



# **REPORT ON EXEMPTIONS AND DEFERMENTS FOR A POSSIBLE MILITARY DRAFT**

FY2022 NDAA SEC. 529

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# Executive Summary

The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2022, Section 529 (Report on exemptions and deferments for a possible military draft) requires the Director of the Selective Service System, in consultation with the Secretary of Defense and Secretary of Homeland Security, to submit a report to Congress that provides a review of exemptions and deferments from registration, training, and service under the Military Selective Service Act [50 U.S.C. §3801 et seq.]. In accordance with this guidance, this report has been staffed and reviewed by the Department of Defense and the Department of Homeland Security, both of which also concur with it.

This report is intended to provide Congress with information about the Military Selective Service Act (MSSA), the Selective Service System (SSS), and classification categories associated with exemptions and deferments. It highlights the various exemptions and deferments that apply to SSS's current (and presumably, future, once Congress and the President of the United States have so directed) statutory requirement of registration for induction for training and service into the Armed Forces.

The first section of this report provides a brief background on the Selective Service System. The second section covers the Military Selective Service Act and reviews exemptions and deferments associated with the registration requirement.

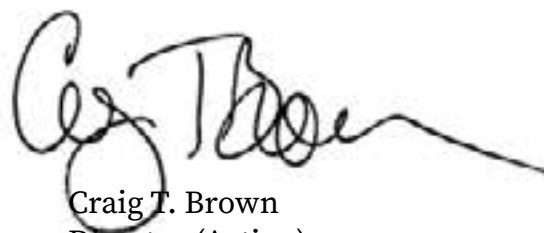
Examples of exemption and deferment from *registration*:

- Person is permanently confined
- Nonimmigrant Visa Holders
- Active-Duty Armed Forces Member
- Student at Military Service Academies
- Student in Officer Procurement Program

It also reviews the various exemptions and deferments related to induction for *training and service* in the Armed Forces.

Example of exemption and deferment from *training and service*:

- Conscientious Objector
- Occupation
- Family responsibilities or status
- Treaty alien



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## 1. The Selective Service System

***“To meet military personnel needs in the face of future threats and to demonstrate America’s resolve to international allies and adversaries, the Nation needs the Selective Service System to remain a viable national security institution.”*** - the National Commission on Military, National and Public Service, June 2020 report

According to the federal Military Selective Service Act, or MSSA [50 U.S.C. § 3801 et seq.], the Selective Service System is the independent agency of the Federal Government responsible for preserving America’s ability to conduct a fair and just military draft to meet the Armed Services’ personnel needs in the face of future threats and to demonstrate America’s resolve to international allies and adversaries.

The SSS registers young men when they reach age 18 and maintains an active database of over 92 million registrant records. The agency stands poised to deliver personnel to the Department of Defense (DoD) when directed by Congress and the President. In the event of a national emergency and call for conscription, the agency would mobilize, conduct the lottery process, issue induction notices, manage a system of classification for exemptions and deferments, and transport the first draftees to military-entrance processing stations. The law also requires the agency to manage a program for conscientious objectors in lieu of military service that contributes to the maintenance of the health, safety, and interest of the United States.

Selective Service performs its mission by:

- Registering and maintaining a database of males between the ages of 18 and 25 who are citizens or residents of the United States.
- Preparing, when directed by Congress and the President, to respond to a DoD request for inductees within 193 days.
  - When authorized, directing registrants to report to a Military Entrance Processing Station (MEPS) for examination and induction into the Armed Forces.
- Maintaining a system of classification based on exemptions and deferments.
- Maintaining a structure for managing alternative service for conscientious objectors (COs).
- Maintaining a structure for registering and classifying persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces.

## 2. The Military Selective Service Act

The military selective-service process is predicated on the following section of the MSSA:

*“The Congress further declares that in a free society the obligations and privileges of serving in the armed forces and the reserve components thereof should be shared generally, in accordance with a system of selection which is fair and just, and which is consistent with the maintenance of an effective national economy.” - 50 U.S.C. § 3801(c)*

Thus, at present, all males between the ages of 18 and 25 who are citizens or residents of the United States are required to register with SSS when they reach age 18, unless they are exempted or deferred from doing so, as further discussed below.

Throughout the history of conscription, federal statute has authorized exemptions and deferments from registration and/or military service for various categories of individuals -- for instance, those who perform vital functions in the national economy or have certain personal circumstances, such as familial hardships or religious training and beliefs, that preclude such service. Should individuals who meet the criteria for exemptions and deferments be both selected by a draft lottery and receive induction orders, they can file a claim to be classified for a temporary deferment or permanent exemption.

