



## Friends Committee on Legislation of California

2030 W. El Camino, Suite 210  
Sacramento, CA 95833

April 17, 2024

Senator Anna Caballero  
Chair, Senate Appropriations Committee  
State Capitol, Room 412  
Sacramento, CA 95814

RE: SB 1081 (Archuleta) - OPPOSE

Dear Senator Caballero and Members of the Committee,

Friends Committee on Legislation of California (FCLCA) writes to inform you of our opposition to SB 1081 (Archuleta). The bill would make California responsible for registering people under age 26 with the federal Selective Service System (SSS) when they apply for a driver's license or California I.D.

Simply put, California should not be using state resources to enforce the federal Military Selective Service Act, particularly in this year of revenue shortfall and proposed cuts in state programs. It is our understanding that under an existing MOU, California already forwards the names of those who apply for a driver's license to the Selective Service System, which then uses the information to perform its own outreach efforts at its own cost. In a time of financial scarcity and an overburdened DMV, California should not take on these additional responsibilities and costs - federal laws should be enforced by the federal government at federal expense.

The bill states "The department shall initiate and monitor efforts to obtain federal funds for the purposes specified in this section. The department shall report to the Legislature and the relevant policy committees if it has received the federal funds specified in paragraph (1). ...Implementation of this section shall be contingent upon the department's receipt of federal funds to pay \$\_\_\_\_\_ of the initial startup costs to implement this section."

As the [analysis by the Military Task Force of the National Lawyers Guild](#) states on pp. 12-13  
".. Congress has never appropriated any funds for such use by California or any other state. And the ongoing data exchanges between the DMV and the SSS which would be required by SB 1081 would have ongoing costs, not just one-time start-up costs.

*This would almost certainly result in violations of Article 19, Section 3, of the California Constitution, which prohibits diversion of motor vehicle revenues for unrelated purposes. Selective Service registration is not a use of funds permitted by Cal. Const., Art. 19, Sec. 3.*

*SB 1081 should not be enacted without a secure source of ongoing Federal funding to the state of California for Selective Service registration, which does not exist. If Congress doesn't think this Federal program is worth its cost, why should the state of California fund it?"*

In the [Senate Transportation Committee analysis](#), we read:

*“This bill expands the DMV’s responsibilities by requiring the DMV to carry out additional procedures to register eligible applicants, such as modifying the driver’s license application and administering additional staff training. This will result in resources and attention being used by the DMV and diverting them from their core functions of managing licensing of drivers and registration of vehicles... In order to implement this bill the DMV will need to ask additional questions to self-identified young men at field offices, resulting in some amount of delay. It will also require updates to the DMV’s core information systems, which are currently undergoing an upgrade, likely increasing implementation costs. The Legislative analyst’s office predicts the Motor Vehicle Account (the primary funding source for the DMV) is rapidly heading for insolvency and recently recommended the Legislature set a high bar for considering approval of any proposals that create additional MVA cost pressures.”*

Under SB 1081 a number of “specified notices” would be added to the driver’s license and CA I.D. application, resulting in at least an additional third page of verbiage. The Military Law Task Force of the National Lawyers Guild provides an extensive analysis of the potential pitfalls of these notices and the implementation of SB 1081, which is outlined its letter of opposition to the Senate Appropriations Committee dated April 17, 2024 and [online here](#). This analysis concludes the DMV would be responsible for gathering and retaining far more information about driver’s license applicants, including immigration status and sex indicated on their birth certificate, in order to provide the “necessary” information for SSS registration to the federal government.

This would undoubtedly lead to increased costs in staff time and, undoubtedly, significant time spent by DMV staff answering questions by confused young applicants regarding the criteria for SSS registration and what it means; which immigrants have to register; the difference in how gender is determined by the two systems - DMV and SSS; as well as providing clarification on the various notices and sanctions, etc.

Because of the provisions of Article 19, California would be forced to pay these expanded ongoing costs out of our General Fund. Again, why would we take on this new unnecessary expense in the face of our own fiscal crisis?

Claims for the bill assert that California’s young people who do not register will be “permanently ineligible for federal jobs and jobs training.” According to the federal Office of Personnel Management only 1% of cases of non-registrants they adjudicate result in denial of federal employment. Young men can register up to age 26, and it is important to note that sanctions and prosecution rely on demonstrating *willful and knowing* nonregistration. Typically non-registrants are able to avoid sanctions by certifying that they were unaware of the requirement to register.

Paradoxically, if this bill is implemented, it could be much easier to impose sanctions on those who do not register, as driver’s license applicants, when they sign, are acknowledging that they understand the rules regarding registration. If they check “Don’t Register” they could be in fact incriminating themselves by acknowledging “willful and knowing” nonregistration and could be subject to civil sanctions or even federal prosecution in the future. The names of those who do so could be requested by a federal subpoena.

SB 1081 asks our state to assume new responsibilities and costs for the benefit of the federal Selective Service System, and to link a state function aimed at safety on our roads to the convenience of a completely unrelated federal function, even while the federal government *itself* is moving in the direction of de-linking unrelated programs from SSS registration.

For many years, applicants for federal aid for higher education were required by federal law to certify that they had registered with the SSS or were not required to do so. But Congress eliminated that requirement in 2020 as part of the FAFSA Simplification Act. All questions about registration with the SSS have been removed from the Free Application for Federal Student Aid (FAFSA) form, starting with the current 2023-2024 school year, and the data sharing agreement between the SSS and the U.S. Department of Education has been terminated.

Our Legislature, too, has followed suit: formerly, Cal Grants for higher education were similarly contingent on registration with the SSS. But California repealed that requirement in 2021, following the change in Federal law. As part of SB 169, approved by vote of 75-1 in the Assembly and 38-0 in the Senate and signed into law by the Governor on September 23, 2021, “Any accompanying regulations or formal policy to verify Selective Service registration is waived for applicants eligible for Cal Grants.”

Why would we go backwards? Rather than imitate some other states’ policies that predate these changes, California should continue to stand out as a state willing to protect its residents’ privacy, protect undocumented immigrants, and practice prudent spending for programs that truly improve lives.

For these and many other reasons, we oppose SB 1081 and ask that the Senate Appropriations hold this bill.

Sincerely,

A handwritten signature in cursive script that reads "Kevan Insko".

Kevan Insko, Director  
Friends Committee on Legislation of California