



Perimeter
security &
economic
competitiveness

CANADA-UNITED STATES

BEYOND THE BORDER ACTION PLAN

IMPLEMENTATION REPORT

MARCH 2015

TABLE OF CONTENTS

I. EXECUTIVE SUMMARY	2
II. BACKGROUND	3
III. PROGRESS AND ACCOMPLISHMENTS TO DATE	4
1. ADDRESSING THREATS EARLY: STRENGTHENING THE SHARED SECURITY OF OUR COUNTRIES.....	4
2. TRADE FACILITATION, ECONOMIC GROWTH, AND JOBS: MAKING THE BORDER MORE EFFICIENT FOR TRADE AND TRAVEL	8
3. CROSS-BORDER LAW ENFORCEMENT: BUILDING ON SUCCESSES TO ENHANCE CROSS-BORDER POLICING	14
4. CRITICAL INFRASTRUCTURE AND CYBERSECURITY: ENHANCING OUR SHARED RESILIENCY	16
5. MANAGING OUR LONG TERM PARTNERSHIP	20
IV. MOVING FORWARD	21
ANNEX <i>BEYOND THE BORDER</i> FORWARD PLAN.....	22

I. Executive Summary

Canada and the United States (U.S.) have a long tradition of collaboration unlike that shared by any other two countries, working side by side to defend North America and contributing to international security. We share the largest bilateral trading relationship in the world. This strong partnership was underscored and enhanced by the *Beyond the Border Declaration: A Shared Vision for Perimeter Security and Economic Competitiveness* and its accompanying *Action Plan*, both announced by Prime Minister Harper and President Obama in 2011. Together, the Declaration and Action Plan seek to strengthen the security of our shared perimeter and facilitate secure trade and travel across our borders. Since 2011, significant progress has been made across all areas of the Action Plan.

Canada and the United States are making North American trade and travel faster and more secure through enhanced information sharing, faster processing for business travellers, and an historic agreement on preclearance that provides a transformational framework for border management and facilitation of legitimate trade and travel in the land, rail, marine and air modes. We have also moved towards a common approach to screening travellers through the ongoing implementation of automated sharing of biographic and biometric visa and immigration information; and, through the first two phases of an Entry/Exit initiative for all foreign nationals, with additional phases to come. Further, Canada is developing a pre-departure screening system for visa-exempt travellers flying to Canada from abroad, largely mirroring existing U.S. systems.

Canada and the United States are working to reduce transaction costs at the border to continue to grow bilateral trade. Major new investments in improved border infrastructure are underway, new benefits have been introduced to the trusted traveller program – with significant increases in membership – and trusted trader programs have been further harmonized and enhanced. Both countries continued to train and deploy *Shiprider* teams to provide cross-border continuity of law enforcement operations in shared waterways, began work on the second cross-border Regional Resiliency Assessment Program project in the Alaska-Yukon-British Columbia region, and continued to enhance the coordination of cyber incident and private sector engagement and public awareness on cybersecurity.

Canada and the United States are continuing to transform the way we secure and expedite the legitimate flows of goods and people between both countries through *Beyond the Border* implementation. Canada and the United States are committed to the implementation of remaining Action Plan initiatives and are seeking ways to build upon initial *Beyond the Border* successes, including seeking the views of stakeholders on their priorities. To that end, both countries have agreed to a Forward Plan that includes new and enhanced measures intended to deepen and strengthen our partnership. An outline of the Forward Plan is included as an annex at the close of this report.

II. Background

Our two countries enjoy the largest bilateral trade relationship in the world, with two-way trade in goods and services surpassing US\$730 billion in 2013, nearly US\$2 billion in goods and services crossing the Canada-U.S. border each day or over US\$1 million traded every minute.

On February 4, 2011, Prime Minister Stephen Harper and President Barack Obama set in motion the start of a deeper partnership by announcing the *Beyond the Border Declaration: A Shared Vision for Perimeter Security and Economic Competitiveness*. *The Declaration* articulated a perimeter approach to security in which both nations would work together to address threats at the earliest point possible – within, at, and away from our borders – and, by doing so, facilitate the lawful movement of people and goods into our countries and across the shared border.

The *Beyond the Border Action Plan (Action Plan)* that followed in December 2011 set out joint priorities for achieving the Leaders' vision under four areas of cooperation: (i) addressing threats early; (ii) trade facilitation, economic growth and jobs; (iii) cross-border law enforcement; and (iv) critical infrastructure and cyber-security. Two previous Implementation Reports (December 2012 and December 2013) reported on progress towards Action Plan commitments and highlighted emerging benefits for residents, travellers, and industry.

This third annual Report sets out the **Progress and Accomplishments** for the Action Plan in 2014 and sets out a Forward Plan under the **Moving Forward** section.

