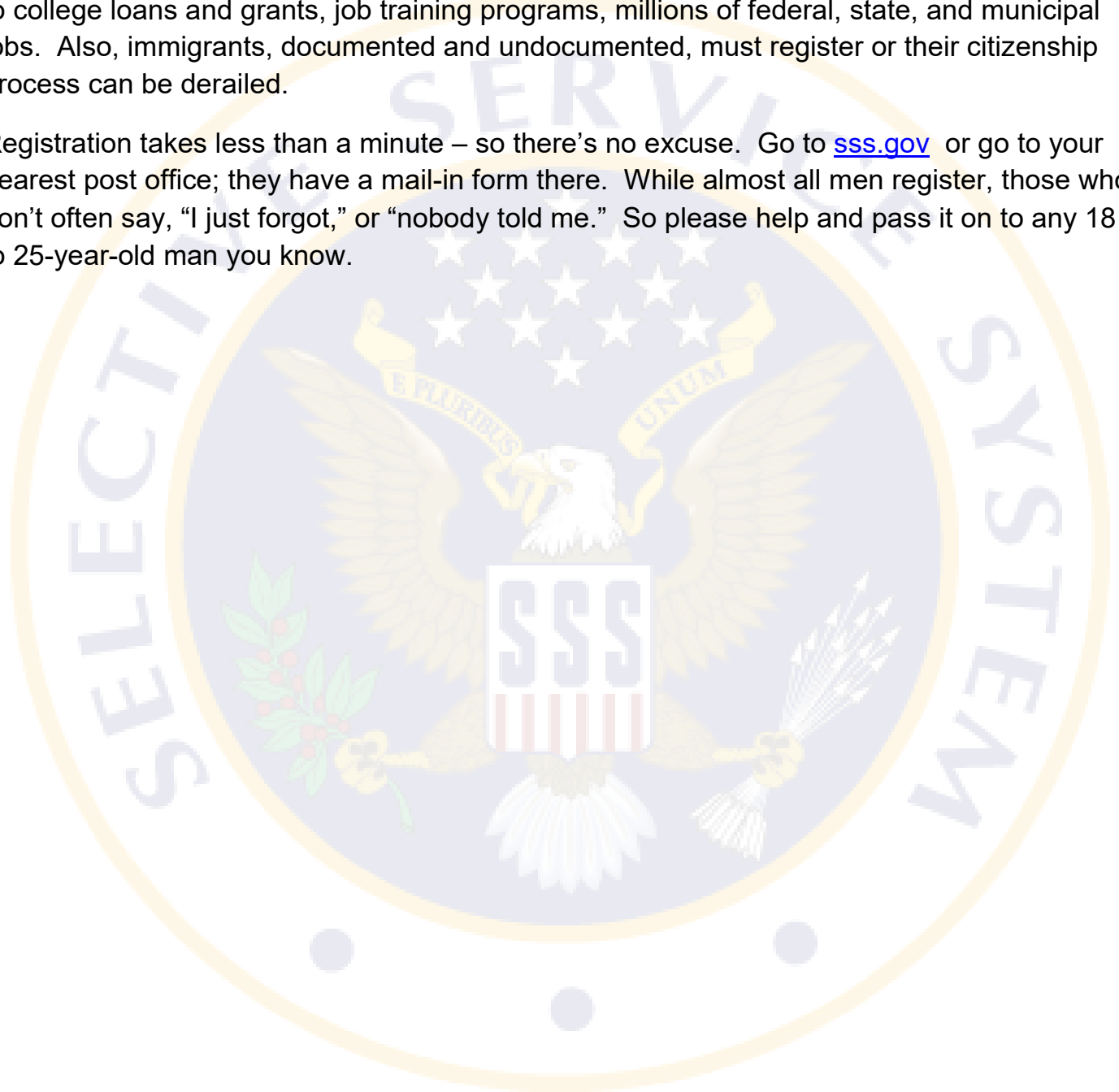
- Employment with the Federal government (and 31 state and local governments)
- Federal student aid (including Pell Grants and federal student loans) and is ineligible for state-based student aid in 31 states
- Federal job training under the Workforce Innovation and Opportunity Act (WIOA)
- Up to a five-year delay of citizenship proceedings
- Employment with a growing number of private companies that do work with the Federal government, such as FedEx

NOTE: Men born prior to January 1, 1960, are not required to provide proof of registration with Selective Service.

