

Testimony before the National Commission on Military, National, and Public Service

April 24, 2019 / Washington, DC

**Selective Service Hearing: Answering the Call: How to Meet Potential National
Mobilization Needs**

TESTIMONY from Selective Service Director Donald M. Benton

Gallaudet University

Chairman Heck, members of the Commission, and distinguished guests,

My name is Don Benton, and just two years ago I was appointed by the President to serve as the 13th Director of the U.S. Selective Service System.

During this time, we have made significant improvements to the agency - which I look forward to highlighting today.

Needless to say, I am happy to testify before the Commission and to report that the Selective Service continues to enhance its operations and capabilities, is achieving its peacetime mission, and stands ready to respond to any national emergency.

During my tenure at the agency, I have developed a deep and sincere respect and appreciation for our mission, our structure, and the people who work and volunteer for the Selective Service.

I also appreciate the work being done by the National Commission and staff – and our agency looks forward to the Commission’s final report and recommendations to Congress in March of 2020.

Those recommendations are important because the Selective Service is the third tier of defense - behind the active military and military-reserve. It is a keystone to our readiness capabilities and sends a continual reminder to

our allies and detractors alike -we are united. United in our resolve to protect our freedoms, knowing that freedom is not free – the cost is vigilance and preparation.

When I arrived at the agency, our annual budget was \$23 million. Shockingly, this is the near the same amount the agency was allocated since 1983. As you can imagine, with the negative impact of inflation over the past 35-plus years – our “real” purchasing power has been reduced by over 60 percent. To offset this financial erosion, we continue to operate with austerity and leverage new technologies to remain effective.

However, I am pleased to report that for fiscal year 2019, we were able to obtain a modest increase of \$3.1 million focused on updating our IT systems and enhancing cybersecurity. The expectation is that that through our new life cycle management initiatives we will maintain an annual budget of near \$26 million per year.

At \$26 million per year, the Selective Service remains an incredible value – a bargain for taxpayers and one of the most streamlined small agencies in the U.S. government.

Our agency is America’s insurance policy against unexpected emergencies.

And the key word is unexpected.

Rarely, if ever, do we expect a crisis or emergency to occur.

For example:

They called World War I “The war to end all wars,” but only 21 years later World War II broke out.

After the Great Depression, we were told that the U.S. economy would never again collapse, but alas, a Great Recession hit the U.S. and the rest of the world in 2008.

I could give countless examples, but the point I am trying to make is that emergencies happen, and it is the responsibility of the U.S. government to be prepared for the next unexpected emergency - **the Selective Service is that preparation.**

But like the rest of you, I hope our country never again has to respond to a national crisis and institute a military draft.

That said, I sleep better at night knowing that we are ready.

In 2009, the LATE Senator John McCain said, “I certainly hope we’ll never face the requirement to reinstate the draft... [but] it’s essential that we retain the Selective Service System and the means to do so.”

Similarly, in 1994 President Bill Clinton said that Selective Service “registration provides a hedge against unforeseen threats and a relatively low-cost ‘insurance policy’ against our underestimating the maximum level of threat we expect our Armed Forces to face.”

Military and civilian leaders in every Administration – from President Carter to President Trump – have supported the Selective Service and our critical mission.

Now, I understand that part of the discussion today will be about Selective Service registration via driver’s license applications and the FAFSA. And during my preparations for today, I’ve seen and heard these options categorized as PASSIVE or SECONDARY.

But this is a misconception. It is a false construct... At Selective Service, registration is registration, and registration is a rite of passage regardless of the method

There is no meaningful distinction between going to the post office to fill-out a registration form, going to sss.gov to register online, or being prompted to register when filling out the FAFSA or driver’s license application.

The registration consent language on the FAFSA and on driver's license applications is CLEAR and easy to understand. We strive to be transparent and to avoid confusion. We aren't hiding what we do.

As Director, I have traveled this great country and have met countless young Americans who come up to me recalling their memories of registering with Selective Service.

For many men, registering with Selective Service was a pivotal moment in their lives...

