

HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 12, 2019
Rm. 229, 2:45 p.m.

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

The Honorable Donna Mercado Kim, Chair
Committee on Higher Education

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 1343 – Relating to Selective Service

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

Article I, section 5 of the Hawai‘i Constitution provides:

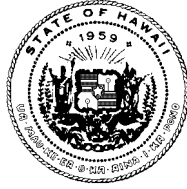
No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, *nor be denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.*
(emphasis added).

The HCRC strongly opposes S.B. No. 1343, because it codifies sex discrimination into state law.

S.B. No. 1343, 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 Hawai‘i 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. 1343, and urges the Committee to hold the bill.

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

CATHY BETTS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 6, 2019

TO: The Honorable Representative Aaron Ling Johanson, Chair
House Committee on Labor and Employment

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1343 Relating to Family Leave**

Hearing: Tuesday, February 7, 2019, 9:30 a.m.
Conference Room 309, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this bill that will provide job protection for employees who must care for their grandchildren with a serious health condition.

PURPOSE: The purpose of the bill is to extend Hawaii family leave to include care for employees' grandchildren.

DHS recognizes that Hawaii has the highest cost of living, one of the highest costs of housing, and the highest percentage of multi-generational households. Multi-generational caregiving responsibilities are primarily performed by working or employable family members, and families struggle with the decision to care for family members or forego income. The proposal reflects positive responsive change, recognizing Hawaii's multi-generational families may need additional job protections to care for their grandchildren suffering from a serious health condition.

This bill aligns with the department's 'Ohana Nui framework, which employs a multi-generational lens to human services delivery. The approach addresses the needs of children, parents, and grandparents early and concurrently, resulting in better outcomes for the family. Assessing and prioritizing the needs of the entire family to identify interventions and solutions is a major shift from the traditional siloed approach of government services.

DHS appreciates this legislature's focus on expanding unpaid leave for family members and notes that this positive change in our leave laws will reduce certain stressors for caregivers to focus on the needs of their family members.

Thank you for this opportunity to testify in support of this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Public Safety, Intergovernmental, and Military Affairs
and
Higher Education
Tuesday, February 12, 2019 at 2:45 p.m.
By
Donald O. Straney, Vice President for Academic Planning and Policy
University of Hawai'i System

SB 1343 – RELATING TO SELECTIVE SERVICE

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

SB 1343 requires compliance with the Military Selective Service Act to be eligible for enrollment in a state-supported post-secondary institution, qualify for post-secondary education state financial aid, or be eligible for state or county employment or service.

The University of Hawai'i (UH) appreciates the goals of the Hawai'i Selective Service Commission, however has significant concerns about unintended consequences of SB 1343, including a potential for decreasing access to public higher education in Hawai'i for men between the ages of 18 and 26.

First, UH enrollment contingent on Selective Service registration may have a dampening effect on college attendance for young men. This is a concern. Males currently have lower college going rates than females in Hawai'i; 47% of males vs. 63% of females enroll in college directly out of public high schools. SB 1343 would subject young men between 18 and 26 years of age to additional screening before being eligible to enroll at the state's public university. This is not applied to other populations, for example, women, non-US citizens, those who attend private or out of state institutions, and others.

Second, an additional screening requirement would disadvantage the very students who take the initiative to apply and seek to enroll at our public higher education system after high school in Hawai'i. Data shows that of more than 14,100 graduates from public and private high schools in Hawai'i in 2018, approximately 5,300 students enrolled at UH campuses systemwide as first-time freshmen in the fall of 2018. Of these, fewer than half (44%) were male, and it is this smaller population subset, rather than those who do not apply to UH in the first place, that would be required to undergo additional screening before eligibility to enroll at UH.

Any student applying for federal financial aid via the Free Application for Federal Student Aid (FAFSA) is required by federal law to register for the Selective Service, and this federal aid information is downloaded to the University's student information system. To implement the eligibility screening for state financial aid as well as university enrollment, however, would require an additional step to check applicants who have not applied for federal financial aid before admitting a male applicant. This requires additional administrative resources and is complicated because the Selective Service database uses social security numbers as identifiers and the University does not collect social security numbers at the admissions stage, nor do we collect it for nonFAFSA filers. After reviewing the data, applying selective service registration as an additional filter to allow or prohibit enrollment at UH or as eligibility for state aid may not produce as high a yield as anticipated by the intervention proposed in SB 1343.