Sample Text for Your Newsletter

Here's an important reminder for anyone out there who has an 18- to 25-year-old male in their extended family of friends. **Register with the Selective Service System.** Yes, all men 18 through 25 must register. It's a law and civic duty. What many people don't know is that failure to register carries lifelong consequences. If a man fails to register he can lose access to college loans and grants, job training programs, millions of federal, state, and municipal jobs. Also, immigrants, documented and undocumented, must register or their citizenship process can be derailed.

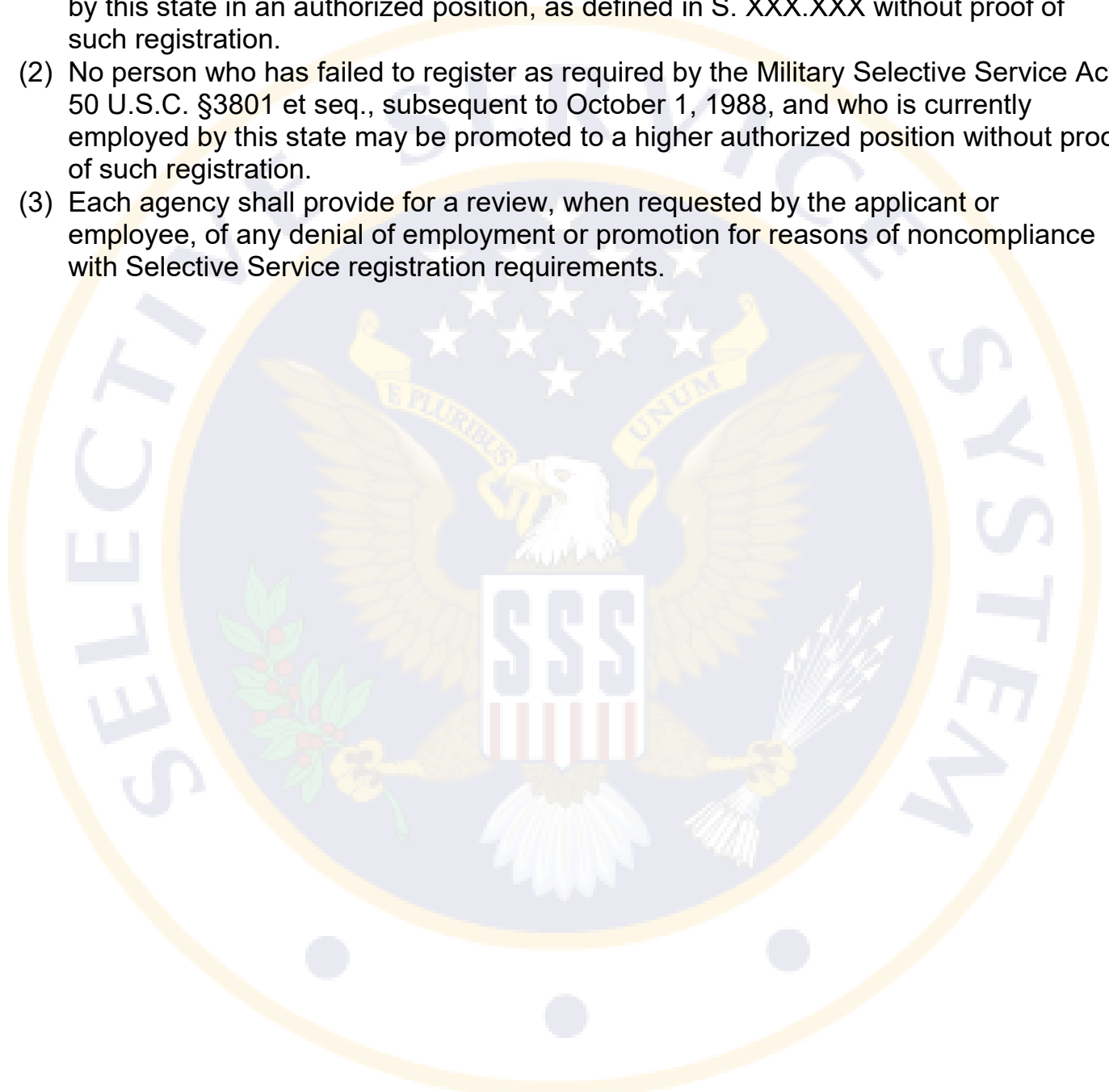
Registration takes less than a minute – so there's no excuse. Go to sss.gov or go to your nearest post office; they have a mail-in form there. While almost all men register, those who don't often say, "I just forgot," or "nobody told me." So please help and pass it on to any 18 to 25-year-old man you know.



