

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Senator Les Donovan at 8:30 a.m. on March 19, 2003 in Room 245-N of the Capitol.

All members were present except: Senator Les Donovan
Senator Ed Pugh

Committee staff present: Hank Avila, Legislative Research Department
Bruce Kinzie, Revisor of Statutes
Marian F. Holeman, Committee Secretary

Conferees appearing before the committee: Representative Jene Vickrey
Barbara Pringle, Exec. Dir., KS Pupil Transp. Assn.
Ernest Garcia, KS State Dir. Selective Service System
Col. Adam King, KS Nat'l Guard
Sheila Walker, Dir. Division of Vehicles, KDOR
Tonya Reinhardt, Army Reserve Major, SSS

Others attending: See attached list

HB 2113: Re maximum speed limits for school buses

Representative Vickrey briefed the committee on the background of this bill. The primary reason is a concern for safety. The difference in allowable maximum speed limits between school buses and all other vehicles results in school buses traveling slowly enough to be a hazard. Safety instructions teach that we should go with the flow of traffic. This bill will allow school buses to travel at posted speed limits. However, local school boards can still deal with special local conditions. Conferee did not provide written testimony. Barbara Pringle, Executive Secretary, Kansas State Pupil Transportation Association, testified in support of **HB 2113**. The Executive Committee's primary concern is the safety of the thousands of students they transport every day. They believe keeping the present speed level increases the chances of accidents. They want a speed that is equitable as well as safe for every bus to travel its daily route (Attachment 1).

Following discussion on the bill, Senator Jackson moved to recommend **HB 2113** favorable for passage. Senator Gooch seconded the motion. Motion carried. Senator Jackson will carry the bill.

Sub. HB 2073: Re drivers' licenses and identification cards

Debby Bielanski, Deputy Director for Selective Service System (SSS) Region III, located in Denver, Colorado was scheduled to appear in support of the bill. However, weather closed the Denver airport and she was unable to get here. Ernest Garcia, Kansas State Director of SSS, and Lt. Col. Marine Corps Reserve, presented the testimony, explaining why this assistance with registration compliance is needed. He pointed out such registration is required. Failure to do so makes these young men ineligible for federally backed student loans and grants, jobs with the U.S. Government, vocational job training, and, if he is an immigrant seeking citizenship, he will be denied citizenship by INS if he hasn't registered. (Attachment 2). Lt. Col. Adam King, U.S. Marine Corps Reserve had no written testimony but also spoke in support of the bill, explaining they are responsible for administering the draft should it be brought back into effect. The on-going registration process guarantees that any future draft would be the most fair and equitable in history. Sheila Walker explained what the bill would do. It requires that persons between ages of 16 and 25 who apply for a Kansas driver's license, instruction permit, or non-driver's identification card, consent to the federal SSS registration requirements. The Division of Motor Vehicles will electronically forward this information to SSS. Updating the driver's license handbook and training examiners would be absorbed in existing Motor Vehicles Division updating. No other conferees appeared on the bill. Hearing closed.

Major Tonya Reinhardt, Army Reservist, who is also with SSS, provided additional information in

CONTINUATION SHEET

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE at 8:30 a.m. on March 19, 2003 in Room 245-N of the Capitol.

response to several questions posed by committee members. Senator Schodorf moved to recommend the bill favorable for passage. Senator Harrington seconded the motion. Motion carried. Senator Schodorf will carry the bill.

Approval of minutes

Senator Goodwin moved to approve minutes of the March 13, 2003 meeting. Senator Lyon seconded the motion. Motion carried.

Meeting adjourned at 9:30 a.m.

Next meeting is scheduled for March 20, 2003.

Senator Les Donovan
Chairman Senate Transportation Committee

House Bill # 2113

Barbara Pringle
Executive Secretary
Kansas State Pupil
Transportation Association

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SENATE TRANSPORTATION COMMITTEE

— DATE: 3-19-03 —

ATTACHMENT: 1

The Honorable Les Donovan, Chairperson
Senate Committee on Transportation
Topeka, Kansas 66612

On behalf of the Kansas State Pupil Transportation Association I am here to ask for your support of House Bill # 2113.

Several years ago, the speed limit in the state of Kansas was raised to 65 and 70 miles per hour on state and interstate highways, and the speed of the county and rural roads was increased to 55 miles per hour for all vehicles, this has resulted in an imbalance in the allowable speed in which school buses travel on the some roads.

