

109TH CONGRESS  
1ST SESSION

# H. R. 4099

To amend the Homeland Security Act of 2002 to authorize the Citizen Corps and establish the Border Corps, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2005

Mr. McCAUL of Texas (for himself, Mr. BOREN, Mrs. DRAKE, Mr. SMITH of Texas, and Mr. CULBERSON) introduced the following bill; which was referred to the Committee on Homeland Security

---

## A BILL

To amend the Homeland Security Act of 2002 to authorize the Citizen Corps and establish the Border Corps, 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 “Homeland Security  
5 Volunteerism Enhancement Act of 2005”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—The Congress finds the following:

1           (1) The tragic events of September 11, 2001  
2       demonstrated the need for citizen preparedness to  
3       prevent and respond to acts of terrorism.

4           (2) The people of the United States responded  
5       to the tragic events of September 11, 2001 with  
6       courage and compassion as well as a renewed com-  
7       mitment and desire to help others.

8           (3) The changing threat and issues that face  
9       the Nation call for the mobilization and effective use  
10      of citizenry in times of need.

11          (4) Existing volunteer organizations, including  
12      the Coast Guard Auxiliary, have been very successful  
13      in providing a wide range of administrative and  
14      operational opportunities for citizen participation.

15      (b) PURPOSE.—The purpose of this Act is to author-  
16      ize the Secretary of Homeland Security to recruit and use  
17      volunteers to support homeland security efforts.

18      **SEC. 3. CITIZEN CORPS; BORDER CORPS.**

19      (a) IN GENERAL.—Subtitle H of title VIII of the  
20      Homeland Security Act of 2002 (6 U.S.C. 451 et seq.)  
21      is amended by adding at the end the following:

22      **“SEC. 890A. CITIZEN CORPS.**

23          “(a) ESTABLISHMENT.—The Secretary shall estab-  
24      lish, as a component of the USA Freedom Corps estab-  
25      lished by Executive Order 13254, a program to be known

1 as the ‘Citizen Corps’ to coordinate homeland security vol-  
2 unteer activities.

3 “(b) OFFICE OF STATE AND LOCAL GOVERNMENT  
4 COORDINATION AND PREPAREDNESS.—The Citizen Corps  
5 shall be headed by the Director of the Office of State and  
6 Local Government Coordination and Preparedness.

7 “(c) VOLUNTEER AUTHORITY.—As part of the Cit-  
8 izen Corps established in subsection (a), the Secretary  
9 may recruit, train, and accept the services of volunteers  
10 notwithstanding section 1342 of title 31, United States  
11 Code.

12 **“SEC. 890B. BORDER CORPS.**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-  
14 lish a Border Corps, to be administered by the Commis-  
15 sioner of the Bureau of Customs and Border Protection.  
16 The Border Corps shall be an organization under the Cit-  
17 izen Corps. The Secretary shall recruit, train, and accept  
18 for enrollment the members of the Border Corps.

19 “(b) VOLUNTEERS.—Members of the Border Corps  
20 shall be volunteers who agree to contribute services with-  
21 out compensation. Section 1342 of title 31, United States  
22 Code, shall not apply to the acceptance of voluntary serv-  
23 ices by members of the Border Corps.

24 “(c) DUTIES.—

1           “(1) IN GENERAL.—The Border Corps shall as-  
2           sist the United States Border Patrol in carrying out  
3           its mission, to the extent authorized by the Sec-  
4           retary.

5           “(2) FOCUS.—Members of the Border Corps  
6           shall be assigned duties primarily in the areas of  
7           surveillance (responding to electronic sensor alarms  
8           and aircraft sightings, manning remote video surveil-  
9           lance camera systems), communications (using radio,  
10          cellular, and satellite communications equipment to  
11          assist Border Patrol agents in rapid response),  
12          transportation, and administrative support.

13          “(3) ADDITIONAL DUTIES.—Members of the  
14          Border Corps may also assist the Border Patrol in  
15          the following areas of United States Border Patrol  
16          operations:

17                 “(A) Line watch operations to prevent ille-  
18                 gal entry and smuggling.

