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WATER, POWER, AND OCEANS
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Congress of the United States
House of Representatives
Washington, DC 20515-0307

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May 12, 2015

The Honorable John Boehner
Speaker of the House
H-232, The Capitol
U.S. House of Representatives
Washington, DC 20515

The Honorable Pete Sessions
The Committee on Rules
U.S. House of Representatives
H-312, The Capitol
Washington, DC 20515

Dear Speaker Boehner and Chairman Sessions:

As you know, Members of Congress opposed to an amendment I offered during full committee consideration of the National Defense Authorization Act (NDAA) have asked the Rules Committee to act unilaterally to strip this critical language from the underlying bill. Because doing so would be contrary to both our national interest and to the spirit of the rules of the House, I write to strongly urge you to reject this misguided request.

My amendment, now Section 538 of the bill, encourages the Secretary of Defense to examine the possibility of using his authority under current law to allow beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program to serve in our Armed Forces. Enabling these talented, patriotic young people to fight for our country in uniform would clearly benefit our military and, accordingly, the measure was approved by the House Armed Services Committee with bipartisan support. Subsequently, however, opponents of the measure have stridently argued that it should be stricken from the bill on jurisdictional grounds and because it would supposedly provide a "backdoor amnesty" for DACA recipients and their families. On both points, they are badly mistaken.

Section 538 would do nothing to alter the immigration status of DACA recipients, their family members or anyone else. The language does, however, directly concern qualifications for service in our military—a matter that rests entirely within the jurisdiction of the Armed Services Committee. As such, I was not required to obtain a waiver from any other House committee before offering my amendment. It is also worth noting that this language is nearly identical to the text of Congressman Bill Foster's H.Res. 179, a bill that was referred exclusively to the Armed Services Committee. Furthermore, recent historical precedent is illustrative in this case. When Congress last acted to substantially alter the rules governing the enlistment of non-citizens in 2006, this change was made through the NDAA.

Beyond the substance of Section 538, there is a broader principle at stake. The question is not just whether DACA recipients should be permitted to serve our nation in uniform, but whether the Rules Committee should act to overrule a committee of jurisdiction, especially on matters concerning our military. The Armed Services Committee has worked its will and, regardless of how some Members may feel about the outcome, it would be inappropriate for the Rules Committee to overturn the clear judgment of a bipartisan majority of this panel. To be clear, I would not oppose consideration by the full House of an amendment to strike the language I authored. That would be consistent with the basic principles of regular order and the traditions of the House. It's also a fight I feel confident we could win. Instead, what I and many others would find deeply objectionable is any action to strip out this important provision without meaningful debate and a separate vote on the House floor.

Thank you for your attention to my views. This body has always considered matters related to our national defense with the seriousness and transparency they deserve. I trust that this case will be no different.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruben Gallego". The signature is fluid and cursive, with the first name "Ruben" and last name "Gallego" clearly distinguishable.

Ruben Gallego
Member of Congress

CC: Democratic Leader Nancy Pelosi

Ranking Member Louise M. Slaughter