The Kansas State Pupil Transportation Associations main concern is the safety of the thousands of Kansas students that are transported each day to and from school and activities. After considerable discussion concerning this matter, the Executive Committee is asking for your support of House Bill # 2113, regulating the speed of school buses on separated, multilane highways in the state of Kansas.

Currently the maximum speed limit for a school bus is 55 miles per hour on separated and multilane highways, and the maximum speed for all other vehicles is 70 miles per hour. We believe this difference in allowable speed between the two results in the school bus traveling slow enough to become a hazard.

Where the speed limit is posted at 70 miles per hour, some if not most vehicles will push the limit to 75 miles per hour, or higher. This is a daily occurrence across the state.

If the speed of school buses remains at 55 miles per hour, we believe there is an increased probability of accidents when other vehicles try desperately not to get behind a school bus. The average motorist will do anything to avoid getting behind a school bus whether on city streets or highways. It is written all over a school bus " I GO SLOW " and all most people can think of is how to get "round it.

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By keeping the speed of Kansas school buses at the current maximum speed on interstate and divided highways, the KSPTA Executive Board believes we are increasing the chance of an accident.

Other states have already increased the speed limit of school buses on their roadways, because they have seen the potential hazard.

Our concern is not that of the school bus driver because a school bus driver has extensive training to know how to handle the bus in different surroundings and at different speeds, rather our concern is for the other driver's who share the road with school buses and have been stuck behind a school bus and will do almost anything to get around, even at the risk of others.

We would like to see a change in regards to the speed of a school bus. One that would more equitable for the bus sharing the road with other drivers, and one that would still be a safe speed for the bus to travel on its daily routes.

Summary:

We are more concerned with the driving habits of the general public than the driving habits of the school bus driver. Most drivers do not like to drive behind a school bus and may take a chance to get around the bus even though there may not be enough time and distance to do so safely. We ask your support of House # 2113

Respectfully,



Barbara Pringle
Executive Secretary
Kansas State Pupil
Transportation Association
P.O. Box 1504
Emporia, KS 66801
620-341-2220
E-mail bpringle@usd253.org

Remarks by
Deborah N. Bielanski
R111, Deputy Director
Before the Transportation Committee
Kansas House of Representatives
March 19, 2003

Thank you Vice Chair Salmans and the Members of your Committee for allowing me to come before you. I am Debby Bielanski, Deputy Director for Selective Service System Region III, located in Denver, Colorado. I am also a Colonel in the U.S Air Force Reserves. I am here to provide testimony in support of Substitute for House Bill 2073. With this bill, you have an opportunity to give urgently needed support to an important Federal program that is a key element of National Security Strategy. National Defense is a partnership between the Federal Government and all States, and is every citizen's responsibility. The events on, and since, September 11th have made us realize this even more.

SENATE TRANSPORTATION COMMITTEE
— DATE: 3-19-03 —
ATTACHMENT: 2

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Let me reassure you that we presently do not have a draft. The last draft ended almost 30 years ago. Since it's inception over 60 years ago, the Selective Service System has been in the **National Defense Readiness Business.**

We are also in the **Fairness and Equity Business.** So, Substitute for HB 2073 is not about returning to conscription...it is about being ready for the uncertainty of war. It is also about guaranteeing future peace through strength and readiness. It's about helping Kansas's youth accept responsibility and doing what's right.

Here are some facts to consider. Although, we presently do not have a draft, our nation must be capable of conducting one if needed. Federal law requires that men must register with Selective Service at age 18. They can register late, but once they reach age 26, they can no longer

register. Registration preserves the vital link between our all-volunteer force and society at large. It shows the world that we aim to remain strong, and that we expect our youth to be responsible, as the generations before them have been. It also demonstrates to the men and women in our all-volunteer military that the general population stands behind them, ready to serve if a crisis makes a draft necessary.

Some of you may have sons, 18 through 25 years old. I hope you share my sentiment that, if a draft is necessary, we want the young men in our lives to be subject to the most fair, most equitable one in our Nation's history. **The degree to which a draft can be fair and equitable in wartime is directly related to today's registration compliance.** Every man not registered increases a law-abiding registrant's chances--perhaps your sons' chances--of being drafted.

Furthermore, under Federal law, if a man fails to perform his civic and legal registration duty, he makes himself ineligible for Federally-backed student loans and grants, jobs with the U.S. Government, vocational job training, and, if he is an immigrant seeking citizenship, he will be denied citizenship by INS if he hasn't registered with Selective Service.

