

**Calendar No. 690**118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 4294****[Report No. 118–287]**

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.

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**IN THE SENATE OF THE UNITED STATES**

MAY 8, 2024

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

DECEMBER 9, 2024

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cross Border Aerial  
3 Law Enforcement Operations Act”.

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

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

17 (b) **PROGRAM ELEMENTS.**—

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

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

24 (B) the United States Coast Guard; and

1           (C) any other Federal law enforcement  
2           agency designated by the Secretary of Home-  
3           land Security.

4           (2) SCOPE.—The jurisdiction of the Program  
5           shall be limited to the territory located within 50  
6           miles of the international border between the United  
7           States and Canada unless—

8                   (A) a situation within such territory re-  
9                   quires an aircraft to leave from or return to an  
10                  airport, heliport, or base of operations located  
11                  outside such territory; or

12                   (B) there are exigent circumstances relat-  
13                  ing to authorized Program activities, including  
14                  an emergency on an aircraft or an emergency  
15                  on the ground.

16           (3) CIVIL RIGHTS.—The Program shall ensure  
17           that the civil rights, civil liberties, and privacy of all  
18           individuals within the jurisdiction of the United  
19           States are guaranteed in accordance with Federal  
20           law.

21           (e) COMMUNICATIONS.—U.S. Customs and Border  
22           Protection and any other law enforcement agency des-  
23           ignated by the Secretary of Homeland Security are au-  
24           thorized to establish necessary communication protocols

1 for the safety of cross border aerial law enforcement oper-  
2 ations.

3 ~~(d) REPORTING REQUIREMENTS.—~~

4 ~~(1) UNMANNED AIRCRAFT SYSTEM REPORT.—~~

5 Not later than 1 year after the date of the enact-  
6 ment of this Act, the Secretary of Homeland Secu-  
7 rity shall submit a report to the Committee on  
8 Homeland Security and Governmental Affairs of the  
9 Senate, the Committee on Foreign Relations of the  
10 Senate, the Committee on Homeland Security of the  
11 House of Representatives, and the Committee on  
12 Foreign Affairs of the House of Representatives that  
13 describes the use of unmanned aircraft systems (re-  
14 ferred to in this paragraph as “UAS”) along the  
15 northern international border of the United States,  
16 including—

17 ~~(A) interagency coordination to mitigate~~  
18 ~~incursions from unauthorized UAS;~~

19 ~~(B) any jurisdictional issues that would~~  
20 ~~prevent the mitigation of unauthorized UAS;~~

21 ~~(C) the use of UAS by malign actors—~~

22 ~~(i) to collect intelligence or surveil law~~  
23 ~~enforcement operations;~~

1 (ii) to move contraband, persons, or  
2 payloads across the international border;

3 or

4 (iii) to conduct espionage; and

5 (D) an assessment of the feasibility for  
6 joint, cross-border law enforcement operations  
7 involving UAS or counter-unmanned aircraft  
8 systems.

9 ~~(2) FAILURE TO FINALIZE PROGRAM REPORT.—~~

10 If the Program is not finalized on or before the date  
11 that is 2 years after the date of the enactment of  
12 this Act, the Secretary of Homeland Security shall  
13 submit a report to the committees referred to in  
14 paragraph ~~(1)~~ that includes—

15 ~~(A) a description of any unresolved issues~~  
16 ~~that are preventing the completion of such Pro-~~  
17 ~~gram;~~

18 ~~(B) any actions that Congress could take~~  
19 ~~to facilitate the completion of such Program;~~  
20 ~~and~~

21 ~~(C) a recommendation regarding wheth-~~  
22 ~~er—~~

23 ~~(i) the Secretary should continue try-~~  
24 ~~ing to establish such Program; or~~

25 ~~(ii) such Program is not needed.~~

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Cross Border Aerial Law*  
3 *Enforcement Operations Act”.*

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

6 (a) *AUTHORIZATION.*—*The Secretary of Homeland Se-*  
7 *curity may establish, pursuant to a bilateral agreement*  
8 *with the Government of Canada, an integrated cross border*  
9 *aerial law enforcement program (referred to in this section*  
10 *as the “Program”) along the international border between*  
11 *the United States and Canada, which may be modeled off*  
12 *the Framework Agreement on Integrated Cross-Border Mar-*  
13 *itime Law Enforcement Operations Between the Govern-*  
14 *ment of the United States of America and the Government*  
15 *of Canada, done at Detroit May 26, 2009.*

16 (b) *PROGRAM ELEMENTS.*—

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

19 (A) *U.S. Customs and Border Protection;*

20 (B) *the United States Coast Guard;*

21 (C) *Homeland Security Investigations;*

22 (D) *any other Federal law enforcement*  
23 *agency, as appropriate, designated by the Sec-*  
24 *retary of Homeland Security; and*

25 (E) *appropriate law enforcement agencies of*  
26 *the Government of Canada.*

