

119TH CONGRESS  
2D SESSION

# H. R. 8697

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.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2026

Mr. McCAUL (for himself, Mr. GOTTHEIMER, Mr. CRANE, Ms. KAPTUR, Mr. BAUMGARTNER, and Ms. HOULAHAN) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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.

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 “Guard the Skies Act”.

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

4 (a) HOMELAND SECURITY ACT OF 2002.—Section  
5 210G of the Homeland Security Act of 2002 (6 U.S.C.  
6 124n) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (2), by inserting “and  
9 the Secretary of Defense” before the period;  
10 and

11 (B) in paragraph (4)—

12 (i) by striking “Administrator of the  
13 Federal Aviation Administration” and in-  
14 serting “following:

15 “(A) The Administrator of the Federal  
16 Aviation Administration,”; and

17 (ii) by adding at the end the following  
18 new subparagraph:

19 “(B) The Secretary of Defense, if an ac-  
20 tion under subsection (l)(3)(C)(iii) is requested  
21 by the chief executive officer of a State pursu-  
22 ant to section 130j of title 10, United States  
23 Code.”;

24 (2) in subsection (d)(3)—

25 (A) in subparagraph (A)—

1 (i) in the heading, by inserting “AND  
2 DEPARTMENT OF DEFENSE” after “DE-  
3 PARTMENT OF TRANSPORTATION”; and

4 (ii) by inserting “and the Secretary of  
5 Defense” before the period; and  
6 (B) in subparagraph (B)—

7 (i) in the heading, by inserting “AND  
8 DEFENSE” after “SAFETY”;

9 (ii) by striking “Secretary of Trans-  
10 portation and the Administrator of the  
11 Federal Aviation Administration” and in-  
12 serting “following:

13 “(i) The Secretary of Transportation  
14 and the Administrator of the Federal Avia-  
15 tion Administration,”; and

16 (iii) by adding at the end the fol-  
17 lowing new clause:

18 “(ii) The Secretary of Defense, before  
19 issuing any guidance, or otherwise imple-  
20 menting this section, if such guidance or  
21 implementation might affect actions pursu-  
22 ant to section 130j of title 10, United  
23 States Code.”;

1 (3) in subsection (e)(5), by inserting “, the De-  
 2 partment of Defense,” after “Department of Home-  
 3 land Security”; and

4 (4) in subsection (l)(3)(C)(iii)(I), by inserting  
 5 “(as such term is defined in section 2001)” after  
 6 “National Special Security Event”.

7 (b) TITLE 10, UNITED STATES CODE.—

8 (1) NATIONAL GUARD AUTHORIZATION FOR  
 9 PROTECTION OF CERTAIN FACILITIES AND ASSETS  
 10 FROM UNMANNED AIRCRAFT.—Title 10, United  
 11 States Code, is amended by inserting after section  
 12 130i the following new section:

13 **“§ 130j. National Guard authorization for protection**  
 14 **of certain facilities and assets from un-**  
 15 **manned aircraft**

16 “Notwithstanding section 46502 of title 49 or sec-  
 17 tions 32, 1030, 1367 and chapters 119 and 206 of title  
 18 18, the Secretary of Defense may, at the request of the  
 19 chief executive officer of a State with respect to a mission  
 20 described in subsection (l)(3)(C)(iii) of section 210G of the  
 21 Homeland Security Act of 2002 (6 U.S.C. 124n), author-  
 22 ize members of the National Guard to take the actions  
 23 authorized by subsection (a)(1) of such section 210G, if  
 24 such members satisfy the following requirements:

1 “(1) Are ordered to duty under this title or title  
2 32.

3 “(2) Are assigned duties referred to in sub-  
4 section (a) of section 130i.”.

5 (2) SELECTED RESERVE AND CERTAIN INDI-  
6 VIDUAL READY RESERVE MEMBERS; ORDER TO AC-  
7 TIVE DUTY OTHER THAN DURING WAR OR NATIONAL  
8 EMERGENCY.—Subsection (b) of section 12304 of  
9 title 10, United States Code, is amended—

10 (A) by redesignating paragraphs (1) and  
11 (2) as subparagraphs (A) and (B), respectively,  
12 and moving such subparagraphs, as so redesign-  
13 ated, two ems to the right; and

14 (B) by striking “in responding to an emer-  
15 gency involving—” and inserting “in—

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

17 “(2) responding to an emergency involving—”.

18 (c) TITLE 32, UNITED STATES CODE.—Subsection  
19 (f)(2) of section 502 of title 32, United States Code, (re-  
20 lating to required drills and field exercises) is amended  
21 by adding at the end the following new subparagraph:

22 “(C) Support of actions pursuant to section  
23 130j of title 10.”.

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