

119TH CONGRESS
1ST SESSION

H. R. 4042

To require a State to reimburse the Federal Government for the deployment of the National Guard to such State.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2025

Mr. MCCORMICK (for himself, Mr. WIED, Mr. HAMADEH of Arizona, and Mr. HARRIGAN) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require a State to reimburse the Federal Government for the deployment of the National Guard to such State.

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 “States Taking Ac-
5 countability for Troops Engaged in Safety Act” or the
6 “STATES Act”.

7 **SEC. 2. NATIONAL GUARD IN FEDERAL SERVICE.**

8 Section 12406 of title 10, United States Code, is
9 amended to read as follows:

1 **“§ 12406. National guard in Federal service: call**

2 “(a) IN GENERAL.—Whenever—

3 “(1) the United States, or any of the Common-
4 wealths or possessions, is invaded or is in danger of
5 invasion by a foreign nation;

6 “(2) there is a rebellion or danger of a rebellion
7 against the authority of the Government of the
8 United States; or

9 “(3) the President is unable with the regular
10 forces to execute the laws of the United States;

11 the President may call into Federal service members and
12 units of the National Guard of any State in such numbers
13 as he considers necessary to repel the invasion, suppress
14 the rebellion, or execute those laws. Orders for these pur-
15 poses shall be issued through the governors of the States
16 or, in the case of the District of Columbia, through the
17 commanding general of the National Guard of the District
18 of Columbia.

19 “(b) ADJUSTMENT OF DISBURSEMENTS IN CERTAIN
20 CIRCUMSTANCES.—If the President—

21 “(1) calls into Federal service members and
22 units of the National Guard of any State in such
23 numbers as he considers necessary to repel the inva-
24 sion, suppress the rebellion, or execute those laws
25 pursuant to subsection (a); and

1 “(2) within 30 days of the conclusion of an ac-
2 tion described in subsection (a), provides a deter-
3 mination to the Governor of the State in which the
4 National Guard was called into Federal Service that
5 the calling into service was the result of an action
6 or act of negligence carried out by the State govern-
7 ment;

8 the President shall direct the Secretary of Defense to co-
9 ordinate with the Secretary of the Treasury, and any other
10 appropriate officials or agencies, to determine the cost in-
11 curred to the Federal Government as a result of calling
12 the National Guard into service, and shall, after notifying
13 the Governor of the State, reduce funds made available
14 to such State equal to 100 percent of the costs incurred
15 by the Federal Government.

16 “(c) WAIVER.—The President may waive the reim-
17 bursement requirement under this section in cases of ex-
18 treme financial hardship to the State or when the deploy-
19 ment is primarily to protect Federal property or enforce
20 Federal law, as determined by the President.

21 “(d) REGULATIONS.—The Secretary of Defense may
22 prescribe regulations to implement this section.”.

1 **SEC. 3. EFFECTIVE DATE.**

2 This Act shall take effect retroactively on June 1,
3 2025, and apply to all National Guard deployments re-
4 quired thereafter.

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