Categories, known as classifications, for *exemptions* have changed little over time. By contrast, the reasons for *deferments* have varied considerably. The President is authorized to allow deferments for those employed in industry, agriculture, select occupations, and for those pursuing education, research, or the medical needs of the Nation. These deferments are typically received from recommendations made by other Federal Government agencies, *e.g.*, National Security Council, Department of Labor, Department of Agriculture, Department of Health and Human Services, and Department of Homeland Security.

Any individual granted an exemption and deferment status remains in a classification as long as the conditions remain unchanged.

*“No exception for registration, or exemption or deferment from training and service, under this title, shall continue after the cause therefor ceases to exist.” - 50 U.S.C. § 3806(k)*

## 2.1 Registration

With few exceptions, the MSSA requires all male citizens and male U.S. residents between the ages of 18 and 26 to present themselves for and submit to registration with the Selective Service System. Registration is completed by providing identifying information (name, date of birth, Social Security number, and address) at the time of registration. Registration is a prerequisite to a draft, not an induction into training and service.

On July 2, 1980, President Carter signed Proclamation 4771 (Registration under the Military Selective Service Act), reinstating the requirement for registration.

*“Section 3 of the Military Selective Service Act, as amended [50 U.S.C. § 3802], provides that male citizens of the United States and other male persons residing in the United States who are **between the ages of 18 and 26**, except those exempted by Sections 3 and 6(a) of the Military Selective Service Act, must present themselves for registration at such time or times and place or places, in such manner as determined by the President. Section 6(k) provides that such exceptions shall not continue after the cause for exemption ceases to exist.” - Proclamation 4771*

The proclamation required those males born on or after January 1, 1960, to present themselves for registration. It further identified who shall register, who was exempt from registration, the days of registration, the places and times for registration, and the manner of registering. On February 22, 2000, Proclamation 7275, signed by President Clinton, amended Proclamation 4771 sections 1-2, 1-201, and 1-202, expanding the places and methods of registration.

## 2.1.1 Registration Exemptions

As detailed in Figure 1.1 below, there are two exemptions to the Selective Service registration requirement, as follows:

1. A male who has been issued a nonimmigrant visa and has a permanent residence outside the United States (U.S.) but who wishes to be in the U.S. on a temporary basis for tourism, medical treatment, business, temporary work, or study (education), is not required to register. In addition,

*“...foreign diplomatic representatives, technical attachés of foreign embassies and legations, consuls general, consuls, vice consuls, and other consular agents of foreign countries who are not citizens of the United States, and members of their families, and persons in other categories to be specified by the President who are not citizens of the United States, shall not be required to registered under Section 3 and shall be relieved from liability for training and service under section 4, ...” - 50 U.S.C. §3806(a)(1)*

2. Proclamation 4771 § 1-109 exempts from registration those males permanently confined to a residence, hospital, or institution due to illness, mental or physical incapacitation, or imprisonment. As noted above, the exemption is revoked if the exempting condition changes, provided the man is younger than 26. If the individual is older, then there is no longer a registration requirement, and the exemption is permanent.

*“Persons who would have been required to present themselves for registration pursuant to Section 1-101 to 1-108 but for an exemption pursuant to Section 3 or 6(a) of the Military Selective Service Act, as amended, or but for some condition beyond their control such as hospitalization or incarceration, shall present themselves for registration within 30 days after the cause for their exemption status ceases to exist or within 30 days after the termination of the condition which was beyond their control.” - Proclamation 4771 §1-109*

Under the Reserve Components Exemptions of the MSSA, members of a federally recognized reserve component are exempt from service and training -- but not from registration -- unless they are on active duty. While on active duty, such people are also exempt from registration.

*“Persons who, on February 1, 1951, were members of organized units of the federally recognized National Guard, the federally recognized Air National Guard, the Officers’ Reserve Corps, the Regular Army Reserve, the Air Force Reserve, the Enlisted Reserve Corps, the Naval Reserve, the Marine Corps Reserve, the Coast Guard Reserve, or the Public Health Service Reserve, shall, so long as they continue to be such members and satisfactorily participate in scheduled drills and training periods as prescribed by the Secretary of Defense, be exempt from training and service by induction under the provisions of this title, but shall not be exempt from registration unless on active duty”... - 50 U.S.C. § 3806(c)(1)*

## 2.1.2 Registration Deferments

As detailed in Figure 1.1, there are four deferments to the Selective Service registration requirement: Active Duty Armed Forces members; Cadets and Midshipmen at Service Academies or Coast Guard Academy; Reserve Officer Training Program (ROTC) Students; and Students in officer-procurement programs.