Many associate registration with transition to adulthood and doing the "right thing".

And for most, registering with Selective Service is the first time they truly had "**skin in the game**".

As a father, it was certainly a big moment for me when each of my three sons registered for Selective Service.

But, with a small budget, we are challenged to maintain a nationwide public awareness campaign, and so our agency relies heavily on Driver's License Legislation, as well as Solomon and Thurmond laws, to help capture those who otherwise may have been unaware, or procrastinate, with their registration requirement.

By capturing those who otherwise wouldn't have known about the registration requirement, we get closer to 100 percent registration, which makes any future draft more fair and equitable.

Think about it... let's say you have a group of 10 young men, but only seven fulfill their legal and patriotic duty and register with Selective Service...

That means if we mobilize from only those seven young men – who did the right thing – each of those 7 men will face a higher likelihood of being drafted – more so – than if **all** 10 young men had registered.

On the other hand, the three young men who failed to register, would not face conscription...

That isn't fair... and it isn't equitable.

But it is the intent of the Military Selective Service Act for conscription to be fair and equitable.

In addition to providing manpower to the Department of Defense, the other part of our mission, which is often overlooked, is providing alternative service opportunities for conscientious objectors.

To fulfill this mission, Selective Service has nearly 11,000 volunteer Local Board Members throughout the United States.

In the event of a draft, Local Board Members hear and decide requests from those seeking exemptions from mandatory military service.

Members of local boards live in the areas they represent and reflect the ethnicity and cultural background of the Board's jurisdiction.

This means that community members – rather than bureaucrats in Washington, D.C. – decide who qualifies as conscientious objectors or are otherwise exempt from military service.

Board members are regularly trained, and Local Board decisions can be appealed to the Appeal Board and ultimately the National Appeals Board.

Because in the event of a draft, every person subject to conscription deserves fairness and equity.

And remember, we are doing all of this with a \$26 million annual budget and 124 full-time employees.

Our people work hard and believe in our mission.

I believe in our mission.

Over the last two years we have made significant improvements at the agency...

A year and a half ago when I last spoke to The Commission, I shared some concerns about our mission capability. I'm proud to say that we are now **fully capable of accomplishing our mission** if called upon by the President and Congress. For the first time in 15 years, we successfully completed a series of mobilization exercises to ensure we can perform our mission effectively and efficiently.

With input from every agency employee, we completely revamped and rewrote our strategic plan.

We have dramatically improved our IT capabilities.

We have significantly increased our outreach efforts.

We increased our social media presence from two to ten social media platforms.

With our limited resources, we conducted major public service and paid advertising campaigns to reach new audiences with below-average registration rates.

And we are having continued legislative success in states and territories.

We expect many more successes in the future.

In closing, thank you for having me here today to testify on behalf of the U.S. Selective Service System.

It is an honor, and I look forward to answering your questions.



Selective Service System

EXHIBITS FOR APRIL 24, 2019 TESTIMONY BY: Director Donald M. Benton

Dispelling the Myth **Primary vs. Passive/Secondary/Indirect Registration**

- At Selective Service, there is no distinction between methods of registration... registration is registration, and the newer versions of registration (e.g. FAFSA, driver's license applications, and driver's manuals) contain the same type of consent statements that you find on a traditional Form 1
 - The consent statements are clear and easy to read
 - Data from FAFSA and Driver's Licenses is more reliable because it has been cross-referenced by the Department of Education or via REAL ID
 - Same rite of passage but more convenient – registrants via FAFSA or DLL receive a letter in the mail confirming their registration including the Selective Service number they will use for life
 - Unlike previous generations, this generation carries palm-sized computers (i.e., cell phone) everywhere they go. As such, any questions they have about Selective Service can be quickly found online – it is unreasonable to think that young people don't pay attention to what they sign, especially on their driver's license application or FAFSA
 - Face-to-face registration is a myth. Rarely in the history of Selective Service – excluding expensive registration drives – has there been face-to-face registration.
 - The closest we typically come to face-to-face registration is when a counselor or high school registrar is talking to an entire classroom about Selective Service registration
 - Selective Service is discussed in classrooms and is part of any curriculum that touches on social studies and U.S. history – young people know about Selective Service and the draft

