



**STATEMENT**

**OF**

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**BEFORE**

**THE UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE**

*Beyond Borders: Are the Department of Homeland Security's International Agreements  
Ensuring Actionable Intelligence to Combat Threats to the U.S. Homeland?*

**July 30, 2012**

Chairman Meehan, Ranking Member Higgins, and members of the Subcommittee, thank you for the opportunity to provide testimony before you today. International partnerships and agreements are an integral part of the Department of Homeland Security's (DHS) efforts to combat threats to the U.S. homeland. As the Director of Canadian Affairs at the DHS's Office of International Affairs, I am pleased to discuss the Department's partnership with Canada to enhance security while facilitating lawful trade and travel.

## **The Department of Homeland Security's International Priorities**

We live in a globalized world, connected by myriad complex networks; a world in which the movement of people, goods, and ideas never stops. This openness and movement fuel the tremendous opportunities of our networked age. But, they also bring additional security challenges. These challenges – from terrorism and violent crime, to trafficking of humans and the smuggling of illicit goods, to cyber threats, violent extremism and new pandemic diseases – are evolving rapidly and require increased collaboration among international partners to achieve a rapid response. While the core mission of DHS may be domestic security, its achievement depends on efforts that extend beyond our borders.

In order to prevent threats from reaching the homeland from abroad, we work with our international partners to try to identify, detect, prevent, and respond to threats. Many of them threaten not only the United States but also our allies. To this end, we work with foreign partners to respond operationally to security threats and to share knowledge and expertise that will ultimately improve our respective capabilities. Assisting in this effort, DHS has personnel stationed in over 75 different countries, and these personnel are key to identifying, detecting and preventing threats before they reach our shores.

## **Partnership with Canada**

Our partnership with Canada is critical to both our national and economic security. At over 5,500 miles in length, the U.S.-Canada border is the longest shared common border in the world and includes both land and maritime domains. Additionally, the United States and Canada are connected by over 120 land ports of entry. There are more than 3,000 last points of departure flights from Canada into the United States each week. Roughly 300,000 people and \$1.5 billion in trade cross the U.S.-Canada border every day, and each country is the other's largest trading partner. The United States and Canada also share critical infrastructure which includes essential border and other bi-national economic infrastructure such as ports of entry, bridges, pipelines, rail lines, power grids, communications networks, and water supplies. Some communities straddle the border, with commuters who cross the border every day to go to and from work, schools, hospitals, and sporting events.

Of course, the importance of security and economic partnership with Canada is particularly evident in Buffalo, New York. In 2011, over 13 million cars, busses, and trucks crossed between the United States and Canada at the region's four crossings: Peace Bridge, Rainbow Bridge, Whirlpool Rapids Bridge, and Lewiston-Queenston Bridge. Like the United States more broadly, New York State's top export destination is Canada. In 2011, New York's exports to Canada topped \$16 billion, supporting thousands of jobs. Canada is also the largest source of foreign investment in New York.

Trade with Canada is not just important for northern border states. In fact, Canada is the top export destination for 36 of the 50 states. For example, nearly 30% of exports from Pennsylvania are destined for Canada. Pennsylvania's exports to Canada are over three times as large as the state's next most frequent foreign export destination, China.

Over time, both the United States and Canada have recognized our interdependencies and shared responsibilities and have worked closely together to expedite the secure movement of legitimate travel, while protecting our people from common threats such as terrorism, trafficking, and crime. For example, both the 2001 U.S.-Canada Smart Border Accords and the 2005 Security and Prosperity Partnership of North America demonstrated the United States' recognition that we can achieve our security goals only through collaboration with our neighbors and partners, and resulted in some important achievements such as the trusted traveler program NEXUS and enhanced law enforcement cooperation through Integrated Border Enforcement Teams. The successful bilateral collaboration supporting the 2010 Vancouver Winter Olympics thrived in areas ranging from maritime and aviation security to infrastructure improvements and emergency preparedness provides a more recent example.

### **The United States-Canada Beyond the Border Declaration and Action Plan**

Recognizing the continued importance of the U.S.-Canada partnership, President Barack Obama and Canadian Prime Minister Stephen Harper released the joint declaration, *Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness*, on February 4, 2011. This declaration committed the United States and Canada to pursue a perimeter approach to security, working together within, at, and away from the borders of our two countries to enhance our security and accelerate the legitimate flow of people, goods, and services between our two countries. *Beyond the Border* includes multiple Cabinet level departments, reflecting a true interagency effort within each government and binationally.

