



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
Thursday, February 12, 2015 at 2:03pm

By Dr. Jan Javinar
Interim Associate Vice President for Student Affairs, University of Hawai'i

HB 52 – RELATING TO THE SELECTIVE SERVICE REGISTRATION AWARENESS AND COMPLIANCE ACT

Chair Choy, Vice Chair Ichiyama, and Members of the Committee:

HB 52 codifies the US Military Selective Service Act (50 USC App 451) into Hawaii Revised Statutes. By doing so, state law will subsequently require college applicants to comply with the provisions of the Military Selective Service Act in order to:

- (1) Be eligible for enrollment in a state-supported institution of higher education;
- (2) Qualify for state financial assistance for post-secondary education; and
- (3) Be eligible for state or county employment or service.

The intent of HB 52 is laudable; however, the University has concerns about its “implement ability.”

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 venture into higher education nor apply for federal financial aid, the yield to the US Military Selective Service may not be as anticipated. Perhaps, the yields would be greater if requiring all age appropriate males to comply with the requirements *prior to graduating from high school*.

For college admissions purposes, the University does not currently require confirmation of compliance before admitting applicants. Doing so will require the University admissions offices to secure and retain a verification from the student applicant that he has registered with the Selective Service. This requirement will delay the individual's college selection decision-making and may deter an applicant from entering the University, encouraging him to seek admissions at non University of Hawai'i institutions where the requirement to confirm registration prior to admission may be non-existent.

In gauging the practices across the country, the University was only able to confirm that the University of Texas System has a requirement for proof of Selective Service registration tied to receiving federal and state aid. There does not appear to be a

similar requirement for admissions to one of the campuses of the University of Texas System.

Should HB 52 pass, there will be major impacts on the workload of frontline operations, involving the altering of computerized and manual workflows to the University admissions and financial aid application processes. This will involve overtime and/or the need for additional human resources to comply. HB 52 has the potential of affecting student enrollments negatively which will have a consequential impact on the quality of student life as well as the financial resources available on the University's campuses.

Thank you for the opportunity to testify on this measure. The University understands the intent of this bill, and is concerned about the impact of it on operations, workflow, and enrollment.



Selective Service System

Hawaii Headquarters

Testimony to House Committee on Higher Education

Thursday, February 12, 2015

RE: House Bill 52 RELATING TO SELECTIVE SERVICE AWARENESS AND COMPLIANCE

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, as required by law. This helps ensure 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 man who fails to register, as legally required, increases a law-biding man's chances of being drafted.

The Selective Service System supports the passage of HB 52 because it will unquestionably increase registration compliance in Hawaii. Although Hawaii has legislation that automatically registers young men with Selective Service when they get a driver's license, only 73 percent of 18-year-old men in Hawaii have registered with Selective Service. Young men in this critical age group are often the very ones who are seeking to further their post-secondary education, as well as seeking State and County employment.

And, they are also often seeking 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 for immigrants.

HB52 is not designed or intended to deny anyone access to State benefits or jobs; it is simply a way to create more opportunities for young men 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 enrollment process, their student loan process, or their government job application process. Basically, HB52 is an attempt to create an additional safety net to help young men (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.

Thirty States and Territories around the Nation have already passed this type of legislation. The goal is to have the remaining States adopt this type of legislation as soon as possible. By passing HB 52--to link eligibility for State supported post-secondary educational institutions, state student financial aid, and eligibility for state or county employment--it will further increase the registration compliance rate in Hawaii. It will also further remind young men in Hawaii of their civic and patriotic obligation to contribute to the defense of our country in a national emergency.

In closing, passing HB 52 will help ensure that the young men of Hawaii do not lose valuable Federal benefits linked to the registration requirement, ensures that any future draft is fair and equitable as possible, and will help

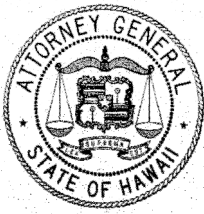
remind its young men of their patriotic obligation to contribute to the defense of our country in a national emergency.

Thank you for the opportunity to submit this testimony.

Very Respectfully,



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



TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2015

ON THE FOLLOWING MEASURE:

H.B. NO. 52, RELATING TO THE SELECTIVE SERVICE REGISTRATION
AWARENESS AND COMPLIANCE ACT.

LATE

BEFORE THE:

HOUSE COMMITTEE ON HIGHER EDUCATION

DATE: Thursday, February 12, 2015

TIME: 2:03 p.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): WRITTEN COMMENTS ONLY. For more information, call
Deputy Attorney General Diane Erickson (808) 586-0618

Chair Choy and Members of the Committee:

The Attorney General has concerns about this bill.

This bill adds a new chapter to the Hawaii Revised Statutes, to be titled "Selective Service Registration Awareness and Compliance Act."

This new chapter provides that any person who is not in compliance with the registration requirements of the federal Military Selective Service Act shall not be: (1) permitted to enroll in or receive education from a state-supported post-secondary institution, including any part of the University of Hawaii system; (2) eligible to receive a loan, grant, scholarship, or other financial assistance for post-secondary education that is provided, supported, or guaranteed by the State; and (3) eligible for employment by the State or any political subdivision.

Under the federal Military Selective Service Act, persons who fail to register for the selective service are ineligible to receive federal educational assistance or to be employed by the federal government. According to our information, only eight states have laws making persons who are not in compliance with Selective Service, ineligible to attend state-supported post-secondary educational institutions. On the other hand, approximately twenty-two states have laws similar to the federal law that condition educational assistance or state job eligibility, or both, on Selective Service registration.

Conditioning eligibility for education assistance and conditioning eligibility for State or county employment upon registration for Selective Service are legitimate areas of statewide concern. However, we believe that conditioning enrollment in a state-supported post-secondary

institution upon such registration is contrary to article X, section 6, of the Hawaii State Constitution, which provides in pertinent part that the Board of Regents shall "have exclusive jurisdiction over the internal structure, management, and operation of the university."

In addition, we also note that since 2002, Hawaii law has provided that anyone who is required to be registered with Selective Service and who applies for a state drivers' license or renewal thereof, is automatically registered with the Selective Service System. See, section 286-102.5, Hawaii Revised Statutes.

Thank you for the opportunity to present our concerns.