1980 Registration Drive

- Although the 1980 Selective Service registration drive was impressive, it is important to remember that there were caveats and extenuating circumstances (listed below). As such, the results in 1980 should not be used as a guide for what can be achieved in the future.
 - In 1980, registration was swift because:
 - President Carter signed a Proclamation on television generating lots of media
 - SSS received many additional funds for paid recruiting
 - In 1980, it took 6 months to pass legislation to fund registration
 - Then an additional 2 months to achieve 93% registration rate
 - Total of 8 months, not 2 months to reach 93% registration
 - DOJ prosecuted those who failed to register with Selective Service
 - Although there was a registration drive, there was no simultaneous mobilization... as such, it is impossible to know whether mobilization could have been successfully achieved while undertaking a massive registration drive
 - We can't predict attitudes of young Americans in the event of a national emergency requiring registration and mobilization... we hope that the nation (including young people) will rally behind the United States, but with the decline in civic engagement it is not guaranteed that registration would be a quick transition from deep standby to full registration.
 - Deep standby would cause local boards to dissolve, which would undermine protections for conscientious objectors
- With the divided Congress, it could take LONGER than 6 months to get adequate funding for outreach if SSS was to go from deep standby to active registration and mobilization
- 8+ months to go from deep standby to active registration and mobilization would make our nation less safe

TEXAS DRIVER'S LICENSE APPLICATION

- b) Name _____ Telephone Number _____ Address _____
11. Have you ever had a Texas identification card? Number _____ When? _____
12. Have you ever had a driver license or instruction permit in Texas? Number _____ When? _____
13. Have you ever had a license or instruction permit in any other state? List state(s) _____
Number(s) _____ When? _____

REQUIRED INFORMATION FROM DRIVER LICENSE APPLICANTS

- | YES NO | | DRIVING HISTORY INFORMATION | |
|--------|---|--|--|
| 14. | <input type="checkbox"/> <input type="checkbox"/> | Are you enrolled in or have you completed an approved driver education course? | |
| 15. | <input type="checkbox"/> <input type="checkbox"/> | Is your driver license or driver privilege CURRENTLY or EVER been suspended, revoked, canceled, denied or disqualified in ANY state?
Where? _____ When? _____ Why? _____ | |

- VEHICLE REGISTRATION AND INSURANCE INFORMATION**
16. Do you own a motor vehicle which is required to be registered (Texas Transportation Code Section 502.040)?
17. Do you own a motor vehicle which is required to have liability insurance **OR** other proof of financial responsibility in compliance with the Motor Vehicle Safety Responsibility Act (Texas Transportation Code Section 601.051)?

UNITED STATES SELECTIVE SERVICE

Any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age submitting this application consents to registration with the United States Selective Service System. You must be registered to qualify for federal student aid (to include Pell grant), job training, federal employment, and citizenship if an immigrant. In Texas, you must be registered to qualify for state college student aid or state employment. If convicted, failure to register with the Selective Service is a felony punishable by up to five years in prison and/or a \$250,000 fine. If not registered by age 26, you can no longer register and could permanently lose those benefits associated with registration. For alternative options for applicants who object to conventional military service for religious or other conscientious reasons information is available at: <http://www.sss.gov/FactSheets/FSaltsvc.pdf>.

DL-14A (Rev. 1/18)

APPLICATION CONTINUED ON BACK

DRIVER LICENSE APPLICANTS: Answers to 1 through 7 below are for the confidential use of the Department.

