



Rostker v. Goldberg  
453 U.S. 57 (1981)

# Selective Service System

## Hawaii Headquarters

**Committee on Higher Education (HRE") and Committee on Public Safety, Intergovernmental, and Military Affairs ("PSM")**

**Testimony of Andrew L. Pepper, State Director, Selective Service System**

**Tuesday, February 14, 2017 (2:45 p.m.)**

**RE: Senate Bill 419-- RELATING TO SELECTIVE SERVICE**

I am Andrew Pepper, State Director for the United States Selective Service System. My role is to ensure young men in Hawaii ages 18 through 25 register with the Selective Service System, as required by law. This helps ensure that they do not lose valuable Federal benefits linked to the registration requirement and helps ensure that any future military draft is fair and equitable to the residents of Hawaii. In the very unlikely event the draft is resumed, we want it to be the fairest and most equitable in our Nation's history. It is important to remember that every young person who fails to register unfairly increases a law-abiding person's chances of being drafted.

Many people asked me the basic question: "Why do we still have the Selective Service System?" It is a fair question with an easy answer: The Selective Service System is our Nation's ultimate insurance policy in that it provides a ready source of personnel for national service should world events dictate the need for such personnel. The ability of the Selective Service

System to rapidly deliver personnel for national service ensures that all potential adversaries understand both our national resolve and our national mobilization capabilities. In other words, registration with the Selective Service System helps keep us safe and at peace.

The Selective Service System supports the passage of SB419 because it will unquestionably increase registration compliance in Hawaii. Only 73%-88% (depending on the year) of 18-year-old men in Hawaii have registered with Selective Service. This means that up to 27% of the young people in this critical age group are at risk of losing, *for life*, a host of federal benefits linked to the registration requirement. These benefits include: Federal employment, Federal student financial assistance, participation in Federally-funded job training programs, and eligibility for U.S. citizenship.

SB419 is not designed or intended to deny anyone access to student financial aid, a university education, or employment by the State. To the contrary, it is a good-faith attempt to create more opportunities for young people to discover that they are not in compliance with the registration requirement of the Military Selective Service Act and, at that time, correct their non-compliance as part of their student financial aid or employment application process. Basically, SB419 is an attempt to create an additional safety net to help young people (who may be out of compliance with the Selective Service registration requirement) realize their status and be brought

into compliance, thereby preserving their federal rights and benefits. A failure to preserve such rights can be heartbreaking (such as the loss of the right of naturalization by a person who has a deep desire to become a proud American citizen).

Thirty-one States around the Nation have already passed this type of legislation. Passing SB419---to link eligibility for State supported student financial aid and governmental employment to Selective Service registration compliance--will further increase the registration compliance rate in Hawaii. It will also further remind young people in Hawaii of their civic and patriotic obligation to contribute to the defense of our country in a national emergency.

Registration with the Selective Service System is each citizen's contract with freedom.

The Selective Service System never seeks to impose burdens on our State government partners without reimbursing and supporting such efforts. For example, Hawaii already receives the highest per capita rate of any State in reimbursement for implementing registration tied to driver's licensing. See Haw. Rev. Stat. §286-102.5. The Selective Service System also notes that it has developed close and effective working relationships with the thirty-one other states that have adopted similar legislation and has implemented computer processing systems designed to minimize the effort required by our State agency partners.

In closing, passing SB419 will help ensure that the youth of Hawaii do not lose valuable Federal benefits linked to the registration requirement, ensure that any future draft is fair and equitable as possible, and will help remind young people of their patriotic obligation to contribute to the defense of our country in a national emergency.

Thank you for the opportunity to submit this testimony.

Very Respectfully,



Andrew L. Pepper  
State Director  
U.S. Selective Service System



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

Testimony Presented Before the  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
And  
Senate Committee on Higher Education  
February 14, 2017 at 2:45 p.m.  
By  
Risa E. Dickson, Vice President for Academic Planning and Policy  
University of Hawai'i System

### SB 419 – RELATING TO SELECTIVE SERVICE

Chairs Nishihara and Kahele, Vice Chairs Wakai and Kidani, and members of the committees:

SB 419 requires compliance with the Military Selective Service Act to qualify for state financial assistance, which would include loans, grants, scholarships and tuition waivers or other financial assistance for post-secondary education that is provided by the state.

The purpose of increasing compliance with the federal Military Selective Service Act is well-intentioned, however the University of Hawai'i (UH) has significant concerns about SB 419.

All individuals who apply for federal financial aid through the Free Application for Federal Student Aid (FAFSA) are data matched through the Selective Service confirmation process and males are afforded the option to automatically register for Selective Service. This FAFSA information is downloaded to the University's student information system. Since not all high school graduates apply to UH, and among those who do apply, not all apply for federal financial aid, the yield to the US Military Selective Service may not be as high as anticipated by the intervention proposed in SB 419.

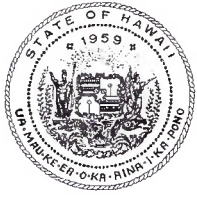
Second, at UH, complying with SB 419 would require altering computerized workflows as well as adding manual checking, because not all students apply for federal financial aid. The UH computer systems can easily screen for selective service registration of financial aid filers, but the bigger issue is admissions offices needing to screen for financial aid filing before admitting a male applicant. The UH student information computer system is not set up to do this screening outside of the FAFSA financial aid process so implementing this at the admissions state would have major impact on the workload of frontline operations in the University financial aid application processes, and require significant additional resources to comply.

Moreover, requiring male students between 18 and 26 to register for selective service as proposed by SB 419 may negatively impact enrollment at a time when enrollments

have been declining in recent years at UH campuses. This is a particular concern among males who have lower college going rates in our current economic environment. Finally, the bill's applicability to continuing students (i.e. those already enrolled) will require ample planning, foresight, and anticipation to minimize disruption in their continued enrollment and persistence.

The University of Hawai'i respectfully submits these comments on SB 419. Thank you for the opportunity to testify.





# HAWAII CIVIL RIGHTS COMMISSION

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February 14, 2017  
Rm. 414, 2:45 p.m.

To: The Honorable Clarence Nishihara, Chair  
Members of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Kaiali'i Kahele, Chair  
Members of the Senate Committee on Higher Education

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawaii Civil Rights Commission

Re: S.B. No. 419

The Hawaii Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawaii's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawaii constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

Article I, section 5 of the Hawaii Constitution provides:

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, *nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.*  
(emphasis added).

**The HCRC strongly opposes S.B. No. 419, because it codifies sex discrimination into state law.**

S.B. No. 419, if enacted, will prohibit *males* who fail to register with the Selective Service System from: enrolling at, or receiving education from, any campus of the University of Hawaii System; receiving state educational financial assistance; and being eligible for county or state employment or service. On its face, because the federal Selective Service Act only applies to males, the proposed prohibition is limited to males. It imposes a discriminatory burden on men that does not apply to women. In addition, the new prohibition would likely bar young men who are conscientious objectors based on their religious beliefs from state higher education and county or state employment or service, including service in elected office.

The HCRC strongly opposes S.B. No. 419, and urges the Committee to hold the bill.