And so, registration is vitally important to both the security of our nation and the futures of our young men. Presently, the registration rate for 18-year-olds in Kansas is 81.44 percent. This means that many young men are not registering when they turn 18 as the law requires. This will hinder the fairness of any future Kansas draft. Presently, you have a Selective Service System Registrar in 85 percent of the high schools in the state. However, we are not reaching

all of those young men who drop out of school. Those who need the benefits the most will be forever denied them.

One thing is certain, enactment of Substitute for H.B. 2073 will cure this problem. As we have discovered in many other states, Driver's License laws in support of SSS registration make the registration process easier for all men in the state. It will also skyrocket the compliance statistics to nearly 100 percent.

We are grateful to the 27 states, the District of Columbia, and the two U.S. territories who have enacted this type of legislation. We would be delighted if Kansas adds itself to the growing list of states. By conditioning application for a Driver's License or State I.D. card to registration compliance, you send a powerful reminder to the young men in Kansas, and keep them eligible for programs and benefits

funded by Federal tax dollars. Substitute for HB 2073 will require registration compliance as a condition for obtaining a driver's license. By passing this bill, the Kansas legislators will preserve a strong and ready America.

On behalf of the men and women of the Selective Service System here in Kansas and throughout America, and our Acting Director, Mr. Lew Brodsky, I thank Senator Schodorf and Representative Tafanelli for sponsoring the bill. I also thank each of you for giving it your consideration.

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**DEPARTMENT OF
COMMERCE AND REGULATION**

118 W. CAPITOL
PIERRE, SOUTH DAKOTA 57501-2036

Driver Licensing (605)773-6883
E-Mail Address: DCRInfo@state.sd.us
Internet Address:
HTTP://www.state.sd.us/dcr/dl

January 31, 2003

To Whom It May Concern:

Legislation went into effect in South Dakota July 1, 2002 which made registering with the Selective Service a requirement for getting a driver license. This applies only to males aged 18 through 25. South Dakota sends the personal information necessary for these individuals to register with the Selective Service System electronically.

Implementation of the Selective Service registration process necessitated the following:

- Changing the driver license application to include a certification from the applicant indicating that the applicant has already registered with the Selective Service System or that he is authorizing the Department of Commerce & Regulation to forward the necessary information to the Selective Service System.
- Computer development and programming. The development and programming of the computer system consisted of 180 hours. The Selective Service System reimbursed the State for a part of these costs.
- Training of driver license examiners which amounted to a minimal amount of time.

South Dakota utilizes the AAMVAnet application for registration with the Selective Service System. The information is sent to the Selective Service System on a real-time basis. South Dakota implemented this system prior to July 1, 2002 without difficulty. We began sending information electronically to the Selective Service on July 1, 2002.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia D. Gerber".

Cynthia D. Gerber, Director
South Dakota Driver Licensing Program

STATE OF COLORADO

DEPARTMENT OF REVENUE
INFORMATION TECHNOLOGY DIVISION
1881 Pierce St., Room 63
Lakewood, CO 80214-1491
Voice: (303) 205-5870
Fax: (303) 205-5716
Email: rlawson@spike.dor.state.co.us



February 13, 2002

To Whom It May Concern:

In response to legislative mandate the State of Colorado entered into an exchange of data with the Selective Service System. This necessitated the following:

- Digimarc (Polaroid) modified the Declaration Sheet to include Selective Service registration information and charged about \$1300 for their effort, which the Selective Service System paid.
- Development of data extract to include all male Selective Service applicants between and including the ages of 18 and 26; took one programmer analyst approximately 30 hours.
- Development and testing of FTP, File Transfer Protocol, took about 10 hours.

The Selective Service System personnel were extremely flexible in the method of information delivery (tapes, diskettes, CD's, or electronic) we chose to use. They wanted the information on a weekly basis. Our analysis determined that FTP provided the most efficient means of transferring data. We have been transferring data, via FTP, since September without any difficulty.