**Figure 1.1**

<b>REGISTRATION CATEGORIES</b>		<b>REFERENCE</b>
<b>Required</b>		
All Male U.S. Citizens born on or after 1 January 1960, who have attained their 18th birthday		Proclamation 4771 (1-101)
Citizens of Puerto Rico, the Virgin Islands, and Guam		50 U.S.C. §3803
National Guard and Reservists (Part-time) Armed Forces Members		50 U.S.C. §3806 (c)(1)
Men separated from the Armed Forces before age 26 years old		50 U.S.C. §3806 (c)(1)
Cadets at the Merchant Marine Academy		50 U.S.C. §3806 (c)(1)
Officers of Public Health Services		50 U.S.C. §3806 (a)(2)
Civil Air Patrol Members		50 U.S.C. §3806 (e)
Minister of Religion; Students Preparing for Ministry		50 U.S.C. §3806 (g)(1)
Alien (Noncitizen)		Proclamation 4771 (1-106)
Resident Aliens (Lawful Permanent, Conditional, and Returning Resident)		Proclamation 4771 (1-107)
<b>Exemption</b> If between 18 and but not yet 26 years old, are required to present themselves for registration within 30 days after their exemption status ceases to exist.		
Permanently confined to a residence, hospital, or institution		Proclamation 4771
Nonimmigrant Visa Holders [Tourism and Visit, Study and Exchange, Business, Employment and Other Visa Categories (Diplomats, Foreign Government Officials and their families)]		50 U.S.C. §3806 (3)(a) 50 U.S.C. §3806 (a)(1)
<b>Deferment</b> If between 18 and but not yet 26 years old, are required to present themselves for registration within 30 days after their exemption status ceases to exist.		
Active Duty (full-time) Armed Forces Member		50 U.S.C. §3806 (a)(1)
Cadets and Midshipmen at Service Academies or Coast Guard Academy		50 U.S.C. §3806 (a)(1)
Reserve Officer Training Program (ROTC) Students		50 U.S.C. §3806 (a)(1)
Students in Officer Procurement Programs at the Citadel, University of Northern Georgia, Norwich University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and Texas A&M University		50 U.S.C. §3806 (a)(1)

Section 6(a)(1) or 6(a)(2) of the MSSA, as amended, creates unintended consequences if a man does not meet the registration requirement for the entire period of time between age 18 and 26. In the event a man was not on active duty for that entire period, he is required to register under Section 3 of the MSSA. This creates multiple cases where a man served for a term of less than eight years, though they were relieved of the registration obligation and therefore did not register. If they are over 26, they then incur the penalties for not registering and have to seek redress. This creates an unnecessary burden on the individual.

## 2.2 Training and Service (National Service Council)

Selective Service System determines *availability* for service. The Department of Defense determines *acceptability* for service. Training and service remain the function of the Department of Defense when receiving qualified registrants for induction into the Armed Forces.

Until the MSSA was amended by the addition of Section 17 [50 U.S.C. § 3815(c)] of the MSSA, the Selective Service System was not allowed to issue orders for induction by directing the individual to report a Military Entrance Processing Station (MEPS). Once the statute was amended, the Selective Service System, when authorized by the President, is now responsible for randomly selecting available men to send to the Armed Forces for training and service from those who have registered. Those selected will be issued an induction notification to report for examination and induction into the Armed Forces. At the receipt of the induction notification, the individual can file a claim with SSS for any deferment or exemption from training and service for which he may qualify.

*“Notwithstanding any other provision of this title, no person shall be inducted for training and service in the Armed Forces after July 1, 1973, except persons now or hereafter deferred under section 6 of this title after the basis for such deferment ceases to exist.” - 50 U.S.C. § 3815(c)*

Section 4 of the MSSA, [50 U.S.C. §3803] sets forth the requirement that the Secretary of Defense will determine the acceptability of registrants for induction into the Armed Forces. It further establishes the duration of training (12 weeks), length of service (24 months), transfer to the reserve component and period of service, and pay and allowances.

This section also discusses the role of the National Security Council (NSC) in deferments and exemptions. The NSC is responsible for considering the needs of both the Armed Forces and the civilian economy.

In coordination with the Secretary of Defense, Secretary of Labor, and Secretary of Homeland Security, the NSC will recommend deferments or exemptions from training and service based on occupational needs in the civilian economy, such as national health, safety, and interests of the United States at the time of a national emergency. Unless otherwise specified in the law, the President is the approval authority for such exemptions or deferments.

