

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To improve the operation of the Department of Homeland Security's  
Unmanned Aircraft System Program.

---

IN THE SENATE OF THE UNITED STATES

Mr. MCCAIN (for himself, Mr. FLAKE, and Ms. AYOTTE) introduced the fol-  
lowing bill; which was read twice and referred to the Committee on

---

## **A BILL**

To improve the operation of the Department of Homeland  
Security's Unmanned Aircraft System Program.

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. DEFINITIONS.**

4       In this Act:

5           (1) **ILLEGAL BORDER ACTIVITIES.**—The term  
6       “illegal border activities” means the illegal traf-  
7       ficking or smuggling of an individual or controlled  
8       substances or activities to further a Federal crime  
9       relating to United States immigration, customs, con-

1 trolled substances, agriculture, monetary instru-  
2 ments, or other border controls.

3 (2) SOUTHERN BORDER.—The term “Southern  
4 border” means the international border between the  
5 United States and Mexico.

6 (3) UAS.—The term “UAS” means unmanned  
7 aircraft systems.

8 **SEC. 2. PERSISTENT SURVEILLANCE ALONG THE SOUTH-**  
9 **ERN BORDER.**

10 (a) IN GENERAL.—The Department of Homeland Se-  
11 curity shall fully utilize surveillance and detection capabili-  
12 ties developed or used by the various Federal departments  
13 and agencies for the purpose of enhancing the functioning  
14 and operational capability to conduct continuous and inte-  
15 grated manned or unmanned, monitoring, sensing, or sur-  
16 veillance of 100 percent of Southern border mileage or the  
17 immediate vicinity of the Southern border.

18 (b) PROCUREMENT OF ADDITIONAL UNMANNED AIR-  
19 CRAFT SYSTEMS.—

20 (1) IN GENERAL.—The Secretary of Homeland  
21 Security may not procure any additional UAS until  
22 after the Secretary provides Congress with written  
23 certification that the Department of Homeland Se-  
24 curity successfully operated its current fleet of UAS

1 at least 23,000 hours during the preceding calendar  
2 year.

3 (2) EXEMPTION.—The limitation set forth in  
4 paragraph (1) shall not apply to the procurement of  
5 unmanned aircraft that do not weigh more than 150  
6 pounds.

7 (c) USE OF BEST AVAILABLE RADAR AND SURVEIL-  
8 LANCE TECHNOLOGY.—The Department of Homeland Se-  
9 curity shall use the best available radar and surveillance  
10 technology—

11 (1) to increase awareness of illegal border ac-  
12 tivities along the Southern border; and

13 (2) to identify gaps in surveillance capabilities.

14 **SEC. 3. REPORT TO CONGRESS.**

15 Not later than 90 days after the date of the enact-  
16 ment of this Act, and biannually thereafter, the Secretary  
17 of Homeland Security shall submit a report to the Com-  
18 mittee on Homeland Security and Governmental Affairs  
19 of the Senate and the Committee on Homeland Security  
20 of the House of Representatives that contains, for the re-  
21 porting period—

22 (1) the total number of UAS hours required to  
23 provide persistent surveillance along the Southern  
24 border;

1           (2) the total number of UAS flight hours  
2           planned in support of any Federal or State depart-  
3           ment or agency;

4           (3) the number of planned UAS flight hours in  
5           support of the goal referred to in paragraph (1);

6           (4) the number of hours in which UAS were  
7           flown in support of the goal referred to in paragraph  
8           (1);

9           (5) the number of planned UAS flight hours in  
10          support of the goal referred to in paragraph (1) that  
11          were cancelled before takeoff, including the reason  
12          for such cancellations;

13          (6) performance measures regarding—

14                 (A) the number of hours flown by the cur-  
15                 rent fleet of UAS operated by the Department  
16                 of Homeland Security;

17                 (B) the number of subjects detected  
18                 though the use of UAS;

19                 (C) the number of apprehensions assisted  
20                 by the use of UAS; and

21                 (D) the number and quantity of illicit drug  
22                 seizures assisted by the use of UAS; and

23          (7) all accumulated cost associated with the  
24          Unmanned Aircraft System Program within the De-  
25          partment of Homeland Security, including—

1 (A) salaries of pilots; and

2 (B) costs associated with radar and sur-  
3 veillance technology.

4 **SEC. 4. INTERAGENCY COLLABORATION.**

5 The Secretary of Homeland Security shall consult  
6 with the Secretary of Defense to identify the best practices  
7 used by the Department of Defense that could also be used  
8 by the Department of Homeland Security to improve the  
9 security of the Southern border by enhancing wide aerial  
10 surveillance and fulfilling the requirements set forth in  
11 section 2.

12 **SEC. 5. SUNSET.**

13 This Act shall be repealed on the date that is 5 years  
14 after the date of the enactment of this Act.