The Beyond the Border declaration outlines four key areas of cooperation:

- Addressing Threats Early;
- Trade Facilitation, Economic Growth, and Jobs;
- Integrated Cross-Border Law Enforcement; and
- Critical Infrastructure and Cybersecurity.

Importantly, the *Beyond the Border* declaration also committed our governments to develop a joint Action Plan outlining the specific initiatives we will undertake to realize the goals of this declaration. Following months of deliberate and constructive work with our Canadian partners, President Obama and Prime Minister Harper released the *Beyond the Border Action Plan* on December 7, 2011. The *Action Plan* specifies several initiatives in support of each of the four Key Areas of Cooperation.

To *Address Threats Early*, the United States and Canada are improving our intelligence and information sharing, and developing joint and parallel threat assessments in order to support informed risk management decisions. We are working together to uncover and disrupt threats and counter violent extremism and to enhance domain awareness. We also are enhancing our efforts to identify and screen travelers at the earliest point possible, with a common approach, including biometrics. This fall, we will pilot an integrated U.S.-Canada Entry-Exit system at the land border in which documented entry into one country serves to verify exit from the other country.

To support *Trade Facilitation, Economic Growth, and Jobs*, the United States and Canada are pursuing creative and effective solutions to manage the flow of information, goods, and people across our shared border. We are implementing common practices and streamlined procedures for customs processing and regulatory compliance, and expanding, harmonizing, and automating trusted traveler and trader programs. We are investing in modern infrastructure and technology, making our shared border more efficient and secure, and facilitating cross-border business travel. We are finalizing an integrated cargo security strategy that, among other things, ensures compatible screening methods for goods and cargo before they depart foreign ports for the United States or Canada, and consequently, accelerate subsequent border crossings between our two countries. Through US-Canada port of entry committees, we are promoting collaboration between our government officials on overall port management. We also intend to negotiate an agreement to allow for preclearance operations in the land, rail, and sea modes as well as update the existing air preclearance agreement.

To advance *Integrated Cross-Border Law Enforcement*, we will deploy regularized Shiprider operations in which U.S. and Canadian officials jointly patrol our shared waterways. Building on the successes of Shiprider as well as Integrated Border Enforcement Teams and Border Enforcement Security Taskforces, we intend to develop the next generation of integrated cross-border law enforcement operations, and pursue national security and transnational crime investigations together. To support these bilateral law enforcement efforts, we are advancing greater law enforcement interoperability and information sharing between our countries.

In order to jointly safeguard our *Critical Infrastructure and Cybersecurity*, we are working together to prevent, respond to, and recover from physical and cyber disruptions of critical infrastructure, including creating US-Canada opportunities for joint risk analysis and conducting joint outreach with stakeholders. We are also strengthening our resilience to threats and hazards that both our nations face, including further enhancing our collective preparedness and response capacity to a range of health security threats and natural and man-made disasters.

## Information and Intelligence Sharing Under the Beyond the Border Action Plan

Information and intelligence sharing support a number of initiatives in the *Beyond the Border Action Plan*. Importantly, all of our information sharing work under the *Beyond the Border Action Plan* is being conducted with respect for our separate constitutional and legal frameworks that protect privacy, civil liberties, and human rights and provide for appropriate recourse and redress. The *Beyond the Border Action Plan* committed our countries to developing joint United States-Canada Privacy Principles, which were released in June 2012. The United States-Canada Privacy Principles inform and guide information and intelligence sharing under the *Beyond the Border Action Plan*. These joint principles reflect the shared commitment of the United States and Canada to protecting privacy consistent with each country's domestic laws. Responsible sharing not only demonstrates respect for citizens' privacy and civil liberties but also facilitates and promotes the flow of accurate, relevant, and necessary information to address threats to national security and conduct law enforcement.

Areas of work include:

- Addressing agency policies that may improve information sharing by developing clear channels or mechanisms for cross-border sharing of intelligence and information;
- Promoting increased informal sharing of law enforcement intelligence, information, and evidence through police and prosecutorial channels, consistent with the respective domestic laws of each country; and
- Examining whether current frameworks should be changed to address impediments to cooperation, and to ensure that the terms of applicable laws, agreements and treaties provide the widest measure of cooperation possible.