*“The National Security Council shall periodically advise the Director of the Selective Service System and coordinate with him the work of such State and local volunteer advisory committees which the Director of Selective Service may establish, with respect to the identification, selection, and deferment of needed professional and scientific personnel and those engaged in, and preparing for, critical skills and other essential occupations. In the performance of its*



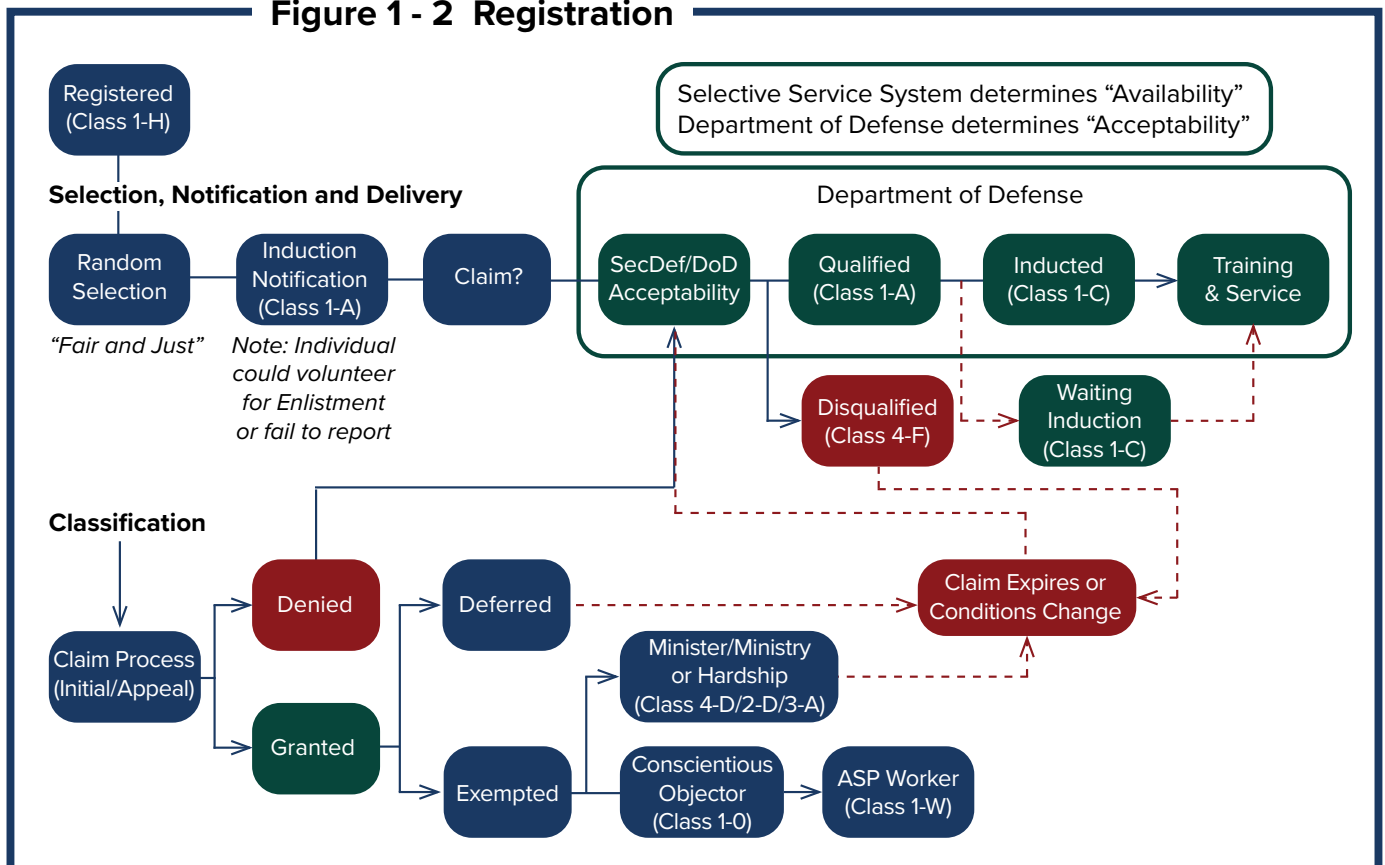
*duties under this subsection, the National Security Council shall consider the needs of both the Armed Forces and the civilian segment of the population.” - 50 U.S.C. § 3803(g)*

## 2.3 Exemptions and Deferments

The MSSA sets forth the requirements and general categories for registrants that may qualify for exemptions or deferments. The majority of exemptions and deferments from registration, training, and service are found in Section 6 of the MSSA [50 U.S.C. § 3806]. The Selective Service System has established a process to categorize registrants into a classification where registrants file a claim for all exemptions or deferments for which they may qualify. No registrant can file a claim until he receives orders for induction.

As depicted in Figure 1-2 below, when men register, they are categorized into a classification 1-H (Registrant not subject to processing for Induction). When authorized by Congress and the President, random selection is completed, and those men chosen are issued orders to report for induction and are categorized into classification I-A (Registrant available for military service). Registrants report for induction to a Department of Defense-designated facility and are evaluated for acceptability. Men determined acceptable and who have no claim pending are inducted and categorized into Class 1-C (Member of the Armed Forces of the United States). Men who have a claim pending and who are found acceptable by the designated facility maintain the 1-A classification, while those found not to be qualified are categorized into classification 4-F (Registrant not acceptable for military service). Qualified men (1-A) with a pending claim continue their claims processing until resolution. Men who provide compelling evidence for a deferment or exemption are re-categorized into the classification for which they are qualified and are not inducted until the classification expires or conditions change.