Sincerely,

BRUCE LAWSON

Bruce Lawson
Project Manager



STATE OF OKLAHOMA
DEPARTMENT OF PUBLIC SAFETY
DRIVER LICENSE SERVICES DIVISION

MEMORANDUM FOR STATE DEPARTMENTS OF MOTOR VEHICLES (DMV) AND
MEMBERS OF THEIR RESPECTIVE STATE LEGISLATURES

FROM: Lonnie Jarman
Director Driver License Services/Financial Responsibility
Oklahoma Department of Public Safety

SUBJECT: Workload/Fear Factor from the DMV/Department of Public Safety's (DPS)
Perspective Pertaining to the Driver's License and Selective Service System's
Registration Initiative

The purpose of this memorandum is to help provide information to other State's DMVs or DPS who are considering legislation supporting the Driver's License and Selective Service System's Registration initiative.

On June 1, 2000, the State of Oklahoma became the second state to pass legislation requiring young men between the ages of 18 to 26 to show proof of being registered with the Selective Service System before being issued a permit, driver's license or state identification card.

Initially, there were concerns as to the impact upon our customer service response time, training of our personnel and what financial impact may result from this new piece of legislation. Since this law has been implemented, none of the above concerns have been realized. In other words, there have been no adverse impacts to our Department of Public Safety operations.

In Oklahoma, driver licenses are issued by Motor License Agents, who are private business operators, functioning as agents of the state. We may have as many as 280 agents, some of which will have several employees who issue driver licenses. All of the agents and their employees had to be trained to check for registration compliance and in how to explain that requirement to the applicants.

From the beginning, the Selective Service System's Regional Headquarters provided materials and support to help ensure a smooth transition with our field offices. In conjunction with the Regional Headquarters we developed computer

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programming which allowed us to match the SSS registration data base to our driver's license data base and to flag the files of those license holders who were in compliance with SSS registration requirements. By doing this we were able to prompt our Motor License Agents to ask for proof of compliance from only those whom we had not verified by computer. We then enabled our agents to flag the applicants file, after verifying compliance so that we would never have to ask for proof again. By utilizing technical applications, we have been successful in implementing the Selective Service System's Registration initiative with minimal impact on the applicants or the issuing agents. The time required to ask the question, check proof of registration, and flag the file, for the most part, less than a minute per applicant. Most applicants understand the requirements for registration and for those who do not, a very simple statement we provided the agents resolves the issue without dispute or confrontation. All training for the agents was by email and, for a few, a telephone conversation was required. With few exceptions, the system was in place and running very smooth in less than a month. At the present time, in our DPS Headquarters location, we average two (2) to three (3) questions a day regarding registration confirmation.

In closing, from the Department's view, this initiative has been a very easy program to implement and the results for helping the young men of Oklahoma comply with Federal law has been phenomenal. I understand the registration rate for Oklahoma has increased from 91.35% to 99.00%.

If I can provide additional information to your Departments please contact me at 405-425-2317, or email to ljarmen@dps.state.ok.us.

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STATE OF DELAWARE
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF MOTOR VEHICLES
P.O. BOX 698
DOVER, DELAWARE 19902

Phone: (302) 744-2561
Fax: (302) 739-2602

February 13, 2002

Colonel Glen Ford
Region I Director
Selective Service System
2834 Green Bay Road
Building 3400 Suite 276
North Chicago, Illinois 60064

Dear Colonel Ford:

I appreciate your kind words concerning the passage of our new Selective Service System statutes.

As you know, the State of Delaware implemented Selective Service registration through the DMV driver's license application process in August 2000. I am pleased to report that we have had neither disruption nor delays in our operations as a result of this legislation.

I would be pleased to provide additional information on this action to other states considering this type of legislation. I can be reached at the numbers listed above.

Sincerely,

A handwritten signature in cursive script that reads "Arthur G. Ericson".

Arthur G. Ericson
Chief of Driver Services

AGE/eam

Hawaii's selective service application was implemented on Jan. 2, 2002.

We transmit the driver's name, mailing address, date of birth, social security number and application date to the Selective Service System whenever a male driver, 18 through 25 years of age, is issued a permit, new license, renewal or duplicate. The process is transparent to the clerks issuing the permits/licenses. The computer determines when to send the message to the Selective Service System and automatically updates the driver's record (Yes/No flag to indicate that SSS received the message) when the confirmation returns. Errors (confirmation not received - node or application down, other transmission errors) will be handled in a batch process (not yet in production).

The revised driver license application (signature required) includes a statement that by submitting the application, the qualified driver is consenting to registration with the Selective Service System if so required by Federal law.

We don't know who has registered with the Selective Service System and we didn't do an initial match. We'll send the message whenever the driver qualifies (male, 18-25) and it's up to Selective Service to determine whether the driver should be registered or is already in their database.