Specific examples of information sharing initiatives under the *Beyond the Border Action Plan* include commitments to:

- Share risk assessment/targeting scenarios, and enhance real time notifications regarding the arrival of individuals on U.S. security watchlists;
- Provide access to information on those who have been removed or who have been refused admission or a visa from either country, including those with criminal convictions; and
- Implement a systematic and automated biographic information sharing capability by 2013 and biometric information sharing capability by 2014 to reduce identity fraud and enhance screening decisions, and support other administrative and enforcement actions.

Together, these initiatives will help improve immigration and border determinations, establish and verify the identities of travelers, and conduct screening at the earliest point possible.

## Oversight and Implementation of the Beyond the Border Action Plan

The *Beyond the Border Action Plan* provides implementation timeframes, describes how we will measure progress, and names a responsible agency or Department for each initiative. Numerous U.S. agencies and Departments are involved in implementing the *Beyond the Border Action Plan*, including the Departments of State, Justice, Agriculture, and Transportation. However, DHS and its component agencies are the U.S. lead for a majority of the *Beyond the Border* initiatives. The National Security Staff coordinates these efforts within the U.S. Government while bilateral management and oversight of the *Action Plan's* implementation is conducted through the Beyond the Border Executive Steering Committee, which includes senior-level representation from multiple U.S. agencies and their Canadian counterparts.

The U.S. and Canadian governments are also committed to public engagement and transparency. The input and cooperation of public and private sector stakeholders are key as the U.S. government moves forward with this ambitious *Action Plan*. Since the December 2011 announcement of the *Beyond the Border Action Plan*, the United States and Canada have participated in numerous stakeholder outreach events, including in Buffalo/Niagara Falls, New York; Detroit, Michigan; Minneapolis, Minnesota; Helena and Missoula, Montana; Cleveland, Ohio; Bellingham and Seattle, Washington; Washington, D.C.; Calgary, Alberta; Ottawa, Ontario; Toronto, Ontario; Montreal, Quebec; and Saskatoon, Saskatchewan. DHS also has solicited comments on the *Beyond the Border Action Plan* through a Federal Register Notice posted in December 2011, and the Department continues to accept input on-line at [beyondtheborder@hq.dhs.gov](mailto:beyondtheborder@hq.dhs.gov). The feedback and comments received, both in-person at outreach events, through correspondence, and online, are helping to inform the implementation efforts. All of the Beyond the Border-related documents and announcements are available online at [www.dhs.gov/beyond-the-border](http://www.dhs.gov/beyond-the-border).

Finally, to ensure continued transparency, Canada and the United States will generate a joint, public annual *Beyond the Border Implementation Report*, which will be issued yearly during the 3-year period set out in the Leaders' February 4, 2011 Declaration, with the expectation of continuation. The first such annual report will be released by December 31, 2012.

## Early Accomplishments Under the Beyond the Border Action Plan

The United States and Canada already have made significant progress in implementing the *Beyond the Border Action Plan* since December 2011. For example, as previously mentioned, the United States-Canada Joint Privacy Principles were publicly released in June 2012.

In February 2012, Canada began recognizing NEXUS members for trusted traveler lanes at passenger pre-board screening points for flights from Canada to the United States. This initiative decreases screening time for trusted travelers departing Canada for the United States by as much as 70%. The U.S. Transportation Security Administration's (TSA) intends to provide a similar benefit to trusted travelers departing the United States to Canada following the full implementation of the Pre✓™ program.

In May 2012, Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA) announced joint efforts to expand and enhance the trusted traveler program NEXUS, including conducting enrollment blitzes, implementing an expedited renewal process, and creating a plan to expand NEXUS lanes and booths at key ports of entry. Initial steps include reducing the backlog of NEXUS applicants in Ottawa, deploying a new trusted traveler kiosk at Billy Bishop Toronto City Airport, and opening a NEXUS lane at the Queenston/Lewiston Bridge. In May and June of this year, CBSA and CBP enrolled more than 1,000 new members into the NEXUS program.

Also, CBSA has announced it will extend NEXUS membership eligibility to citizens of Canada currently residing abroad, or who have recently returned to Canada. The United States amended this requirement in 2009. CBP and CBSA also announced the installation of new and advanced sensor technology at the Peace Bridge and Queenston-Lewiston Bridge that will help measure and report delays, and relay this information to travelers. As a result, people will be able to plan their routes better, time their crossing, and select the bridge with the best wait-times.

