

112TH CONGRESS
1ST SESSION

H. R. 2025

To amend title 32, United States Code, to require the Secretary of Defense to provide funds to support the use by a State of the National Guard, State defense forces, and law enforcement agencies in securing an international border that forms part of the border of the State, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2011

Mr. CARTER (for himself, Mr. JONES, Mr. GOSAR, and Mr. GOHMERT) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 32, United States Code, to require the Secretary of Defense to provide funds to support the use by a State of the National Guard, State defense forces, and law enforcement agencies in securing an international border that forms part of the border of the State, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Border States Security
5 Improvement Act”.

1 **SEC. 2. DEPARTMENT OF DEFENSE FUNDING FOR STATE**
2 **BORDER SECURITY ACTIVITIES.**

3 (a) SUPPORT FOR BORDER ACTIVITIES.—Section
4 902 of title 32, United States Code, is amended to read
5 as follows:

6 **“§ 902. Department of Defense support for National**
7 **Guard homeland defense activities and**
8 **State border security activities**

9 “(a) HOMELAND DEFENSE ACTIVITIES.—The Sec-
10 retary of Defense may provide funds to the Governor of
11 a State to employ units or members of the National Guard
12 of that State to conduct homeland defense activities that
13 the Secretary determines to be necessary and appropriate
14 for participation by the National Guard units or members.

15 “(b) BORDER SECURITY ACTIVITIES.—The Secretary
16 of Defense shall provide funds to the Governor of a State
17 to employ units or members of the National Guard of that
18 State, State defense forces of that State, and law enforce-
19 ment agencies of that State to help secure an international
20 border that forms part of the border of that State if the
21 Governor determines that their participation in border se-
22 curity activities is necessary and appropriate. In the case
23 of the use of the National Guard, the Secretary shall pro-
24 vide the requested funds even though the border security
25 activities are conducted while the members of the National
26 Guard are not in Federal service.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 9 of such title is amended by
3 striking the item relating to section 902 and inserting the
4 following new item:

“902. Department of Defense support for National Guard homeland defense activities and State border security activities.”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) DEFINITIONS.—Section 901 of such title is
7 amended—

8 (A) by redesignating paragraph (2) as
9 paragraph (3);

10 (B) by inserting after paragraph (1) the
11 following new paragraph:

12 “(2) The term ‘law enforcement agencies’ in-
13 cludes the Texas Department of Public Safety, in-
14 cluding the Texas Rangers and Texas Highway Pa-
15 trol, the New Mexico State Police, the Arizona De-
16 partment of Public Safety, including the Arizona
17 Highway Patrol, and the California Highway Pa-
18 trol.”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(4) The term ‘State defense forces’ means de-
22 fense forces authorized under section 109(c) of this
23 title. The term includes the Texas State Guard, the

1 New Mexico State Guard, the Arizona State Defense
2 Force, and the California State Military Reserve.”.

3 (2) NATURE OF DUTY.—Section 904 of such
4 title is amended by striking “this chapter” each
5 place it appears and inserting “section 902(a) of
6 this title”.

7 (3) FUNDING ASSISTANCE.—Section 905 of
8 such title (1) is amended—

9 (A) by striking “In the case” and inserting
10 “(a) HOMELAND DEFENSE ACTIVITIES.—In
11 the case”;

12 (B) by striking “section 902 of this title”
13 and inserting “section 902(a) of this title”; and

14 (C) by adding at the end the following new
15 subsection:

16 “(b) DEPARTMENT OF DEFENSE PAYMENTS FOR
17 BORDER SECURITY ACTIVITIES.—In the case of any bor-
18 der security activity for which the Governor of a State re-
19 quests assistance under section 902(b) of this title, the
20 Secretary of Defense shall pay to that State, from funds
21 available to the Department of Defense for homeland de-
22 fense purposes, an amount that the Governor certifies is
23 necessary to cover the costs described in paragraphs (1),
24 (2), and (3) of subsection (a) of the National Guard, State
25 defense forces, and law enforcement agencies of that State

- 1 incurred or to be incurred as a result of participation in
- 2 the border security activity.”.