Sample State Legislation Supporting Registration

XXX.XXX Selective Service Registration

- (1) No person who is required to register with the Selective Service System under the Military Selective Service Act, 50 U.S.C. §3801 et seq., may be offered employment by this state in an authorized position, as defined in S. XXX.XXX without proof of such registration.
- (2) No person who has failed to register as required by the Military Selective Service Act, 50 U.S.C. §3801 et seq., subsequent to October 1, 1988, and who is currently employed by this state may be promoted to a higher authorized position without proof of such registration.
- (3) Each agency shall provide for a review, when requested by the applicant or employee, of any denial of employment or promotion for reasons of noncompliance with Selective Service registration requirements.



Proclamation Supporting Registration

Sponsored by: Councilmember Will I Prepared
Requested by: County Council

RESOLUTION NO. 2017-

A Resolution of the XXXX County Council Expressing Support for the Selective Service System; Urging All Eligible XXXX County Men to Register; and Opposing Funding Reductions to the Agency.

Whereas, in order to achieve and maintain an adequate armed strength to insure the security of our nation, the Military Selective Service Act, 50 U.S.C. 3801 et seq., requires, with few exceptions, that all male U.S. citizens and male immigrants residing in the United States who are 18 through 25 years of age register with Selective Service; and

Whereas, the Nation is well served by maintaining the Selective Service System as a relatively low cost insurance policy in a still dangerous and uncertain world; and

Whereas, the Selective Service System protects the Nation against underestimating the maximum level of threat we expect our Armed Forces to face and the military personnel needed to fight and win a future war during a national emergency; and

Whereas, the Selective Service System should be maintained in its current state of readiness, and its peacetime registration program involving America's young men should be preserved to help ensure that any future draft, if needed, would be fair and equitable; and

Whereas, the Nation's young men are overwhelmingly complying with the requirement to register, with a current registration compliance rate of 93 percent for men 18 through 25 registered; and

Whereas, failure to register may jeopardize a young man's eligibility for federal student financial aid, state-funded student financial aid in many states, most federal employment, some state employment, security clearance for contractors, job training under the Workforce Innovation and Opportunity Act, and U.S. citizenship for immigrant men; and

Whereas, Selective Service is a visible symbol of national resolve to America's potential adversaries; and, it is the only time-proven means of mobilizing America's manpower for a significant crisis in a timely, orderly manner; and

Whereas, any reductions in the size of the Active and Reserve Components of the Armed Forces reinforce the need to preserve the historic link between the volunteer military and society-at-large; and

Whereas, the cost of keeping the Selective Service System at the ready is small at \$23 million annually when measured in the context of the overall defense budget, making it one of America's best national security bargains; **Now Therefore, BE IT RESOLVED by the Council of XXXX County:**

Section 1. The XXXX County Council hereby expresses support for the Selective Service System, urges all eligible XXXX County men to comply with the registration requirements of the law, and opposes any further funding reductions that would compromise the agency's ability to respond to mobilization challenges of the Department of Defense and to the United States of America.

ADOPTED this _____ day of _____, 2017.

