119TH CONGRESS
2D SESSION

S. _____

To amend the Homeland Security Act of 2002 and titles 10 and 32, United States Code, to authorize the National Guard to protect certain facilities and assets from unmanned aircraft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Homeland Security Act of 2002 and titles 10 and 32, United States Code, to authorize the National Guard to protect certain facilities and assets from unmanned aircraft, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Guard the Skies Act''.

SEC. 2. AUTHORIZATION OF THE NATIONAL GUARD TO PROTECT CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.

(a) HOMELAND SECURITY ACT OF 2002.—Section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting ''and the Secretary of Defense'' before the period; and

(B) in paragraph (4)—

(i) by striking ''Administrator of the Federal Aviation Administration'' and inserting ''following:

''(A) The Administrator of the Federal Aviation Administration,''; and

(ii) by adding at the end the following:

''(B) The Secretary of Defense, if an action under subsection (l)(3)(C)(iii) is requested by the chief executive officer of a State pursuant to section 130j of title 10, United States Code.'';

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) in the subparagraph heading, by inserting ''AND DEPARTMENT OF DEFENSE'' after ''DEPARTMENT OF TRANSPORTATION''; and

(ii) by inserting ''and the Secretary of Defense'' before the period; and

(B) in subparagraph (B)—

(i) in the subparagraph heading, by inserting ''AND DEFENSE'' after ''SAFETY'';

(ii) by striking ''Secretary of Transportation and the Administrator of the Federal Aviation Administration'' and inserting ''following:

''(i) The Secretary of Transportation and the Administrator of the Federal Aviation Administration,''; and

(iii) by adding at the end the following:

''(ii) The Secretary of Defense, before issuing any guidance, or otherwise implementing this section, if such guidance or implementation might affect actions pursuant to section 130j of title 10, United States Code.'';

(3) in subsection (e)(5), by inserting ", the Department of Defense," after "Department of Homeland Security"; and

(4) in subsection (l)(3)(C)(iii)(I), by inserting "(as defined in section 2001)" after "National Special Security Event".

(b) TITLE 10, UNITED STATES CODE.—

(1) NATIONAL GUARD AUTHORIZATION FOR PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.—

(A) IN GENERAL.—Title 10, United States Code, is amended by inserting after section 130i the following:

"§ 130j. National Guard authorization for protection of certain facilities and assets from unmanned aircraft

"Notwithstanding section 46502 of title 49 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, the Secretary of Defense may, at the request of the chief executive officer of a State with respect to a mission described in subsection (l)(3)(C)(iii) of section 210G of the Homeland Security Act of 2002 (6 U.S.C. 124n), authorize members of the National Guard to take the actions authorized by subsection (a)(1) of such section 210G, if such members satisfy the following requirements:

''(1) Are ordered to duty under this title or title 32.

''(2) Are assigned duties referred to in subsection (a) of section 130i.''.

(B) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 10, United States Code, is amended by inserting after the item relating to section 130i the following:

''130j. National Guard authorization for protection of certain facilities and assets from unmanned aircraft.''.

(2) SELECTED RESERVE AND CERTAIN INDIVIDUAL READY RESERVE MEMBERS; ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 12304(b) of title 10, United States Code, is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving such subparagraphs, as so redesignated, 2 ems to the right; and

(B) by striking ''in responding to an emergency involving—'' and inserting ''in—

''(1) taking actions pursuant to section 130j; or

''(2) responding to an emergency involving—''.

(c) TITLE 32, UNITED STATES CODE.—Section 502(f)(2) of title 32, United States Code, is amended by adding at the end the following:

"(C) Support of actions pursuant to section 130j of title 10.".