

118TH CONGRESS
2D SESSION

S. 4294

To direct the Secretary of Homeland Security to negotiate with the Government of Canada regarding an agreement for integrated cross border aerial law enforcement operations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2024

Ms. HASSAN (for herself and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To direct the Secretary of Homeland Security to negotiate with the Government of Canada regarding an agreement for integrated cross border aerial law enforcement operations, 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 “Cross Border Aerial
5 Law Enforcement Operations Act”.

1 **SEC. 2. INTEGRATED CROSS BORDER AERIAL LAW EN-**
2 **FORCEMENT OPERATIONS PROGRAM.**

3 (a) **AUTHORIZATION.**—If authorized pursuant to a bi-
4 lateral agreement between the United States Government
5 and the Government of Canada, the Secretary of Home-
6 land Security may establish an integrated cross border
7 aerial law enforcement program (referred to in this section
8 as the “Program”) along the international border between
9 the United States and Canada, which should be modeled
10 off the Framework Agreement on Integrated Cross-Border
11 Maritime Law Enforcement Operations Between the Gov-
12 ernment of the United States of America and the Govern-
13 ment of Canada, done at Detroit May 26, 2009.

14 (b) **PROGRAM ELEMENTS.**—

15 (1) **PARTICIPANTS.**—The Program may be
16 staffed by approved law enforcement officers from—

17 (A) U.S. Customs and Border Protection,
18 including personnel from Air and Marine Oper-
19 ations, U.S. Border Patrol, or the Office of
20 Field Operations;

21 (B) the United States Coast Guard; and

22 (C) any other Federal law enforcement
23 agency designated by the Secretary of Home-
24 land Security.

25 (2) **SCOPE.**—The jurisdiction of the Program
26 shall be limited to the territory located within 50

1 miles of the international border between the United
2 States and Canada unless—

3 (A) a situation within such territory re-
4 quires an aircraft to leave from or return to an
5 airport, heliport, or base of operations located
6 outside such territory; or

7 (B) there are exigent circumstances relat-
8 ing to authorized Program activities, including
9 an emergency on an aircraft or an emergency
10 on the ground.

11 (3) CIVIL RIGHTS.—The Program shall ensure
12 that the civil rights, civil liberties, and privacy of all
13 individuals within the jurisdiction of the United
14 States are guaranteed in accordance with Federal
15 law.

16 (c) COMMUNICATIONS.—U.S. Customs and Border
17 Protection and any other law enforcement agency des-
18 ignated by the Secretary of Homeland Security are au-
19 thorized to establish necessary communication protocols
20 for the safety of cross border aerial law enforcement oper-
21 ations.

22 (d) REPORTING REQUIREMENTS.—

23 (1) UNMANNED AIRCRAFT SYSTEM REPORT.—
24 Not later than 1 year after the date of the enact-
25 ment of this Act, the Secretary of Homeland Secu-

1 rity shall submit a report to the Committee on
2 Homeland Security and Governmental Affairs of the
3 Senate, the Committee on Foreign Relations of the
4 Senate, the Committee on Homeland Security of the
5 House of Representatives, and the Committee on
6 Foreign Affairs of the House of Representatives that
7 describes the use of unmanned aircraft systems (re-
8 ferred to in this paragraph as “UAS”) along the
9 northern international border of the United States,
10 including—

11 (A) interagency coordination to mitigate
12 incursions from unauthorized UAS;

13 (B) any jurisdictional issues that would
14 prevent the mitigation of unauthorized UAS;

15 (C) the use of UAS by malign actors—

16 (i) to collect intelligence or surveil law
17 enforcement operations;

18 (ii) to move contraband, persons, or
19 payloads across the international border;

20 or

21 (iii) to conduct espionage; and

22 (D) an assessment of the feasibility for
23 joint, cross-border law enforcement operations
24 involving UAS or counter-unmanned aircraft
25 systems.

1 (2) FAILURE TO FINALIZE PROGRAM REPORT.—

2 If the Program is not finalized on or before the date
3 that is 2 years after the date of the enactment of
4 this Act, the Secretary of Homeland Security shall
5 submit a report to the committees referred to in
6 paragraph (1) that includes—

7 (A) a description of any unresolved issues
8 that are preventing the completion of such Pro-
9 gram;

10 (B) any actions that Congress could take
11 to facilitate the completion of such Program;
12 and

13 (C) a recommendation regarding wheth-
14 er—

15 (i) the Secretary should continue try-
16 ing to establish such Program; or

17 (ii) such Program is not needed.

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