Selective Service was willing to pay for programming costs which totalled \$10,000.

Heidi Koizumi
phone: (808) 527-5322 fax: (808) 550-6244



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LAWS LINKING SSS REGISTRATION TO STATE DRIVER'S LICENSE APPLICATIONS

Background

Federal law (50 U.S.C. App. 451 et seq.) requires virtually all male U.S. citizens, as well as immigrant men residing in the U.S., to register with the Selective Service System (SSS) when reaching age 18. However, despite publicity efforts, many men do not know about this important civic obligation and legal requirement. Registration compliance has eroded approximately one percent per year since 1991. At the end of 2000, an estimated 88 percent of U.S. men, 18 through 25 years old, were registered with SSS.

Declining registration compliance is of concern to officials because it means that any future draft instituted by Congress and the President in a national emergency would be less than fair and equitable. Also, men who fail to register with Selective Service are not eligible for certain programs and benefits that the Congress and 28 state legislatures have linked to registration. They include student loans and grants for college, most government jobs, and job training. Additionally, immigrant men residing in the U.S. who fail to register when they are at least 18 years old, but not yet 26 years old, may be denied U.S. citizenship by the Immigration and Naturalization Service.

Efforts to reverse the downward trend in SSS registration compliance have included using information technology and the Internet to make registration easier, and conducting publicity "blitzes" to contact the media and visit schools in low-compliance regions. These efforts help to spur increased awareness of the requirement. As a result, the rate of decline is being reversed. In May 2001, the SSS released a national ranking by state of registration compliance rates for men reaching age 20 in 2001. Compared to the same measurements the previous year, overall there was a four-percent increase in national compliance. However, several states had below average compliance rates, including Arizona, California, Georgia, North Carolina, Mississippi, Texas, Hawaii, and Louisiana.

Description of Typical State Driver's License Legislation

It is generally believed that the key to solving the SSS registration compliance problem in a state is to link SSS registration with the process of applying for a driver's license or state identification card.

These laws are simple and inexpensive to implement. They instruct the state's Department of Public Safety or Motor Vehicles to include a consent statement on all applications or renewals for driver's permits, licenses, and identification cards. The statement tells the applicant that by submitting the application he is consenting to his registration with the SSS, if so required by Federal law. Females are not required to register with SSS under current law. Men 26 years old and older are old to register.

Transmission of applicant data to the SSS is accomplished electronically through an existing arrangement each state has with the data sharing system of the American Association of Motor Vehicle Administrators (AAMVAnet) at no extra cost

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to the state.

Status of State Driver's License Legislation

As of February 6, 2003, 27 states, 2 territories, and the District of Columbia have enacted driver's license laws supporting SSS registration. They are: (1) Enacted and Implemented - Oklahoma, Delaware, Arkansas, Utah, Georgia, Hawaii, Alabama, Florida, Colorado, Texas, Louisiana, Illinois, Ohio, South Dakota, Mississippi, Idaho, Virginia, New Hampshire, Rhode Island, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the District of Columbia; (2) Enacted But Not Yet Implemented - Wisconsin, West Virginia, Tennessee, South Carolina, Maryland, Missouri, New York, and North Carolina. Additionally, legislators in Arizona, Connecticut, Iowa, Kansas, Kentucky, New Mexico, and Wyoming have introduced driver's license legislation. Minnesota and Vermont have drafted driver's license legislation, and the states of Montana, Oregon, and Washington are in the process of drafting legislation. Some states without legislative draft bills have obtained sponsors and others are in the process of obtaining support for the driver's license legislation.

It will be especially interesting to watch what effect the new driver's license laws has on the compliance rates of the low-compliance states of Georgia, Hawaii, Louisiana, and Texas.

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WHO MUST REGISTER

Almost all male U.S. citizens, and male aliens living in the U.S., who are 18 through 25, are required to register with Selective Service. It's important to know that even though he is registered, a man will not automatically be inducted into the military. In a crisis requiring a draft, men would be called in sequence determined by random lottery number and year of birth. Then, they would be examined for mental, physical and moral fitness by the military before being deferred or exempted from military service or inducted into the Armed Forces.

A chart of who must register is also available.