According to the official website of the Selective Service System, only 8 out of 50 states require Selective Service registration for higher education admissions/attendance. Hawai'i does not have a state grant program similar to other states. UH is unique in its responsibility as the sole provider of public higher education in a state that is located at great geographic distance from other institutions and other options for students in Hawai'i. For these reasons, the University of Hawai'i has serious concerns, and respectfully requests that SB 1343 be deferred. Thank you for the opportunity to testify.

TESTIMONY
FOR THE LIBERTARIAN PARTY OF HAWAII

c/o 1658 Liholiho St #205

Honolulu, HI 96822

February 2, 2019

RE: SB1343 to be heard Tuesday February 12, in Room 229, at 2:45 PM

OPPOSE

To the members of the Senate Committees on Public Safety, Intergovernmental and Military Affairs and to the Senate Committee on Higher Education

There is no point to the Selective Service requirement. There is no perceived need now or in the future in which a large citizen army would be created to protect the United States. The all voluntary profession force we have now is more than necessary to engage in any potential conflict. We are far more at risk to cyber warfare than anything else.

Requiring our young people to submit personal information to register for a non-existent draft is a pointless violation of their rights. Arguing that this is done to teach people "patriotism" is not enough to overcome this objection. Nor is the desired lesson the one likely to be learned. Many young people will have less respect for the United States as a result of these arcane filing requirements, not more.

Aloha



Tracy Ryan
For the Libertarian Party of Hawaii



Selective Service System

Hawaii Headquarters

Committee on Public Safety, Intergovernmental, and Military Affairs

--and--

Committee on Higher Education

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

Thursday, February 12, 2019 (2:45 p.m.)

SB 1343-- RELATING TO SELECTIVE SERVICE
(Testimony in SUPPORT)

I am Andrew Pepper, State Director for the United States Selective Service System. My role is to ensure young men¹ in Hawaii ages 18 through 25 register with the Selective Service System, as required by law. This helps ensure that these young people 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.

Many people ask 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

¹ The U.S. Supreme Court held in 1981 that "male only" registration for Selective Service is *not* a violation of equal protection. See *Rostker v. Goldberg*, 453 U.S. 57 (1981) (<http://caselaw.findlaw.com/us-supreme-court/453/57.html>).

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. Such “messaging” makes clear that military aggression by other governments would not result in a strategically positive outcome for those nations and their citizens. In other words, the deterrent effect of registration with the Selective Service System helps keep us safe and at peace.

The Selective Service System supports the passage of SB 1343 because it unquestionably will 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.

SB 1343 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, SB 1343 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.² Passing SB 1343---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 and municipal government partners without supporting such efforts. To that end, the Selective Service System has developed and implemented a comprehensive system of Web Application Services to make registration

² Please see attached list describing other States' legislation.

verification simple and cost free. In each of the 31 other states that have adopted similar legislation, this has allowed the Selective Service to develop close and effective working relationships with our governmental counterparts.

In closing, passing SB 1343 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



Selective Service System

Hawaii Headquarters

Re: SB 1343

The Solomon Amendment added Section 12(f) to the Military Selective Service Act in September 1982. Male students who have a requirement to register with Selective Service must satisfy that requirement as an eligibility precondition for receipt of Title 4 federal student financial aid. Title 4 aid includes such need-based programs as Guaranteed Student Loans and Pell Grants.

In November 1985, the Thurmond Amendment to the Defense Authorization Act established Title 5 U.S. Code § 3328, which requires Selective Service registration (of men who are required to register) as a prerequisite for appointment to most federal jobs.

