

- SUBJECT:** Mandating draft registration for driver’s license applicants
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 7 ayes — S. Miller, Fletcher, Beck, Driver, Flynn, Peña, Walle
0 nays
2 absent — Burnam, Mallory Caraway
- WITNESSES:** For — Claude Hempel, Selective Service System
Against — None
- BACKGROUND:** The federal Military Selective Service Act requires all American men, including legal immigrants, ages 18 through 25 to register for military conscription with the U.S. Selective Service System (SSS). Men aged 20 to 25 are considered draft eligible, and registration is prohibited upon reaching age 26.
- The draft was abolished in 1973, and registration ended in 1975. Congress reinstated compulsory registration in 1980. Failure to register is a felony offense punishable by a fine of up \$250,000 and up to five years’ imprisonment.
- Transportation Code, sec. 521.147, enacted in 2001 (HB 116) allows eligible men to register for the draft automatically when they apply for or renew their driver’s licenses or obtain duplicates. Forms provided by the Department of Public Safety (DPS) require applicants to indicate whether they consent to having DPS electronically forward the information necessary for draft registration.
- DIGEST:** HB 80 would change from optional to mandatory the DPS’s automatic draft registration for driver’s license or personal identification certificate applicants. DPS would have to notify men 18 or older, but younger than 26, who applied for original, renewal, or duplicate licenses or certificates that their applications were tantamount to SSS registration. Applications for licenses or certificates would be required to have a conspicuous notice stating: “By submitting this application, I am consenting to registration

with the United States Selective Service System if my registration is required by federal law.”

Submitting an application would constitute consent to having the DPS electronically forward application information necessary for SSS registration, if the applicant was not already registered. The bill would not apply to applicant information previously forwarded to SSS.

HB 80 would take effect September 1, 2011, and apply only to applications submitted on or after that date.

**SUPPORTERS
SAY:**

HB 80 would create a simpler, more effective way for a young man to meet his legal obligation to register with the SSS. Even with the optional registration in place for almost a decade, Texas falls well below the national average in terms of eligible men registered for selective service. According to SSS, only 72 percent of men born in 1991 have registered as of March 2011, which places Texas ahead only of the District of Columbia, Washington state, Guam, and the Mariana Islands.

Linking draft registration to obtaining driver’s licenses or personal identification certificates helps young men avoid a federal law violation. It also protects their federal eligibility for executive branch and postal jobs, student financial aid, and job training programs. Legal immigrants of draft age maintain their residency status by registering and retain their right to seek citizenship. Neither DPS nor SSS acquire, access, or share immigration data with any governmental entity.

The U.S. Supreme Court has upheld registration as constitutional. Merely registering does not preclude a man from refusing military service or declaring himself a conscientious objector if the draft resumed. In such case, alternative ways to serve one’s country would be available. This bill is about accountability under the law, not agreeing to fight a war.

**OPPONENTS
SAY:**

Though well-intentioned, this bill would offer men with legitimate moral or philosophical objections to draft registration no recourse if they applied for a driver’s license. This especially applies to members of certain religious faiths, such as Quakers and Mennonites, who object to military service as a matter of conscience. Although federal criminal penalties no longer are enforced, the civil sanctions are significant; Texas should not add to that burden. At the very least, the applicants deserve some opportunity for administrative appeal.

NOTES:

The companion bill, SB 132 by Wentworth, passed the Senate by 31-0 on the Local and Uncontested Calendar on March 24 and was reported favorably, without amendment, by the House Homeland Security and Public Safety Committee on April 27.