NON-CITIZENS

Some non-citizens are required to register. Others are not. Noncitizens who are not required to register with Selective Service include men who are in the U.S. on student or visitor visas, and men who are part of a diplomatic or trade mission and their families. Almost all other male noncitizens are required to register, including illegal aliens, legal permanent residents, and refugees. The general rule is that if a male noncitizen takes up residency in the U.S. before his 26th birthday, he must register with Selective Service. For a more detailed list of which non-citizens must register, see Who Must Register - Chart.

DUAL NATIONALS

Dual nationals of the U.S. and another country are required to register, regardless of where they live, because they are U.S. nationals.
See also Aliens and Dual Nationals - Liability for Service

HOSPITALIZED OR INCARCERATED MEN

Young men in hospitals, mental institutions or prisons do not have to register while they are committed. However, they must register within 30 days after being released if they have not yet reached their 26th birthday.

DISABLED MEN

Disabled men who live at home must register with Selective Service if they can reasonably leave their homes and move about independently. A friend or relative may help a disabled man fill out the registration form if he can't do it himself.

Men with disabilities that would disqualify them from military service still must register with Selective Service. Selective Service does not presently have authority to classify men, so even men with obvious handicaps must register now, and if needed, classifications would be determined later.

FULL-TIME MILITARY EXEMPTED FROM REQUIREMENT

Young men serving in the military on full-time active duty do not have to register. Those attending the service academies do not have to register. If a young man leaves the military before turning 26, he must register.

NATIONAL GUARD AND RESERVES

Members of the Reserve and National Guard not on full-time active duty must register.

CONSCIENTIOUS OBJECTORS

Men who would be classified as Conscientious Objectors if they were drafted must also register with Selective Service. If a draft begins and they are called, they would have the opportunity to file a claim for exemption from military service based upon their religious or moral objection to war.



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WOMEN AND THE DRAFT

Women Aren't Required to Register

Here's why:

THE LAW

Selective Service law as it's written now refers specifically to "male persons" in stating who must register and who would be drafted. For women to be required to register with Selective Service, Congress would have to amend the law.

THE SUPREME COURT

The constitutionality of excluding women was tested in the courts. A Supreme Court decision in 1981, *Rostker v. Goldberg*, held that registering only men did not violate the due process clause of the Constitution.

DEPARTMENT OF DEFENSE

At President Clinton's request, the Department of Defense reviewed this issue in 1994. DoD noted that America's prior drafts were used to supply adequate numbers of Army ground combat troops. Because women are excluded by policy from front line combat positions, excluding them from the draft process remains justifiable in DoD's view. Although no conclusions were reached, DoD recognized that policies regarding women need to be reviewed periodically because the role of women in the military continues to expand.

The Selective Service System, if given the mission and additional funding, is capable of registering and drafting women with its existing infrastructure.

(A backgrounder on Women and the Draft is available at this site.)

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Selective Service System

Backgrounder: **WOMEN AND THE DRAFT IN AMERICA**

While women officers and enlisted personnel serve with distinction in the U.S. Armed Forces, women have never been subject to Selective Service registration or a military draft in America. Women who served in the past, and those who serve today in ever increasing numbers, all volunteered for military service.

The U.S. came close to drafting women during World War II, when there was a shortage of military nurses. However, there was a surge of volunteerism and a draft of women nurses was not needed.

After America's draft ended in 1973, the Selective Service System was maintained in a standby status, just in case a return to conscription became necessary during a crisis. After March 29, 1975, men no longer had to register and Selective Service was placed in "deep standby." But then, in 1980, President Carter reactivated the registration process for men in response to the Soviet invasion of Afghanistan and in reaction to reports that the standby Selective Service System might not meet wartime requirements for rapid manpower expansion of the active and reserve forces.

Although the specter of a future draft remained solely the concern of young men, discussions in Congress and the Administration about registering and conscripting women periodically took place. Section 811 of the Department of Defense Authorization Act, 1980 (P.L. 96-107, Nov. 9, 1979) required the President to send to the Congress a plan for reforming the law providing for the registration and induction of persons for military service. The President sent his recommendations for Selective Service reform in a report dated Feb. 11, 1980. As noted above, the President requested reactivation of registration for men. But another recommendation to the Congress was that the act be amended to provide presidential authority to register, classify, and examine women for service in the Armed Forces. If granted, the President would exercise this authority when the Congress authorized the conscription of men. Although women would become part of the personnel inventory for the services to draw from, their use would be based on the needs and missions of the services. Department of Defense (DOD) policy, which was not to assign women to positions involving close combat, would continue. In response to these recommendations, the Congress agreed to reactivate registration, but declined to amend the act to permit the registration of women. In the legislative history for the Department of Defense Authorization Act, 1981, the Senate Armed Services Committee report stated that the primary reason for not expanding registration to include women was DOD's policy of not using women in combat. Additional reasons cited in the report included agreement by both civilian and military leadership that there was no military need to draft women and congressional concerns about the societal impact of the registration and possible induction of women.

