

119TH CONGRESS  
1ST SESSION

# H. R. 5604

To amend titles 10 and 32, United States Code, to prohibit the use of  
a member of the Armed Forces to enforce the immigration laws.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2025

Ms. SALINAS (for herself and Ms. TOKUDA) introduced the following bill;  
which was referred to the Committee on Armed Services

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## A BILL

To amend titles 10 and 32, United States Code, to prohibit  
the use of a member of the Armed Forces to enforce  
the immigration laws.

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 “National Guard Proper  
5 Use Act”.

6 **SEC. 2. PROHIBITION ON ENFORCEMENT OF IMMIGRATION**  
7 **LAWS BY MEMBERS OF THE ARMED FORCES.**

8 (a) TITLE 10.—Chapter 49 of title 10, United States  
9 Code, is amended by inserting after section 974 the fol-  
10 lowing new section:

1 **“§ 975. Prohibition on enforcement of immigration**  
2 **laws**

3 “In accordance with section 1385 of title 18 (com-  
4 monly referred to as the ‘Posse Comitatus Act’), a member  
5 of the Armed Forces may not be ordered to perform duty  
6 under this title to enforce, or to support the enforcement  
7 of, the immigration laws (as such term is defined in sec-  
8 tion 101 of the Immigration and Nationality Act (8 U.S.C.  
9 1101)).”.

10 (b) TITLE 32.—Chapter 3 of title 32, United States  
11 Code, is amended by inserting after section 329 the fol-  
12 lowing new section:

13 **“§ 330. Prohibition on enforcement of immigration**  
14 **laws**

15 “In accordance with section 1385 of title 18 (com-  
16 monly referred to as the ‘Posse Comitatus Act’), a member  
17 of the National Guard may not be ordered to perform duty  
18 under this title to enforce, or to support the enforcement  
19 of, the immigration laws (as such term is defined in sec-  
20 tion 101 of the Immigration and Nationality Act (8 U.S.C.  
21 1101)).”.

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