Thirty-one states have laws that mirror, reinforce, or strengthen these two federal laws:

1. Alabama: Requires Selective Service registration to be eligible to enter institutions of higher learning. Registration is also required as a prerequisite for state employment and promotion.
2. Alaska: Requires men to register with the Selective Service System as a precondition to state employment, to receive state financial aid for school, and unique to Alaska, to receive a permanent fund dividend.
3. Arizona: Requires registration with the Selective Service System as a condition for state financial aid for school as well as a precondition for state employment.
4. Arkansas: Requires registration with the Selective Service System as a condition for receiving a state education loan, scholarship, or other state financial assistance. Also, requires compliance with the Military Selective Service Act as a precondition for state employment or enrollment in a public institution of higher learning.
5. California: Requires Selective Service registration as a precondition for state student financial aid.
6. Colorado: Requires statement of compliance from male students born after December 31, 1959, before they are allowed to enroll at a state supported college or university.

7. Delaware: Requires Selective Service registration as a precondition for state employment and state student financial aid.
8. Florida: Requires Selective Service registration as a precondition for state student financial aid. Registration also required as a precondition for state employment.
9. Georgia: Requires Selective Service registration as a precondition for state student financial aid. Proof of registration also is a precondition for state employment.
10. Idaho: Young men must be registered with the Selective Service System to be eligible for state employment and state enrollment in post-secondary institutions, including financial aid for this schooling.
11. Illinois: Selective Service registration is a precondition for state student financial aid and later registration became a precondition for state employment.
12. Kentucky: State regulations require a statement of compliance with the Military Selective Service Act as a precondition for participating in the state educational loan program.
13. Louisiana: Louisiana has a law in which Selective Service registration is required for entry to any state school. Another law requires Selective Service registration to be eligible for certain classified and unclassified state civil service positions.
14. Maine: Requires Selective Service registration as a precondition for state student financial aid.
15. Massachusetts: Requires Selective Service registration as a precondition for state student financial aid.
16. Mississippi: Enacted two pieces of legislation. One requires Selective Service registration as a precondition for state student financial aid. The other requires registration as a precondition for state employment.
17. Missouri: Requires Selective Service registration as a precondition for state employment and state student financial aid.
18. Montana: Requires Selective Service registration as a precondition for state employment and state student financial aid.
19. New Hampshire: Young men must be registered with Selective Service to be eligible for state employment and state enrollment in post-secondary institutions, including financial aid for this schooling.
20. New Jersey: Requires Selective Service registration as a precondition for state student financial aid.

21. North Carolina: Enacted two pieces of legislation: One requires Selective Service registration for certain veterans' dependents financial aid programs and another requires registration as a precondition for state employment and state educational assistance.
22. North Dakota: Selective Service registration is a precondition for student financial aid.
23. Ohio: Requires Selective Service registration as a precondition for state student financial aid. Requires any resident male not registered with Selective Service to pay out-of-state tuition rate.
24. Oklahoma: Requires Selective Service registration as a precondition for state student financial aid.
25. South Dakota: Requires Selective Service registration before acceptance to all state schools and as a precondition to state employment.
26. Tennessee: Requires Selective Service registration before acceptance to all state schools. Registration is also required as a precondition for state employment.
27. Texas: Requires men to be in compliance with Selective Service registration requirement to be eligible for state student financial assistance. State employment also is contingent upon Selective Service registration or exemption.
28. Utah: Requires Selective Service registration as a precondition for state student financial aid.
29. Virginia: Enacted two pieces of legislation. One requires Selective Service registration as a precondition for student financial aid. Another requires registration as a precondition for state employment.
30. West Virginia: Requires Selective Service registration as a precondition for state student financial aid and state employment.
31. Wisconsin: Requires Selective Service registration as a precondition for state employment and state student financial aid.

SB-1343

Submitted on: 2/5/2019 7:50:08 PM

Testimony for PSM on 2/12/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ana Kahoopii	Individual	Oppose	No

Comments:

Introducing elements of conscription by forced registration constitutes one of the graver acts of abuse and bullying of our young men and woman. The legislatures should look at the ethics, effect, equity and injustice of conscription. It's an abuse of power and of people.

SB-1343

Submitted on: 2/6/2019 2:01:31 PM

Testimony for PSM on 2/12/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rebecca L Page	Individual	Support	No

Comments:

As a Baby Boomer who originally grew up in PA. I am very aware of the Selective Service program. I had no idea that the program is "optional". I would like to voice my opinion and state that the Selective Service program should be mandatory for men between the ages of 18 to 25 in all states.

Mahalo,

Beckie Page