

Calendar No. 257

118TH CONGRESS
1ST SESSION**S. 2291****[Report No. 118–119]**

To establish the Northern Border Coordination Center, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

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

NOVEMBER 30, 2023

Reported by Mr. PETERS, with an amendment

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

A BILL

To establish the Northern Border Coordination Center, 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 “Northern Border Co-
5 ordination Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **CENTER.**—The term “Center” means the
4 Northern Border Coordination Center established
5 pursuant to section 3.

6 (2) **C-UAS.**—The term “C-UAS” means
7 counter-unmanned aircraft systems.

8 (3) **DEPARTMENT.**—The term “Department”
9 means the Department of Homeland Security.

10 (4) **NORTHERN BORDER.**—The term “northern
11 border” means the international border between the
12 United States and Canada.

13 (5) **SECRETARY.**—The term “Secretary” means
14 the Secretary of Homeland Security.

15 (6) **UNMANNED AIRCRAFT; UNMANNED AIR-**
16 **CRAFT SYSTEMS.**—The terms “unmanned aircraft”
17 and “unmanned aircraft system” have the meanings
18 given such terms in section 44801 of title 49, United
19 States Code.

20 **SEC. 3. NORTHERN BORDER COORDINATION CENTER.**

21 (a) **ESTABLISHMENT.**—Not later than 1 year after
22 the date of the enactment of this Act, the Secretary shall
23 establish the Northern Border Coordination Center.

24 (b) **PURPOSE.**—The purpose of the Center shall be
25 to serve as the Department’s forward deployed centralized
26 coordination center for operations, domain awareness, in-

1 formation sharing, intelligence, training, and stakeholder
2 engagement with Federal, State, tribal, local, and inter-
3 national government partners along the northern border
4 of the United States at a location that is collocated with
5 an existing U.S. Border Patrol sector headquarters, the
6 U.S. Border Patrol Northern Border Coordination Center,
7 an Air and Marine Operations branch, and a United
8 States Coast Guard air station.

9 (c) COMPONENTS.—

10 (1) IN GENERAL.—The Center shall collocate
11 personnel and activities of—

12 (A) U.S. Customs and Border Protection,
13 including U.S. Border Patrol and Air and Ma-
14 rine Operations;

15 (B) the United States Coast Guard;

16 (C) Federal Law Enforcement Training
17 Centers;

18 (D) the Science and Technology Direc-
19 torate;

20 (E) other components and offices of the
21 Department that the Secretary determines to be
22 necessary; and

23 (F) additional Federal, State, tribal, local,
24 and international government partners, as the
25 Secretary determines to be necessary and ap-

1 appropriate to support operations described in
2 this Act.

3 ~~(d) FUNCTIONS.—~~The Center shall perform the func-
4 tions described in this subsection in addition to any other
5 functions assigned by the Secretary.

6 ~~(1) NORTHERN BORDER SECURITY STRAT-~~
7 ~~EGY.—~~The Center, in collaboration with relevant of-
8 fices and components of the Department, shall—

9 ~~(A)~~ serve as a coordination mechanism for
10 operational components for the implementation,
11 evaluation, and updating of the Northern Bor-
12 der Security Strategy and any successor strat-
13 egy; and

14 ~~(B)~~ support the development of best prac-
15 tices and policies for personnel at the northern
16 border to support such implementation.

17 ~~(2) TRAINING.—~~The Center shall serve as a
18 training location to support the delivery of training
19 or exercises for Department personnel and Federal,
20 State, tribal, local, and international government
21 partners.

22 ~~(3) METRICS.—~~The Center, in collaboration
23 with relevant offices and components of the Depart-
24 ment, shall coordinate the development and tracking
25 of border security metrics for the northern border.

1 (4) RESOURCE AND TECHNOLOGICAL NEEDS
2 AND CHALLENGES.—The Center, in collaboration
3 with relevant offices and components of the Depart-
4 ment, shall—

5 (A) identify resource and technological
6 needs or challenges affecting security along the
7 northern border;

8 (B) serve as a testing ground and dem-
9 onstration location for the testing of border se-
10 curity technology, including determining such
11 technology's suitability and performance in the
12 northern border and maritime environments;
13 and

14 (C) develop and test new technological ca-
15 pabilities to respond to the increased use of un-
16 manned aircraft systems, including to specifi-
17 cally improve domain awareness along the
18 northern border.

19 (5) AIR AND MARINE OPERATIONS.—

20 (A) QUICK REACTION CAPABILITIES.—In
21 support of the Center, U.S. Customs and Bor-
22 der Protection's Air and Marine Operations—

23 (i) shall establish and maintain capa-
24 bility that is collocated with the Center
25 and available for quick deployment in sup-

1 port of the northern border missions of the
2 Center, U.S. Customs and Border Protec-
3 tion, and the Department, specifically mis-
4 sions in the Great Lakes region; and

5 (ii) in coordination with the Center
6 and relevant offices and components of the
7 Department, shall evaluate requirements
8 and make recommendations to support the
9 operations of large unmanned aircraft sys-
10 tems based at the Center.