**Figure 1 - 2 Registration**



“Essential occupations,” as discussed in Section 4 of the MSSA [50 U.S.C. § 3803(g)], is historically a dynamic term defined during a national emergency or wartime operations. The Selective Service System is prepared to act upon detailed requirements that establish specific occupations for deferment or exception to maintain the national health, safety, and interests of the United States.

Again, Section 6 [50 U.S.C. § 3806] of the MSSA establishes most of the exemptions and deferments for registration, training, and service. Other sections within the MSSA provide additional qualifiers for exemptions and deferments. Classification, exemptions, or deferments are defined as:

- **Exemption:** A result of reclassification into a class that is not subject to induction. No exemption will continue after the cause for it ceases to exist.
  - **Example:** § 3806(a)(1), Alien; classification 4-T, Treaty Alien, in which the registrant is exempt from military service under the terms of a treaty or international agreement between the United States and the country of which the registrant is a national.
- **Deferment:** A delay in induction is a result of reclassification. A deferment will have an expiration date. No deferment will continue after the cause for it ceases to exist.
  - **Example:** § 3806(f), certain public officials; classification 4-B, official deferred by law; registrant who is the Vice President of the United States, a governor of a State, Territory or possession, or any other official chosen by the voters of the entire State, Territory or Possession; a member of a legislative body of the United States or a State, Territory or Possession; a judge of a court of record.
- **Postponement:** A delay in induction as a result of reclassification or as a result of a request for a temporary delay not to exceed 30 days. No postponement will continue after the cause for it ceases to exist.
  - **Example:** Student requesting to finish his semester of college; death of a registrant’s immediate family; extreme emergency; temporary disabling illness or injury; religious holiday; and or other circumstances beyond the registrant’s control.
- **Classification:** The act of placing an individual in a certain category that determines his status with respect to the draft – available, deferred, or exempted – or the category itself.

### 2.3.1 Background on Selective Service Classification

Beginning with World War II, the concept of Selective Service involved determining which men should be required to serve in the armed forces and which should be required to remain at home to ensure the stability of the national economy through their contributions to agriculture, industry, government and higher education. Deferment or exemption from military service of those whose skills were needed elsewhere was for the benefit of the nation, not for the benefit of the person himself.

Typically, deferments are granted as a temporary reprieve from conscription for eligible individuals due to hardships (family or financial), occupational status, marriage, and parenthood. Exemptions are traditionally granted to those who are conscientiously opposed to military service

due to religious, moral, or ethical beliefs. Those who are granted an exemption are not required to serve in a military draft.

In general, there are five main groups or classes of registrants. Although the classes have varied over the years, the main classes have remained relatively constant.

They are as follows:

- Class 1 – Available for military service
- Class 2 – Deferred because of occupation
- Class 3 – Deferred because of family responsibilities
- Class 4 – Not available for service
- Class 5 – Over the age of availability for service (added after World War II)

### 2.3.1.1 Class 1 – Available for Military Service

Class 1 personnel are either available for service or already in service. Certain students eligible for a temporary postponement of service are also included in Class I at various times, as are conscientious objectors.

- *Class 1-A* is defined as “available for military service.” No man is placed in this class unless, after being considered for placement in each of the other classes, he is found lacking in requirements to qualify for any of them.
- *Class 1-C* includes all members of the armed forces, regardless of voluntary enlistment or induction. Members of the Coast Guard and Geodetic Survey and the Public Health Service are also classified 1-C.
- *Class 1-A-O* includes persons whose religious beliefs prevent participation in combat but allow service in the armed forces as long as they are not required to bear arms. The Universal Military Training and Service Act of 1951 provided that conscientious objectors to both combatant and noncombatant military service had an obligation to serve in civilian work, contributing to the maintenance of the national health, safety, or interest, and two new classes were created to account for these men. *Class 1-O* identifies conscientious objectors available for such civilian work, and *Class 1-W* identifies the objector during the period he is engaged in such work. (Prior to the 1951 amendments to Selective Service law, conscientious objectors to all military service were classified as 4-E.)
- The 1948 Selective Service law and regulations established a *Class 1-D* designation for members of Reserve components, including the National Guard and students taking military training.
- The student portion of Class 1-D is composed of members of the Reserve Officers Training Corps in the advanced course, *i.e.*, those who have signed an agreement to accept a commission if tendered. Cadets and midshipmen at the service academies are considered

to be on active duty and not included in Class 1-D. Anyone enrolled in the Delayed Entry Program is considered to be in the Reserve and classified as 1-D.