Furthermore, in May, TSA and Transport Canada also announced mutual recognition of our respective air cargo security programs, eliminating rescreening except for cause. Cargo shipped on passenger aircraft will be screened at the point of origin and will not need to be rescreened at the border or prior to upload in the other country, thereby increasing the efficiency of screening and reducing the burden on industry.

Also in May, DHS released the *Considerations for United States-Canada Border Traffic Disruption Management* guide. This guide outlines best practices and identifies critical issues to consider when developing or updating traffic management plans to ensure they are tailored to address regional requirements and individual border crossings. Following this, in June DHS released the *Compendium of U.S.-Canada Emergency Management Assistance Mechanisms*, which summarizes national-level acts, agreements, frameworks, guidance, plans, and procedures for emergency response operations, communication and coordination, preparedness, and recovery.

By the end of 2011, CBP and CBSA established joint Port of Entry Committees at the 20 largest land border ports of entry, and in June 2012, they announced the establishment of similar committees at the eight Canadian airports at which CBP conducts preclearance. The Committees help facilitate legitimate cross-border trade and travel and promote collaboration on overall port management, by, for example, identifying specific initiatives to improve border management and efficiency.

In June 2012, the Canadian Parliament passed legislation permanently authorizing the Shiprider program. Under Shiprider, U.S. and Canadian authorities jointly patrol shared waterways such as the Great Lakes, thereby removing the maritime border as an impediment to law enforcement.

In July, the Department of Agriculture's Food Safety and Inspection Service and the Canadian Food Inspection Agency announced the completion of plans to initiate a pilot project in September on import re-inspection activities for fresh meat. This project will consider alternative methods for reviewing import documents prior to the shipment's arrival at the U.S. border and alternative methods for release of shipments that are destined for further processing at a Food Safety and Inspection Service official establishment.

Other key initiatives are scheduled to be implemented by the end of 2012, including:

- Implementing an entry-exit pilot project at two to four automated common land border ports of entry, such that a record of entry into one country could be considered as a record of an exit from the other;
- Completing the first ever Joint Border Infrastructure Investment Plan, which will help ensure mutual understanding of available funding for targeted projects and the schedule, scope, and responsibilities for those projects;
- Launching pilot programs to validate and shape the implementation of the Integrated Cargo Security Strategy, with an aim toward resolving security and contraband concerns as early as possible in the supply chain or at the perimeter.
- Updating the existing air preclearance agreement and negotiating a preclearance agreement in the land, rail and marine modes to provide the legal framework and reciprocal authorities necessary for CBP and CBSA to effectively carry out their security, facilitation, and inspection processes in the other country.

### **DHS Northern Border Strategy**

Finally, I want to briefly discuss the DHS Northern Border Strategy, released in June 2012. The DHS Northern Border Strategy is the first unified DHS strategy to guide the Department's policies and operations at the U.S.-Canada border. It takes a Department-wide look at the northern border and considers all of DHS's authorities, responsibilities, and capabilities to describe a cross-cutting, all-missions approach. It is consistent with and will help advance the bilateral initiatives outlined in the *Beyond the Border Action Plan*.

The DHS Northern Border Strategy identifies three key goals:

- Deterring and preventing terrorism and smuggling, trafficking, and illegal immigration;
- Safeguarding and encouraging the efficient flow of lawful trade, travel, and immigration; and
- Ensuring community resiliency before, during, and after terrorist attacks and other disasters.

To accomplish these goals, DHS will utilize five means and methods:

- Partnerships;
- Information, intelligence, interdictions, and investigations;
- Technology;
- Infrastructure; and
- Personnel.

The DHS Northern Border Strategy recognizes that partnerships with Canada are particularly critical for enhancing northern border security. By articulating key goals and the means and methods to be used to achieve those goals, the DHS Northern Border Strategy enables the Department to be a better partner in implementing the *Beyond the Border Action Plan*.

## **Conclusion**

The proximity of Canada to the United States, the large flows of goods and people between our two countries, and the intertwined nature of our economies, communities, and the security of our citizens require that bilateral security cooperation remain a U.S. priority. The *Beyond the Border Declaration* and accompanying *Action Plan* provide the overarching vision to guide U.S.-Canada bilateral cooperation. This initiative has already and will continue to yield important security and trade and travel benefits for the American public. DHS is committed to working with partners in and outside of government on both sides of the border to see through its implementation.

Chairman Meehan, Ranking Member Higgins, and members of the Subcommittee, let me conclude by reiterating my appreciation for the opportunity to provide testimony today. I look forward to answering any questions.