1           (2) *SCOPE.*—*The jurisdiction of the Program*  
2 *shall be limited to the territory located within 50*  
3 *miles of either side of the international border be-*  
4 *tween the United States and Canada unless—*

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

9                   (B) *there are exigent circumstances relating*  
10 *to authorized Program activities, as defined in*  
11 *the underlying bilateral agreement, including an*  
12 *emergency on an aircraft or an emergency on the*  
13 *ground.*

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

19           (4) *NOTIFICATION REQUIREMENTS.*—

20                   (A) *BILATERAL AGREEMENT.*—*Not later*  
21 *than 30 days after receiving a copy of a bilateral*  
22 *agreement described in subsection (a), the Sec-*  
23 *retary of Homeland Security shall submit a*  
24 *signed copy of such agreement to the Committee*  
25 *on Homeland Security and Governmental Af-*

1       *fairs of the Senate, the Committee on Foreign*  
 2       *Relations of the Senate, the Committee on Home-*  
 3       *land Security of the House of Representatives,*  
 4       *and the Committee on Foreign Affairs of the*  
 5       *House of Representatives.*

6               *(B) PROGRAM ELEMENTS AND SCOPE.—Not*  
 7       *later than 30 days after the implementation of*  
 8       *the Program, the Secretary of Homeland Secu-*  
 9       *rity shall submit a written description of the ele-*  
 10       *ments and scope of the Program to the congres-*  
 11       *sional committees listed under subparagraph*  
 12       *(A).*

13               *(5) PRIVACY, CIVIL RIGHTS, AND CIVIL LIB-*  
 14       *ERTIES TRAINING.—*

15               *(A) IN GENERAL.—Any agreement described*  
 16       *in subsection (a) shall include specific provisions*  
 17       *that—*

18                       *(i) are intended to protect the privacy*  
 19                       *and civil liberties of United States citizens;*  
 20                       *and*

21                       *(ii) ensure that cross border aerial law*  
 22                       *enforcement operations are conducted in a*  
 23                       *manner that—*

24                                       *(I) respects individual rights; and*



1                                   (ii) complies with applicable  
2                                   United States laws.

3                                   (B) TRAINING.—Any officer of the United  
4                                   States or of Canada, before participating in the  
5                                   Program, shall complete sufficient training to  
6                                   ensure they understand their responsibilities to  
7                                   protect the privacy, civil liberties, and civil  
8                                   rights of United States citizens.

9                                   (c) COMMUNICATIONS.—Each of the agencies referred  
10 to in subsection (b)(1) are authorized to establish necessary  
11 communication protocols for the safety of cross border aerial  
12 law enforcement operations.

13                                  (d) FAILURE TO FINALIZE PROGRAM REPORT.—If the  
14 Program is not established on or before the date that is 2  
15 years after the date of the enactment of this Act, the Sec-  
16 retary of Homeland Security shall submit a report to the  
17 congressional committees referred to in subsection (b)(4)(A)  
18 that includes—

19                                   (1) a description of any unresolved issues that  
20                                   are preventing the establishment of the Program;

21                                   (2) any actions that Congress could take to fa-  
22                                   cilitate the establishment of such Program;

23                                   (3) any potential concerns relating to civil  
24                                   rights, civil liberties, or privacy that have impacted  
25                                   the establishment of the Program; and

- 1           (4) a recommendation regarding whether—
- 2                 (A) the Secretary should continue trying to
- 3                 establish such Program; or
- 4                 (B) such Program is not needed.

5 **SEC. 3. UNMANNED AIRCRAFT SYSTEM REPORT.**

6           Not later than 1 year after the date of the enactment

7 of this Act, the Secretary of Homeland Security shall sub-

8 mit an unclassified report, with a classified annex, if nec-

9 essary, to the congressional committees referred to in section

10 2(b)(4)(A) that describes the use of unmanned aircraft sys-

11 tems (referred to in this section as “UAS”) along the north-

12 ern international border of the United States, including—

13                 (1) interagency coordination to mitigate incur-

14                 sions from unauthorized UAS;

15                 (2) any jurisdictional issues that would prevent

16                 the mitigation of unauthorized UAS;

17                 (3) the use of UAS by malign actors—

18                         (A) to collect intelligence or surveil law en-

19                         forcement operations;

20                         (B) to move contraband, persons, or pay-

21                         loads across the international border; or

22                         (C) to conduct espionage;

23                 (4) an assessment of the feasibility for joint,

24                 cross-border law enforcement operations involving

25                 UAS or counter-unmanned aircraft systems; and

1           (5) *the potential risks to civil rights, civil lib-*  
2           *erties, and privacy resulting from the Department of*  
3           *Homeland Security operating UAS and counter-un-*  
4           *manned aircraft systems along the northern border of*  
5           *the United States.*

6 **SEC. 4. NO ADDITIONAL FUNDS.**

7           *No additional funds are authorized to be appropriated*  
8           *for the purpose of carrying out this Act.*

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