ATTEST:

XXXX COUNTY COUNCIL
XXXX County, State

John D. Doe
Clerk of the Council

Council Chair

Mary B. Quick

Sample of Driver's License Registration Legislation

Sixty-Sixth Legislative Assembly of North Dakota In Regular Session Commencing
Tuesday, January 3, 2019

SENATE BILL NO. _____
(Introduced by XXXXXXXX)

A BILL for an Act Amending Chapter 39-06 (Operator's Licenses) of the North Dakota Century Code, requiring compliance with Federal Selective Service requirements as part of application and renewal for learners' permits, operators' licenses, and identification cards.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

Section 1. Chapter 39-06 of the North Dakota Century Code is amended by adding a section to read:

39-06-53. Compliance with Federal Selective Service requirements.

- (a) General rule. –Any United States citizen or immigrant who applies for a learner's permit, operator's license, identification card or a renewal of the permit, card or license, and who is less than 26 years of age, must comply with the requirements of section 3 of the Military Selective Service Act (50 U.S.C. § 3801 et seq.)
- (b) Effect of applicant's signature. –The applicant's signature on the application shall serve as an indication that the applicant either has already registered with the Selective Service System or consents to registration if required by Federal law.
- (c) Notification to applicant. –The department shall place the following statements on the application:
 - (1) By signing this application you are consenting to registration with the Selective Service System, if so required by Federal law. If you are under 18 years of age, you will be registered upon attaining 18 years of age.
 - (2) For applicants who object to conventional military service for religious or other conscientious reasons, alternative service information is available from the Selective Service System's publicly accessible Internet website.
- (d) The department shall forward, in electronic format to the Selective Service System, the necessary personal information of the applicants required to comply with the Military Selective Service Act.

Section 2. This act shall take effect in 180 days.

Sample Social Media Posts

Topic/Fact	Sample Facebook Post	Sample Twitter Post
<p>Men must register with Selective Service in order to qualify for job training programs</p>	<p>Job training programs can make a huge difference in helping young men start a successful career. But if they don't register with Selective Service, they lose their eligibility for all federally funded job training programs. Don't let that happen. Spread the word. sss.gov</p>	<p>Don't let young men miss out on free job training opportunities. Let them know about their requirement to register with @sss_gov sss.gov</p>
<p>Men must register with Selective Service in order to qualify for many jobs and college loans</p>	<p>In order to help young men, we must inform them about the requirement to register with Selective Service before their 26th birthday. By registering they stay eligible for jobs and college loans. Learn more at sss.gov</p>	<p>Fact: All men must register with @sss_gov to stay eligible for college loans and many federal and state jobs. Go to sss.gov to register today!</p>
<p>Men must register with Selective Service in order to renew a driver's license in some states</p>	<p>Did you know that to renew a driver's license in some states, a man must be registered with Selective Service? Spread the word! sss.gov</p>	<p>Did you know that to renew a driver's license in some states, a man must be registered with @sss_gov? Learn more: sss.gov</p>

Helpful Information for Constituents

Where can a person register for Selective Service?

- Registration forms (SSS Form 1) are available at any U.S. post office and a fillable PDF form is available at www.sss.gov
- If you have a social security number, the quickest and easiest way to register is online at www.sss.gov
- Some states help facilitate registration via driver's license applications (41 states have some form of driver's license legislation)
- The Free Application for Federal Student Aid (FAFSA) prompts men to register with Selective Service by checking a box on the form (Question #22)

What information is collected on the Selective Service System registration form?

The only information a man provides when he registers with Selective Service is the following:

- Full Name
- Date of Birth
- Sex
- Social Security Number (if he has one)
- Current Mailing Address
- Phone Number
- Email Address

Are men who are religiously or morally opposed to participating in war required to register?

Yes, men who are religiously or morally opposed to participating in war as a conscientious objector must still register with the Selective Service System. There is no classification for conscientious objection until Congress and the President vote for a return to conscription. After a person receives his pre-induction notice he is able to begin the process of seeking conscientious objector status. If there is ever a return to conscription, conscientious objectors serve two-years as Alternative Service Workers filling the gaps in the domestic workforce left behind by reservists and draftees (e.g. employment in the national interest)

What if a person is a U.S. citizen living or visiting outside the U.S. when it is time to register?