- *Class 1-H* was reestablished in 1971 with a different meaning. As a result of the institution of the random-selection sequence for processing Selective Service registrants, usually referred to as the “lottery” system, Class 1-H was used to identify those men who were not currently subject to processing for induction or alternate service. A registrant would be placed in Class 1-H either because his random sequence (lottery) number was above the highest number subject to processing or because he had already completed his period of vulnerability to the draft but had not been inducted. With the cessation of registrant processing in January 1976, all men previously registered were considered to be in Class 1-H regardless of any previous classification.

### 2.3.1.2 Class 2 – Occupational Deferments

During World War II, there were three groups of men with occupational deferments. Class 2-A included those men whose occupation was useful or productive and contributed to the well-being of the community or nation. Class 2-B was composed of those men who were engaged in defense production. The agricultural deferment was Class 2-C.

The Selective Service Act of 1948 and the regulations promulgated thereunder established Class 2-A for occupational deferments and 2-C for agricultural deferments. A new class for students – Class 2-S – was established in 1951; prior to that time, students were included in Class 2-A. Those registrants in recognized apprenticeship programs were also classified in Class 2-A.

Executive order 11527, signed by President Nixon on April 23, 1970, amended the Selective Service Regulations to prohibit the granting of any new occupational or agricultural deferments. Persons classified II-A or II-C prior to the date of the executive order were able to maintain their classification as long as they qualified for the deferment.

Class 2-S was abolished in 1971 by amendments to the Military Selective Service Act. Persons who held an 2-S deferment during the 1970-71 academic year were continued in Class 2-S so long as they were qualified for the deferment. No new student deferments were granted.

As a result of the 1971 amendment to the Military Selective Service Act, a new Class 2-D was established for ministerial students. Prior to this, a student preparing for the ministry was exempt from military service in the same manner as a full-time practicing minister. As a result, a registrant could enter divinity school after college graduation and remain there until the age of 26, when he passed the age of liability for service. The effect of changing the classification of ministerial students to a deferment rather than an exemption was to extend liability for ministerial students to age 35 if they did not enter the ministry as their vocation.

Two new deferments relating to medical professions were added to the regulation in 1973. Class 2-M provided for the deferment of medical students, and a medical specialist could be deferred in Class 2-M because of critical needs in his community. “Medical specialists” are defined in the regulations as physicians, dentists, optometrists, osteopaths, podiatrists, veterinarians, and registered nurses.

### 2.3.1.3 Class 3 – Dependency Deferments

In an effort to preserve the unity of the family, the induction of fathers was postponed as long as possible during World War II. Class 3 was subdivided to distinguish between men deferred only because they had dependents (3-A) and men who, in addition to having dependents, were also engaged in essential war production (3-B) or agriculture (3-C).

Since 1948, only *Class 3-A* existed, but the definition of the class has varied. The original definition was “registrant with dependents.” Subsequent changes in the regulations defined 3-A in terms of both fatherhood and hardship to dependents. All fathers were deferred as a result of Executive Order 11098, signed by President Kennedy on March 14, 1963; later, the deferment for fatherhood alone, with no consideration of hardship, was removed by the executive order that abolished the 2-A and 2-C deferments in 1970. Since that date, the only 3-A deferment available is by reason of hardship to dependents.

### 2.3.1.4 Class 4 – Not Available for Service

Persons in *Class 4* are those who, for one reason or another, cannot be called for service. The group includes those specifically exempted by law, those who have already performed their period of service, or those who are not fit for service.

During World War II, the “service” referred to in this category was understood to be military service; consequently, a subclass for conscientious objectors was included in Class 4. Persons whose religious beliefs prohibited participation in any type of military service were placed in Class 4-E. The same classification was continued under the Selective Service Act of 1948 until the Universal Military Training and Service Act established the obligation for conscientious objectors to perform some type of service to the nation, and they were placed in the newly created *Class 1-O*. During World War II, conscientious objectors fulfilled their obligation in Civilian Public Service Camps; from 1948 to 1951, the conscientious-objector classification was tantamount to an exemption from any type of service.

Prior to Pearl Harbor, men who had previously completed a period of satisfactory military service were placed in Class 4-A. During hostilities, Class 4-A was composed of men deferred because of their age (45 or older until 1944, when the age was lowered to 38, and then lowered again to age 26 in August 1945). Under the classification scheme in use since 1948, *Class 4-A* resumed its original composition of men who had satisfactorily completed military service.

In late 1942, Class 4-H was established for those men at least 38 and not yet 45 years of age. The War Department had decided that such men should no longer be accepted through induction, although they might volunteer if they were acceptable to the armed forces. By the end of 1943, the 38-45 age group was identified by the letter “H” in parentheses after the registrant’s classification.