The exclusion of women from the registration process was challenged in the courts. A lawsuit brought by several men resulted in a 1980 U.S. District Court for the Eastern District of Pennsylvania decision that the MSSA's gender-based discrimination violated the due process clause of the Fifth Amendment, and the District Court enjoined registration under the Act. Upon direct appeal, in the case of Rostker v. Goldberg, 453 U.S. 57 (1981), the Supreme Court reversed the District Court decision and upheld the constitutionality of the exclusion, ruling that there was no violation of the due process clause of the Fifth Amendment. The Supreme Court based its decision largely on DOD's policy that excluded women from combat. The Court reasoned that since the purpose of registration was to create a

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pool of potential inductees for combat, males and females could be treated differently. The Court also noted its inclination to defer to Congress since draft registration requirements are enacted by Congress under its constitutional authority to raise armies and navies, and observed that Congress had in 1980 considered but rejected a proposal to expand registration to women.

In 1992, a Presidential Commission on the Assignment of Women in the Armed Forces reexamined the issue of registration and conscription of women. In its November 1992 report, by a vote of 11 to 3, the Commission recommended that women not be required to register for or be subject to conscription. The Commission cited the 1981 Supreme Court decision in Rostker v. Goldberg upholding the exclusion of women from registration as the basis for its recommendation. The Commission also discussed enacting existing ground combat specialties exclusion policies into law to provide an additional barrier to the amendment of the MSSA to provide for the conscription of women. However, an appendix to its report suggested that public opinion was divided on the issue. The appendix, which included the results of a random telephone survey of 1,500 adults, showed that, in the event of a draft for a national emergency or threat of war (and assuming an ample pool of young men exists), 52 percent of respondents women should be drafted, about 39 percent of respondents indicated women should not be drafted, and 10 percent responded they did not know.

In May 1994, President Clinton asked the Secretary of Defense to update its mobilization requirements for the Selective Service System and, as a part of the effort, "continue to review the arguments for and against continuing to exclude women from registration now that they can be assigned to combat roles other than ground combat." In its subsequent report, the DOD position remained "that the restriction of females from assignments below the brigade level whose primary mission is to engage in direct combat on the ground, provides justification from exempting women from registration (and a draft) as set forth in the decision of the U.S. Supreme Court in Rostker v. Goldberg (1981)." However, the report also recognized the vastly increased role being played by women in each of the Armed Services who, in Fiscal Year 1994, comprised 16 percent of recruits. "Because of this change in the makeup of the Armed Forces," the report observed, "much of the congressional debate which, in the court's opinion, provided adequate congressional scrutiny of the issue...(in 1981) would be inappropriate today." While maintaining that it was not necessary to register or draft women, the DOD review concluded "the success of the military will increasingly depend upon the participation of women."

In 1998, at the request of U.S. Senator Charles Robb (D-VA), ranking minority member of the Subcommittee on Readiness, Senate Armed Services Committee, the General Accounting Office (GAO) addressed a variety of questions related to gender equity in the military. Included was a budget and resource examination of the impact of requiring women to register with Selective Service. The GAO report* did not address the pros and cons regarding the exclusion of women from ground combat positions or from the Selective Service registration requirement, nor did it make any policy recommendations. Instead, GAO simply described the DOD position that there is no need to register women as "being consistent with its policy of restricting women from direct ground combat."

GAO examined the issue from Selective Service cost and staffing points of view, recognizing that registration of women would require legislative action and operational and budgetary changes. "Selective Service System could register women if its authorizing legislation, the Military Selective Service Act, is amended to allow registering women," the report stated. The report provided cost estimates for expanding the registration program to include women, and included an historical summary providing perspectives on women and the draft since America's transition to an all-volunteer military in the 1970s.

*Appendix I of the GAO report is entitled, "Historical Perspectives on Women and the Draft." It provides an excellent chronological summary about this issue and nearly all of it is incorporated, verbatim, in this paper.

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