They should register via www.sss.gov or go to the nearest U.S. embassy or consulate for help registering with Selective Service. You can also send them an SSS Form 1 (available

at www.sss.gov) and have the constituent fill out the registration form, and then you may send the registration form to either Jacob Daniels (Jacob.Daniels@sss.gov) or Matthew Tittmann at (Matthew.Tittmann@sss.gov). We will expedite the constituent's registration with Selective Service.

Do immigrant men need to register?

Yes, non-citizens must register with Selective Service. With very few exceptions, all males ages 18 through 25 must register with the Selective Service System within 30 days of arriving in the United States. This includes U.S. born and naturalized citizens, parolees, undocumented immigrants, legal permanent residents, asylum seekers, refugees, and all males with visas of any kind which expired more than 30 days ago. There are few exceptions.

Does Selective Service System share any information that would indicate a man's immigration status?

The Selective Service System has not now, nor in the past, collected or shared any information which would indicate a man's immigration status, either documented or undocumented. Selective Service has no authority to collect such information, has no use for it, and it is irrelevant to the registration requirement. Consequently, there is no immigration data to share with anyone.

Can men under the age of 18 register for Selective Service?

Yes, men under age 18 may register with Selective Service. Selective Service accepts early registrations as young as 17 years and 3 months. If an applicant registers early, Selective Service will hold his information until his 18th birthday. At that time, Selective Service will process his registration and the registrant will receive a registration acknowledgment letter in the mail confirming his Selective Service registration.

Are men with disabilities or medical conditions, required to register with Selective Service

Yes, in most cases.

The only process now in effect is that men, ages 18 through 25, register with Selective Service and keep their registration record current during that period. Neither the MSSA nor Presidential Proclamation provide an exemption from registration because of a man's mental or physical condition unless certain criteria are met. The requirements for exemption are:

- If a man is placed in a hospital, nursing home, long-term care facility, or mental institution on or before his 18th birthday, had no breaks of institutionalization of 30 days or longer, and remained institutionalized until his 26th birthday
- If a man is incarcerated on or before his 18th birthday until on or after his 26th birthday, with no interruptions of 30 days or longer
- If a person lacks the mental capacity to knowingly consent to Selective Service registration

Proof of the individual's circumstances must be provided to Selective Service. Once Selective Service receives the documentation, a determination is then made by Selective Service as to whether the man qualifies for exemption from registration.

What if a person changed their gender identity from the sex assigned at birth?

Selective Service bases the registration requirement on **gender at birth** and not on gender identity or whether they've had a sex change.

- Individuals who are born female and changed their gender to male are not required to register with Selective Service
- U.S. citizens or immigrants who are born male and changed their gender to female are still required to register with Selective Service

However, as a general rule, we base the constituent's sex on their birth certificate.

How does a person determine if they are registered with the Selective Service?

If somebody is unsure of their registration status, he should go to www.sss.gov and click "Verify Registration." He will be prompted to enter his last name, social security number, and date of birth. If registered, this will provide his registration status with Selective Service and provides a link to immediately obtain a verification letter from Selective Service.

If he is not successful in verifying his registration status online, he can call the Selective Service registration information line at 1-847-688-6888 or toll-free at 1-888-655-1825.

How can a person get a replacement registration acknowledgment card?

A person can obtain proof by going to "Verify Registration" at www.sss.gov

The website provides an option to print an official letter of verification from Selective Service which provides the registrant's Selective Service registration number and date of registration.

What should I do if a constituent was denied benefits for failure to register with Selective Service, is 26 or older, but was unaware of the requirement to register with Selective Service?

Once a man reaches age 26, it's too late to register.

However, there still may be a recourse.

A non-registrant shall not be denied benefits due to his failure to register with Selective Service if he can prove, by a preponderance of the evidence (e.g. more likely than not), that his failure to register was not **knowing** and **willful**. See 50 U.S.C. 3811(g).

If a constituent was unaware of their registration requirement and has been denied benefits due to his failure to register, we recommend taking the following steps.