The Selective Service Act of 1948 included an exemption from military service for any registrant who was the “sole surviving son” of a family as a result of the death during military service of other members of his family. These registrants were included in Class 4-A from 1948 until a regulation change in 1971 established the 4-G classification.

The qualification for this exemption has varied. In the 1948 law, the exemption applied to the

last surviving male when his brothers and/or sisters died as a result of military service. A 1964 amendment to the law added the qualification that the exemption was available only in peacetime and extended the exemption to a sole surviving son of a father who died as a result of military service. The 1971 amendments to the Military Selective Service Act expanded the exemption to any surviving son or brother in peacetime only. There is probably more misunderstanding of the surviving-son provision than any other; a surprising number of persons believe it applies to any only son or to any son whose father is dead.

*Class 4-B*, defined as “official deferred by law,” covers state and national elected officials and judges. These persons are eligible for the deferment as long as they remain in office.

The *4-C* classification for non-citizens has a number of ramifications, although it appears simple on its surface. A citizen of another country who has declared his intention to become a citizen of the United States has the same obligations under the draft law as a U.S. citizen; *Class 4-C* was designed to identify all other aliens. Included in the “all other aliens” category are those who have requested exemption from liability for military service in the United States (thereby automatically barring them from U.S. citizenship); those who are nationals of a country with which the United States has a treaty or agreement providing that such person is exempt from liability for U.S. military service (including dual nationals of the United States and the other country); aliens who departed the United States to avoid induction; and aliens whose status has changed from immigrant to nonimmigrant under provisions of the Immigration and Nationality Act. Many aliens are also classified *4-C* during their first year of residence in the United States because during that year they cannot become members of the armed forces.

Regulations promulgated in 1982 established *Class 4-T* for “treaty aliens” who have specifically requested an exemption from military service in the U.S. based on a treaty in effect between their country and the U.S. All other aliens continue to be in *Class 4-C*.

*Class 4-D* identifies full-time ministers of religion who are exempted by law from military service but not from the requirement to register. Divinity students were included in the ministerial exemption until 1971, when their status was changed to a deferment, and the *2-D* classification was established.

The 1971 regulation changes also established a new *Class 4-W* for conscientious objectors who had satisfactorily completed their period of civilian work in lieu of military service. Prior to 1971, these registrants were identified by the addition of the word “released” to the *1-W* classification they held while performing their civilian work.

In *Class 4-F* are placed all those registrants who are determined by the Secretary of Defense to be physically, mentally, or morally unfit for military service, based on acceptability standards established by the armed forces. Included in this class are those with unsatisfactory military service -- in other words, those with a less than honorable discharge. By way of clarification, the “physical” category includes psychiatric disorders; “mental” relates solely to intelligence test scores; “moral” is determined by the registrant’s court record.

### **2.3.1.5 Class 5 – Over the Age of Liability for Service**

As previously noted, the over-age designation during World War II was either *Class 4-A*, *Class 4-H*,

or a parenthetical “H” after the classification.

Class 5-A was established under the 1948 Selective Service law to identify those men who had passed the age of liability for induction. In general, a man was liable until he attained the age of 26, but registrants who had been deferred were liable for service until they attained the age of 35. Medical specialists, who were obtained under special calls, also were liable to age 35.

### 2.3.2 Selective Service Classifications (1980-present)

The legal requirements for exemptions and deferments from registration, training, and service are defined in the Military Selective Service Act. Exemptions and deferments are specified primarily in section 6, but can also be found in other sections of the Act. Additionally, exemptions and deferments are further defined into categories within 32 CFR (Code of Federal Regulations) Chapter XVI (16) Selective Service System, Part 1630 (Classification Rules). Chapter XVI provides greater definition and guidance on exemptions and deferments than is found in the MSSA itself. Chapter XVI codifies the MSSA, Executive Orders, and Selective Service System Policy, into one entity.

The MSSA defines the requirements for the President to defer or exempt men from registration, training, and service. The President, by Executive Order 9979 and Executive Order 11623, delegates some of the President’s authority to the Director of Selective Service to issue rules and regulations under the Act. The Director of Selective Service actively maintains classifications and regulations to match changes in congressional or judicial language to current exemptions and deferments from registration, training, and service.

The Selective Service System has a process to review classifications and/or create new classifications. A person that qualifies under Section 6(g) of the MSSA is identified by the National Security Council to be engaged in and/or preparing for critical skills and other essential occupations that are essential to both the Armed Forces and the civilian segment of the population. Upon the designation by the National Security Council and approval of the President, classification 2-A was added to 32 CFR Chapter XVI. Persons that qualify under Section 6(i) of the MSSA are students postponed for induction who are satisfactorily pursuing a full-time course of instruction at a high school or similar institution of learning until graduation or until he ceases satisfactorily to pursue such course of instruction, whichever is the earliest. Additionally, those who, while satisfactorily pursuing a full-time course of instruction at a college, university, or similar institution can request postponement until the end of the semester or term or academic year in the case of his last academic year, or until he ceases satisfactorily to pursue such course of instruction, whichever is the earlier.