19                 “(B) Signcutting operations to detect and  
20                 interpret disturbances in natural terrain condi-  
21                 tions that indicate the presence or passage of  
22                 people, animals, or vehicles.

23                 “(C) Traffic checkpoints to detect aliens  
24                 unlawfully traveling into the interior of the  
25                 United States and to detect illegal narcotics.

1 “(D) Air operations.

2 “(E) Marine patrol.

3 “(F) Horse and bike patrol.

4 “(d) STATUS.—

5 “(1) NOT FEDERAL EMPLOYEES.—Except as  
6 otherwise provided in this subsection, a volunteer  
7 shall not be deemed a Federal employee and shall  
8 not be subject to the provisions of law relating to  
9 Federal employment, including those provisions re-  
10 lating to hours of work, rates of compensation, leave,  
11 unemployment compensation, and Federal employee  
12 benefits.

13 “(2) EXCEPTIONS.—A member of the Border  
14 Corps while assigned to duty shall be deemed to be  
15 a Federal employee only for the following purposes:

16 “(A) Chapter 26 of title 28, United States  
17 Code.

18 “(B) Subchapter I of chapter 81 of title 5,  
19 United States Code.

20 “(C) Claims relating to damage to, or loss  
21 of, personal property of a volunteer incident to  
22 volunteer service, in which case the provisions  
23 of section 3721 of title 31, United States Code,  
24 shall apply.

1           “(3) STANDARDS.—Nothing in this subsection  
2           shall constrain the Secretary from prescribing stand-  
3           ards for the conduct and behavior of members of the  
4           Border Corps.

5           “(e) ELIGIBILITY.—

6           “(1) IN GENERAL.—All citizens and legal per-  
7           manent residents of the United States over 18 years  
8           of age shall be eligible to serve in the Border Corps.

9           “(2) BACKGROUND CHECK.—All volunteers  
10          must undergo a background check in accordance  
11          with procedures established by the Secretary.

12          “(f) TRAINING.—The Secretary shall create a train-  
13          ing and certification program for Border Corps volunteers  
14          in accordance with the specific tasks and functions in  
15          which they participate.

16          “(g) TRAVEL EXPENSES.—When any member of the  
17          Border Corps is assigned to such duty the member may,  
18          pursuant to regulations issued by the Secretary, be paid  
19          actual necessary traveling expenses, including a per diem  
20          allowance in lieu of subsistence in conformity with stand-  
21          ardized Federal Government travel regulations, while trav-  
22          eling and while on duty away from home. No per diem  
23          shall be paid for any period during which quarters and  
24          subsistence in kind are furnished by the Federal Govern-  
25          ment.

1 “(h) DISENROLLMENT.—Members of the Border  
2 Corps may be disenrolled at any time, with or without  
3 cause, by the Secretary or the member.

4 “(i) BORDER PATROL STAFFING.—

5 “(1) IN GENERAL.—In accepting the services of  
6 individuals as volunteers through the Border Corps  
7 program, the Secretary shall not permit the use of  
8 volunteers to displace any employee.

9 “(2) AUTHORIZATION FOR INCREASE IN BOR-  
10 DER PATROL AGENTS.—The Secretary shall increase  
11 the number of full-time active-duty Border Patrol  
12 agents in accordance with section 5202 of the Intel-  
13 ligence Reform and Terrorism Prevention Act of  
14 2004 (Public Law 108–458; 118 Stat. 3734).”.

15 (b) CLERICAL AMENDMENT.—The table of contents  
16 in section 1(b) of such Act is amended by adding after  
17 the item relating to section 890 the following:

“Sec. 890A. Citizen corps.

“Sec. 890B. Border corps.”.

#### 18 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) CITIZEN CORPS.—There are authorized to be ap-  
20 propriated to carry out section 890A of the Homeland Se-  
21 curity Act of 2002, as added by section 3 of this Act,  
22 \$50,000,000 for each of fiscal years 2007 through 2012.

23 (b) BORDER CORPS.—There are authorized to be ap-  
24 propriated to carry out section 890B of the Homeland Se-

1 curity Act of 2002, as added by section 3 of this Act,  
2 \$20,000,000 for each of fiscal years 2007 through 2012.

○