- | YES NO | | MEDICAL HISTORY QUESTIONS | |
|--------|---|---|--|
| 1. | <input type="checkbox"/> <input type="checkbox"/> | Do you currently have or have you ever been diagnosed with or treated for any medical condition that may affect your ability to safely operate a motor vehicle? | |

MONTANA DRIVER'S MANUAL

CHAPTER 9 - OTHER SERVICES

▶ VOTER REGISTRATION

You can register to vote at any Montana driver exam station. The voter registration form will be forwarded to the proper election administrator and a voter registration card will be mailed to you. If you were registered to vote, but did not vote in the last presidential election, you should fill out a voter registration card to make sure your registration stays valid. You may visit the Montana Secretary of State "My Voter Page" at <https://app.mt.gov/voterinfo/> to check if you are registered to vote, check your voter registration address, and to find the location and direction to your polling place.

▶ SELECTIVE SERVICE

Young men who are at least 15 years old and not older than 26 are required to register with the Selective Service in compliance with the federal Military Selective Service Act, 50 App. USC 453. An individual must be able to fulfill those registration requirements when applying for an instruction permit, basic driver license, CDL, or Montana ID card. If under 18 years old but at least 15 years old, an individual must be able to be registered by the selective service system upon turning 18 years old. An individual will have the opportunity to register when filling out an application at a Montana driver licensing exam station.

▶ ORGAN & TISSUE DONATION

There are several reasons to be an organ and tissue donor, including to:

- save another's life
- improve someone's life
- contribute to the advancement of medical science

VIRGINIA DRIVER'S LICENSE APPLICATION

relations district court (within whose jurisdiction the applicant resides) when the applicant has had 10 or more unexcused absences from school on consecutive school days.

If a Special Indicator Request is checked on this application, I request on behalf of the applicant that it be shown on the learner's permit/driver's license.

I certify that the statements made and the information submitted by me are true and correct.

I authorize issuance of an ID card. If the applicant is under age 18, I certify that the applicant is a resident of Virginia. If a Special Indicator Request is checked on this application, I request on behalf of the applicant that it be shown on the identification card.

I certify that the statements made and the information submitted by me are true and correct.

PARENT/GUARDIAN NAME (print)	PARENT/GUARDIAN SIGNATURE	DATE (mm/dd/yyyy)
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APPLICANT UNDER AGE 18 Have you ever been found not innocent of any offense in a Juvenile and Domestic Relations Court in this or any other state? YES NO
If you answered YES, the court making the adjudication of "not innocent" or a court within the jurisdiction where the juvenile's parent/guardian resides must provide court consent below.

COURT CONSENT In my opinion the applicant's request for a learner's permit/driver's license should be granted. should not be granted.

REMARKS:

JUDGE NAME (print)	JUDGE SIGNATURE	DATE (mm/dd/yyyy)
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SELECTIVE SERVICE

All males under the age of 26 are required to check one of the following. Failure to provide a response will result in denial of your application.

I am already registered with Selective Service.

I am a non-immigrant alien in the U.S. and not required to register.

I authorize DMV to forward to the Selective Service System personal information necessary to register me with Selective Service.

By signing this application, I consent to be registered with Selective Service, if required by federal law. If under age 18, an appropriate adult must complete and sign below: I authorize DMV to send information to Selective Service which will be used to register applicant when he is 18 years old.

SIGNATURE (check one and sign) PARENT / GUARDIAN JUDGE, JUVENILE DOMESTIC RELATIONS COURT EMANCIPATED MINOR

VETERAN INDICATOR

I would like to add/keep the veteran indicator on my driver's license or identification card.

I would NOT like to add/keep the veteran indicator on my driver's license or identification card.

You must complete a Virginia Veteran Military Service Certification (DL 11) form and provide an acceptable veteran service proof document to add the veteran indicator, unless you have already done so.

GOVERNMENT EMPLOYEES - (Fee waiver certification)

I certify that I am employed by the: Commonwealth of Virginia or City of County of Town of _____

to operate a motorcycle solely in the course of this employment and, because of such employment, I am entitled to the waiver of the motorcycle class endorsement fee, provided I have paid for and hold a valid Virginia driver's license or have made application for such.

FAFSA APPLICATION

Human Services showing a designation of "Victim of human trafficking."