The chart below is the active list of classifications, and the date each was established and/ or last updated. Each classification can be found in its entirety within 32 CFR Chapter XVI, part 1630 (Classification Rules):

<b>ACTIVE CLASSIFICATIONS (EXEMPTIONS AND DEFERMENTS)</b>					
<b>MSSA (Section)</b>	<b>CFR 32 Sec.</b>	<b>Classification</b>	<b>Established</b>	<b>Last update</b>	<b>Title</b>
SEC. 4. 3803 (a)	1630.10	1-A	1/1/1928	10/4/1940	Available for unrestricted military service
SEC. 6. 3806 (j)	1630.11	1-A-O	10/5/1940	10/5/1940	Conscientious objector available for noncombatant
SEC. 6. 3806 (a) (1)&(2)	1630.12	1-C	11/1/1959	11/1/1959	Member of the Armed Forces of the United States, Administration or the Public Health Service
SEC. 6. 3806 (a),(d),(e)	1630.13	1-D-D	10/4/1940	7/1/1987	Deferment for certain members of a reserve component or student taking military training
SEC. 6. 3806 (c)	1630.14	1-D-E	7/1/1987	7/1/1987	Exemption of certain members of a reserve component or student taking military training
SEC. 4. 3803 and SEC. 5. 3805	1630.15	1-H	8/31/1941	12/1/1971	Registrant not subject to processing for induction
SEC. 6. 3806 (j)	1630.16	1-O	11/1/1959	5/1/1970	Conscientious objector to all military service
SEC. 6. 3806 (j)	1630.17	1-O-S	3/20/1987	3/20/1987	Conscientious objector to all military service
SEC. 6. 3806 (j)	1630.18	1-W	11/1/1959	5/27/1975	Conscientious objector ordered to perform alternative service
SEC. 6. 3806 (g)(2)	1630.26	2-D	1/1/1928	12/1/1971	Registrant deferred because of study preparing for the ministry
SEC. 6. 3806 (h)	1630.30	3-A	1/1/1928	7/1/1987	Registrant deferred because of hardship to dependents
SEC. 6. 3806 (h)	1630.31	3-A-S	7/1/1987	7/1/1987	Registrant deferred because of hardship to dependents (separated)
SEC. 9. 3808 (a)	1630.40	4-A	1/1/1928	7/1/1987	Registrant who has completed military service
SEC. 6. 3806 (a)(1)	1630.48	4-A-A	7/1/1987	7/1/1987	Registrant who has performed military service for a foreign nation
SEC. 6. 3806 (f)	1630.41	4-B	1/1/1928	10/4/1928	Official deferred by law
SEC. 6. 3806 (a)(1)	1630.42	4-C	1/1/1928	7/1/1987	Alien or dual national
SEC. 6. 3806 (g)(1)	1630.43	4-D	1/1/1928	7/1/1987	Minister of religion
SEC. 4. 3803 (a)	1630.44	4-F	1/1/1928	7/1/1987	Registrant not acceptable for military service
SEC. 6. 3806 (o)	1630.45	4-G	1/1/1928	7/1/1987	Registrant exempted from service because of the death of registrant's parent or sibling while serving in the Armed Forces or whose parent or sibling is in a captured or missing in action status
SEC. 6. 3806 (a)(1)	1630.46	4-T	7/1/1987	7/1/1987	Treaty alien
SEC. 6. 3806 (j)	1630.47	4-W	7/1/1987	7/1/1987	Registrant who has completed alternative service in lieu of induction



### 3. Conclusion

As prescribed by the National Defense Authorization Act for Fiscal Year 2022, SEC. 529, Selective Service System has reviewed exemptions and deferments from registration, training, and service defined within the Military Selective Service Act. Selective Service System defines exemptions and deferments into categories of classifications to meet the intent and requirements set forth by the Act. All persons that can qualify for an exemption or deferment from training or service are addressed within the Act and further within 32 CFR Chapter 16 (Classification Rules) and or Selective Service Policy. Registration requirement set forth by the MSSA SEC. 3. (a) [50 U.S.C. § 3802] and Proclamation 4771 of July 2, 1980, appear at 45 FR 45247, 3 CFR, 1980 Comp., p. 82, prescribed the start of registration activities. Further 50 U.S.C lists exemptions and deferments from registering, training and service without exception.





# **SELECTIVE SERVICE SYSTEM**

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