

The Honorable Paul Gosar
Statement
Gosar Amendment #9 to H.R. 4909
May 17, 2016

Thank you Mr. Chairman (or Mr. Speaker).

Gosar Amendment #9 to H.R. 4909 strikes Section 597 and clarifies that the Obama Administration does not have the authority to unilaterally enlist DACA aliens in the military.

Unfortunately, Rep. Ruben Gallego once again decided to put politics ahead of the needs of our men and women in uniform and offered an amendment at the Committee level to enable beneficiaries of the president's Deferred Action for Childhood Arrivals (DACA) program to enlist in the U.S. Military.

Rep. Gallego claims that the amendment that passed Committee and Section 597 of the House NDAA "Affirm the Secretary's broad discretionary power to enable immigrants – including [DACA aliens] – to enlist in the military."

Given the pending U.S. v. Texas Supreme Court Case, we must strike 597 on that basis alone or left-wing attorneys will attempt to use Rep. Gallego's statements to claim that Congress approves of the DACA program.

Military enlistment rules prohibit illegal aliens from enlisting. However, immigrants and nonimmigrants with **lawful status** are eligible to enlist in the military and have made considerable contributions to the Armed Services over the years. I am thankful for their sacrifices and support allowing lawful immigrants and lawful nonimmigrants to serve in the military, but the key word here is **lawful**.

In 2014, the Obama Administration issued a memo that allowed DACA aliens to enlist in a program for **lawful** immigrants and **lawful** nonimmigrants called the Military Accessions Vital to National Interest (MAVNI) program. MAVNI is a pilot program created in 2008 "to recruit **certain legal aliens** whose skills are considered to be vital to the national interest." MAVNI currently allows citizenship to be granted to any enlistee that serves at least one day of wartime service.

As noted by the nonpartisan Congressional Research Service (CRS), "DACA recipients do not have a legal immigration status." The Department of Homeland Security's website states that DACA aliens "lack lawful status" and are "subject to all legal restrictions and prohibitions on individuals in unlawful status."

Given that DACA aliens do not have lawful status, they should not be able to participate in the MAVNI program.

In fact, MAVNI was never intended to be utilized for the benefit of illegal aliens. Testimony from DOD states that MAVNI was created to “recruit **legal non-citizens** with critical foreign language and cultural skills.” The Army’s website states, “MAVNI is a recruiting program that allows **legal non-citizens** with in-demand skills to join the Army in exchange for expedited U.S. citizenship.

Retired Lieutenant Colonel. Margaret Stock, who created and implemented the MAVNI program agrees claiming, “the addition of the DACA applicants will force a total overhaul, as original screening systems were created to weed out exactly the applicants who’ll now be part of the pool.”

‘It was set up for people who are legally in the country, and had been legal their whole history,” Stock said. “They have to go back and redo all the security screenings, train recruiters all over again ... it's one of these things where people want magic to happen, and bureaucracy doesn't work that way.’

Stock, who now practices immigration law, has also stated, “It’s a major bureaucratic screw-up by the Obama administration... The MAVNI program is not designed for DACA at all... It was rather alarming to see DACAs being put into MAVNI. Someone didn’t know what they were doing.” Stock is an unbiased source as at one time she testified in support of provisions in an earlier version of the DREAM Act.

Congress must pass my amendment or else the Obama Administration will continue to operate its backdoor amnesty program and allow DACA aliens to enlist in the military through the MAVNI program as a result of an unlawful 2014 memo.

Article I, section 8, of the Constitution gives Congress clear jurisdiction on immigration matters. Congress has consistently rejected and failed to act on policies that aim to allow illegal aliens to serve in the military. In fact, the House has rejected DACA three times.

Last year every branch of the Armed Services met their enlistment goal. In fact, the Army, the Navy, the Air Force, and the Marines have all met their enlistment goals every year since 2003, with the exception of one branch barely missing its target in 2006. In recent years, 80 percent of the applicants that have applied for the military have been turned away. There is no labor shortage and we are in the midst of eliminating 160,000 uniformed personnel positions over a nine-year stretch.

My amendment ensures that the MAVNI program functions under its stated purpose and Congressional intent while still providing the Secretary of Defense with the necessary discretion to ensure readiness. I urge this body to pass my amendment and with that I reserve.