If you are in the U.S. and have been granted Deferred Action for Childhood Arrivals (DACA), an F1 or F2 student visa, a J1 or J2 exchange visitor visa, or a G series visa (pertaining to international organizations), select "No, I am not a citizen or eligible noncitizen." You will not be eligible for federal student aid. If you have a Social Security Number but are not a citizen or an eligible noncitizen, including if you have been granted DACA, you should still complete the FAFSA because you may be eligible for state or college aid.

Notes for questions 16 and 17 (page 3)

Report your marital status as of the date you sign your FAFSA. If your marital status changes after you sign your FAFSA, check with the financial aid office at the college.

Notes for questions 21 and 22 (page 3)

To be eligible for federal student aid, male citizens and male immigrants residing in the U.S. aged 18 through 25 are required to register with the Selective Service System, with limited exceptions. The Selective Service System and the registration requirement applies to any person assigned the sex of male at birth (see www.sss.gov/Registration-Info/Who-Registration). The Selective Service System and the registration requirement for males preserves America's ability to provide resources in an emergency to the U.S. Armed Forces. For more information about the Selective Service System, visit sss.gov. Forms are available at your local U.S. Post Office.

Notes for questions 33 (page 4)

If you filed or will file a foreign tax return, a tax return with Puerto Rico, another U.S. territory (e.g., Guam, American Samoa, the U.S. Virgin Islands, Swain's Island or the Northern Marianas Islands) or one of the Freely Associated States, use the information from that return to fill out this form. If you filed a foreign return, convert all monetary units to U.S. dollars, using the published exchange rate in effect for the date nearest to today's date. To view the daily exchange rates, go to federalreserve.gov/releases/h10/current.

Notes for questions 35 (page 4) and 83 (page 6)

In general, a person is eligible to file a 1040A or 1040EZ if he or she makes less than \$100,000, does not itemize deductions, does not receive income from his or her own business or farm and does not receive alimony. A person is not eligible to file a 1040A or 1040EZ if he or she makes \$100,000 or more, itemizes deductions, receives income from his or her own business or farm, is self-employed, receives alimony or is required to file Schedule D for capital gains. If you filed a 1040 only

all accounts owned by the student and all accounts owned by the parents for any member of the household.

Money received, or paid on your behalf, also includes distributions to you (the student beneficiary) from a 529 plan that is owned by someone other than you or your parents (such as your grandparents, aunts, uncles, and non-custodial parents). You must include these distribution amounts in question 45j.

Investments do not include the home you live in, the value of life insurance, retirement plans (401[k] plans, pension funds, annuities, non-education IRAs, Keogh plans, etc.) or cash, savings and checking accounts already reported in questions 41 and 90.

Investments also do not include UGMA and UTMA accounts for which you are the custodian, but not the owner.

Investment value means the current balance or market value of these investments as of today. **Investment debt** means only those debts that are related to the investments.

Business and/or investment farm value includes the market value of land, buildings, machinery, equipment, inventory, etc. **Business and/or investment farm debt** means only those debts for which the business or investment farm was used as collateral.

Business value does not include the value of a small business if your family owns and controls more than 50 percent of the business and the business has 100 or fewer full-time or full-time equivalent employees. For small business value, your family includes (1) persons directly related to you, such as a parent, sister or cousin, or (2) persons who are or were related to you by marriage, such as a spouse, stepparent or sister-in-law.

Investment farm value does not include the value of a family farm that you (your spouse and/or your parents) live on and operate.

Notes for question 49 (page 5)

Answer **"Yes"** if you are currently serving in the U.S. Armed Forces or are a National Guard or Reserves enlistee who is on active duty for other than state or training purposes.

Answer **"No"** if you are a National Guard or Reserves enlistee who is on active duty for state or training purposes.

Notes for question 50 (page 5)

Answer **"Yes"** (you are a veteran) if you (1) have engaged in active duty (including basic training) in the U.S. Armed Forces, or are a National Guard or Reserves enlistee who was called to active duty for other than state or training purposes, or were a cadet or midshipman at one of the service academies. **and** (2) were released under a condition other than