- 1) Have the constituent fill out your office's privacy release form
- 2) Have your constituent fill out a request form for a status information letter (SIL) (available at www.sss.gov)
 - a. An SIL explains the factual circumstances surrounding the constituent's failure to register. For example, the letter may indicate that registration reminder notices were sent by Selective Service and received by the constituent; the SIL may show that no registration reminder notices were sent; or the SIL may state that registration reminders were sent to the constituent but were returned to Selective Service as undeliverable
- 3) Send the completed privacy release form and request form for SIL, along with a brief synopsis of the situation to either Jacob Daniels (Jacob.Daniels@sss.gov) or Matthew Tittmann (Matthew.Tittmann@sss.gov)
- 4) We will process the request and email you an SIL for the constituent.
- 5) You should then instruct the constituent to put together a packet of information to send to the agency or department that is denying the right or benefit. The burden of proof is on the constituent to prove by a preponderance of the evidence (e.g. more likely than not) that his failure to register was not **knowing** and **willful**.
- 6) The package of information can include, but is not limited, to the following:
 - a. The constituent's SIL (***Mandatory***);
 - b. The constituent's communications with your office;
 - c. An affidavit, signed by the constituent, explaining the circumstances surrounding his failure to register;
 - d. Affidavits signed by friends and/or family vouching for the constituent's integrity and propensity to adhere to all laws *known* to him; and
 - e. Any other information that the constituent believes will help demonstrate that his failure to register with Selective Service was not **knowing** and **willful**

Remember, Selective Service does not decide whether the constituent's failure to register was **knowing** and **willful**, but rather the agency or department that is denying the right or benefit makes that determination.

If the Constituent is Seeking Federal Employment

Below are references to Federal hiring regulations for those who failed to register with Selective Service:

Under 5 U.S.C. § 3328, a male born after December 31, 1959, who was required to register with Selective Service, is ineligible for appointment to an Executive agency if he **knowingly** and **willfully** failed to register with Selective Service (emphasis added). However, in the employment context, 5 CFR §3328, a male born after December 31, 1959, who was required to register with Selective Service, is ineligible for appointment to an Executive agency if he **knowingly** and **willfully** failed to register with Selective Service (emphasis added). However, in the employment context, 5 CFR § 300.705(d) states:

An agency will take the following actions when a covered individual who is age 26 or over, was required to register, and has not done so... [the agency shall p]rovide written notice to the individual that, in accordance with 5 U.S.C § 3328, he is ineligible for appointment unless his failure to register was neither **knowing** nor **willful**, and that OPM will decide whether his failure to register was knowing and willful if he submits a written request for such decision and an explanation of his failure to register (emphasis added)

5 CFR § 300.706(a) further states:

OPM will determine whether a failure to register was knowing and willful when an individual has requested a decision and presented a written explanation, as described in § 300.705. The Associate Director for Career Entry or his or her designee will make the determination based on the written explanation provided by the individual. The burden of proof will be on the individual to show by a preponderance of the evidence that failure to register was neither knowing nor willful

In other words, if the constituent's failure to register was not knowing and willful, he should request in writing that a determination is made by the Office of Personnel Management (OPM) whether he knowingly and willfully failed to register with Selective Service, in accordance with 5 CFR § 300.706.

The burden of proof is on the constituent, by a preponderance of the evidence (e.g. more likely than not), that his failure to register with Selective Service was not knowing and willful.

Registration reminder notices were sent by Selective Service and received by the constituent; the SIL may show that no registration reminder notices were sent; or the SIL may state that registration reminders were sent to the constituent but were returned to sender.

- 1) Send the completed privacy release form and Request for SIL, along with a brief synopsis of the situation to either Jacob Daniels (Jacob.Daniels@sss.gov) or Matthew Tittmann (Matthew.Tittmann@sss.gov)
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 - d. Affidavits signed by friends and/or family vouching for the constituent's integrity and propensity to adhere to all laws *known* to him; and
 - e. Any other information that the constituent believes will help demonstrate that his failure to register with Selective Service was not **knowing** and **willful**

Remember, Selective Service does not decide whether the constituent's failure to register was **knowing** and **willful**, but rather the agency or department that is denying the right or benefit makes that determination.

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