11 (B) NORTHERN BORDER DOMAIN AWARE-
12 NESS.—In order to coordinate with the Center
13 and support its operations, the Air and Marine
14 Operations Center shall establish a unit at the
15 Center to provide the Center the capability—

16 (i) to support air and maritime do-
17 main awareness and information sharing
18 efforts along the northern border;

19 (ii) to provide dedicated monitoring of
20 northern border systems; and

21 (iii) to lead, in coordination with other
22 U.S. Customs and Border Protection com-
23 ponents, Federal, State, tribal, local, and
24 international governments, and private sec-
25 tor partners, the Center's efforts to track

1 and monitor legitimate cross-border traffic
2 involving unmanned aircraft and un-
3 manned aircraft systems.

4 (6) COUNTER-UNMANNED AIRCRAFT SYS-
5 TEMS.—The Center shall support counter-unmanned
6 aircraft systems operations along the northern bor-
7 der to respond to the increased use of unmanned
8 aircraft systems.

9 (7) PRIVACY AND CIVIL RIGHTS.—The Center,
10 in collaboration with the Chief Privacy Officer and
11 the Office for Civil Rights and Civil Liberties of the
12 Department, shall ensure that operations and prac-
13 tices of the Center comply with the privacy and civil
14 rights policies of the Department and its compo-
15 nents.

16 (e) ANNUAL REPORTING.—Not later than 180 days
17 after the establishment of the Center, and annually there-
18 after, the Secretary shall submit a report to the Com-
19 mittee on Homeland Security and Governmental Affairs
20 of the Senate and the Committee on Homeland Security
21 of the House of Representatives that describes the activi-
22 ties of the Center during the most recently concluded fis-
23 cal year, including—

24 (1) personnel levels;

1 (2) additional resources that are needed to sup-
 2 port the operations of the Center and northern bor-
 3 der operations of the Department; and

4 (3) any additional assets or authorities that are
 5 needed to increase security and domain awareness
 6 along the northern border.

7 **SECTION 1. SHORT TITLE.**

8 *This Act may be cited as the “Northern Border Coordi-
 9 nation Act”.*

10 **SEC. 2. DEFINITIONS.**

11 *In this Act:*

12 (1) *CENTER.*—*The term “Center” means the
 13 Northern Border Coordination Center established pur-
 14 suant to section 3.*

15 (2) *DEPARTMENT.*—*The term “Department”
 16 means the Department of Homeland Security.*

17 (3) *NORTHERN BORDER.*—*The term “northern
 18 border” means the international border between the
 19 United States and Canada.*

20 (4) *SECRETARY.*—*The term “Secretary” means
 21 the Secretary of Homeland Security.*

22 **SEC. 3. NORTHERN BORDER COORDINATION CENTER.**

23 (a) *ESTABLISHMENT.*—*Not later than 1 year after the
 24 date of the enactment of this Act, the Secretary shall estab-
 25 lish the Northern Border Coordination Center.*

1 (b) *PURPOSE.*—*The purpose of the Center shall be to*
2 *serve as the Department’s forward deployed centralized co-*
3 *ordination center for operations, domain awareness, infor-*
4 *mation sharing, intelligence, training, and stakeholder en-*
5 *gagement with Federal, State, tribal, local, and inter-*
6 *national government partners along the northern border of*
7 *the United States. The Center shall be placed along the*
8 *northern border at a location that is collocated with an ex-*
9 *isting U.S. Border Patrol sector headquarters, an Air and*
10 *Marine Operations branch, and a United States Coast*
11 *Guard air station, and other existing Department activi-*
12 *ties.*

13 (c) *COMPONENTS.*—

14 (1) *IN GENERAL.*—*The Center shall collocate per-*
15 *sonnel and activities of—*

16 (A) *U.S. Customs and Border Protection,*
17 *including U.S. Border Patrol and Air and Ma-*
18 *rine Operations;*

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

20 (C) *U.S. Immigration and Customs En-*
21 *forcement’s Homeland Security Investigations;*

22 (D) *other components and offices of the De-*
23 *partment that the Secretary determines to be*
24 *necessary, including to support the training,*

1 *technology testing, and development described in*
2 *subsection (d); and*

3 *(E) additional Federal, State, tribal, local,*
4 *and international government partners, as the*
5 *Secretary determines to be necessary and appro-*
6 *priate to support the coordination of operations*
7 *described in this Act.*

8 *(d) FUNCTIONS.—The Center shall perform the func-*
9 *tions described in this subsection in addition to any other*
10 *functions assigned by the Secretary.*

11 *(1) NORTHERN BORDER STRATEGY.—The Center,*
12 *in collaboration with relevant offices and components*
13 *of the Department, shall—*

14 *(A) serve as a coordination mechanism for*
15 *operational components for the implementation,*
16 *evaluation, and updating of the Northern Border*
17 *Strategy and any successor strategy; and*

18 *(B) support the development of best prac-*
19 *tices and policies for personnel at the northern*
20 *border to support such implementation.*

21 *(2) TRAINING.—The Center shall serve as a*
22 *training location to support the delivery of training*
23 *or exercises for Department personnel and Federal,*
24 *State, tribal, local, and international government*
25 *partners.*

1 (3) *METRICS.*—*The Center, in collaboration with*
2 *relevant offices and components of the Department,*
3 *shall coordinate the development and tracking of bor-*
4 *der security metrics for the northern border.*

5 (4) *RESOURCE AND TECHNOLOGICAL NEEDS AND*
6 *CHALLENGES.*—*The Center, in collaboration with rel-*
7 *evant offices and components of the Department,*
8 *shall—*

9 (A) *identify resource and technological*
10 *needs or challenges affecting security along the*
11 *northern border; and*

12 (B) *serve as a testing ground and dem-*
13 *onstration location for the testing of border secu-*
14 *rity technology, including determining such tech-*
15 *nology's suitability and performance in the*
16 *northern border and maritime environments.*

17 (5) *AIR AND MARINE OPERATIONS.*—

18 (A) *QUICK REACTION CAPABILITIES.*—*In*
19 *support of the Center, U.S. Customs and Border*
20 *Protection's Air and Marine Operations—*

21 (i) *shall establish and maintain capa-*
22 *bility that is collocated with the Center and*
23 *available for quick deployment in support of*
24 *the northern border missions, U.S. Customs*
25 *and Border Protection, and the Depart-*

1 *ment, including missions in the Great*
2 *Lakes region; and*

3 *(ii) in coordination with the Center*
4 *and relevant offices and components of the*
5 *Department, shall evaluate requirements*
6 *and make recommendations to support the*
7 *operations of large unmanned aircraft sys-*
8 *tems based at the Center.*

9 *(B) NORTHERN BORDER DOMAIN AWARE-*
10 *NESS.—In order to coordinate with the Center*
11 *and support its operations, the Air and Marine*
12 *Operations Center shall collocate personnel and*
13 *resources with the Center to enhance the Depart-*
14 *ment’s capabilities to—*

15 *(i) support air and maritime domain*
16 *awareness and information sharing efforts*
17 *along the northern border;*

18 *(ii) provide dedicated monitoring of*
19 *northern border systems; and*

20 *(iii) lead, in coordination with other*
21 *U.S. Customs and Border Protection com-*
22 *ponents, Federal, State, tribal, local, and*
23 *international governments, and private sec-*
24 *tor partners, the Center’s efforts to track*
25 *and monitor legitimate cross-border traffic*

1 *involving unmanned aircraft and un-*
2 *manned aircraft systems.*

3 (6) *COUNTER-UNMANNED AIRCRAFT SYSTEMS.—*

4 *Pursuant to policies established by the Secretary, the*
5 *Center shall support counter-unmanned aircraft sys-*
6 *tems operations along the northern border to respond*
7 *to the increased use of unmanned aircraft systems.*
8 *Such support may involve development, testing, and*
9 *evaluation of technologies.*

10 (7) *PRIVACY AND CIVIL RIGHTS.—The Center, in*
11 *collaboration with the Chief Privacy Officer and the*
12 *Office for Civil Rights and Civil Liberties of the De-*
13 *partment, shall ensure that operations and practices*
14 *of the Center comply with the privacy and civil rights*
15 *policies of the Department and its components.*

16 (e) *ANNUAL REPORTING.—Not later than 180 days*
17 *after the establishment of the Center, and annually there-*
18 *after, the Secretary shall submit a report to the Committee*
19 *on Homeland Security and Governmental Affairs of the*
20 *Senate and the Committee on Homeland Security of the*
21 *House of Representatives that describes the activities of the*
22 *Center during the most recently concluded fiscal year, in-*
23 *cluding—*

24 (1) *personnel levels;*

1 (2) *additional resources that are needed to sup-*
2 *port the operations of the Center and northern border*
3 *operations of the Department; and*

4 (3) *any additional assets or authorities that are*
5 *needed to increase security and domain awareness*
6 *along the northern border.*

7 (f) *TEMPORARY DUTY ASSIGNMENTS.—The Secretary*
8 *shall submit a quarterly report to the Committee on Home-*
9 *land Security and Governmental Affairs of the Senate and*
10 *the Committee on Homeland Security of the House of Rep-*
11 *resentatives regarding temporary duty assignments of U.S.*
12 *Border Patrol agents during the reporting period, includ-*
13 *ing—*

14 (1) *the number of agents on temporary duty as-*
15 *signment;*

16 (2) *the duration of the temporary duty assign-*
17 *ment; and*

18 (3) *the sectors from which the agents were as-*
19 *signed.*

20 (g) *RULE OF CONSTRUCTION.—The Center established*
21 *pursuant to subsection (a) shall be established separate and*
22 *distinct from the Secretary’s authorities under section 708*
23 *of the Homeland Security Act of 2002 (6 U.S.C. 348).*

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