III. Progress and Accomplishments to Date

1. ADDRESSING THREATS EARLY: STRENGTHENING THE SHARED SECURITY OF OUR COUNTRIES

DEVELOPING A COMMON APPROACH TO ASSESSING THREATS

Canada and the United States have worked closely together to *assess shared threats jointly*, leveraging existing partnerships between Canadian and U.S. agencies. Collaboration has become more imperative in light of the evolving security environment, including the emergence of the phenomenon of foreign fighters and domestic homegrown threats. In 2014, Canada and the United States continued to:

- Work together through the sharing of research and best practices and developing tools for law enforcement that emphasize community-based solutions;
- Address aspects of the threat from homegrown violent extremists and foreign fighters that are unique to North America, building upon the strong counterterrorism work being advanced multilaterally through the Global Counterterrorism Forum; and
- Develop a common approach to increasing domain awareness in the land, air, and maritime environments by chartering formally a new working group to pilot joint methods of identifying gaps and deploying technology.

PUSHING OUT THE BORDER FOR GOODS, CARGO, AND BAGGAGE

Canada and the United States are striving to provide a secure and trusted global supply chain that allows for the safe, timely and economically prosperous movement of cargo into and between the two countries. A key means of achieving this objective is through the *Integrated Cargo Security Strategy* (ICSS) which seeks to “push out the border” by addressing risks at the earliest opportunity – outside or at the perimeter – in large part by utilizing advance information to secure the movement of goods, cargo, and baggage.

Under the ICSS, Canada will enhance security at its marine ports through the commitment to build two new marine container examination facilities at the Port of Metro Vancouver. Also, through the ICSS marine pilot projects in Prince Rupert, British Columbia, and Montreal, Quebec, Canada and the United States have been testing the ability to use advance data and adopt common standards for security screening and inspecting inbound marine cargo at the first point of arrival in North America. If these pilots are deemed successful, this would reduce the need generally to re-inspect these in-transit shipments at the Canada-U.S. land border under the “cleared once, accepted twice” concept.

- The Prince Rupert and Montreal ICSS marine pilots are being evaluated. Preliminary findings from criteria specific to the Prince Rupert pilot suggest that, while screening for national security purposes has been successfully tested, a series of operational impediments prevented the full testing of ICSS principles for other purposes. In-depth assessments are expected to be completed by spring 2015 and will provide a clearer understanding of the outcomes of both pilots and proposed next steps.

Canada and the United States have successfully reduced duplicative supply chain security requirements, in order to better facilitate the movement of air cargo loaded onto passenger aircraft, through the *mutual recognition of their national security programs for air cargo*. This means that cargo screened and accepted for transport on passenger aircraft in Canada and moving to the United States does not need to be rescreened against U.S. requirements, except for cause, thereby saving time and money while maintaining a high level of security. The same principle applies for air cargo shipments originating in the United States and moving to Canada.

As well, with the continued *deployment of U.S. Transportation Security Administration (TSA)-certified Explosive Detection Systems (EDS)* equipment at all preclearance airports in Canada, the requirement to rescreen connecting checked baggage destined to the United States will be progressively lifted as EDS is added to each location. This is expected to facilitate passenger travel and result in cost savings for airports and airlines.

- As of December 2014, upgraded EDS equipment is active at three of eight preclearance airports in Canada.

Over the last three years, the Canadian Food Inspection Agency (CFIA) and the U.S. Department of Agriculture (USDA) have *conducted joint site visits and developed common assessment processes for commodities from third countries*. The agencies have also *developed and tested common verification methodologies for joint food safety assessments* of eligible meat exports from third countries. In 2014, USDA and CFIA:

- Signed a Memorandum of Understanding in March that establishes a Canadian-U.S. communication process for sharing information related to animal health risks in third

countries, which will help better protect Canada and the United States from the risk of introduction of animal diseases; and

- Released a final summary report in November on the successful joint assessments of the Asian Gypsy Moth (AGM) programs in Japan, Korea and China. This ongoing work will help protect Canada and the United States against the introduction of AGM from infested areas in Asia.

ESTABLISHING A COMMON APPROACH TO PERIMETER SCREENING OF TRAVELLERS

Both countries are expected to have similar systems for sharing information and prescreening travellers, reinforcing the joint responsibility between Canada and the United States to promote perimeter security and economic competitiveness.

Canada and the United States have deployed an Entry/Exit initiative at all automated common land border ports of entry. The program is currently operational for third country nationals, permanent residents of Canada and lawful permanent residents of the United States. Under the initiative, U.S. Customs and Border Protection (CBP) and the Canada Border Services Agency (CBSA) are securely sharing entry records on approximately 10,000-15,000 travellers daily, as a record of exit from the other country, with no discernable impact on the traveller experience. The Action Plan committed to the exchange of data on all travellers, including citizens, at all automated land border ports of entry by June 2014. The CBSA has been working with all partners to prepare the required regulatory and legislative authorities that will be required before this third phase of the Entry/Exit initiative can be implemented. Entry/Exit will enable each country to better identify people overstaying their authorized period of stay and significantly strengthen the integrity of each country's immigration system.

By March 2016, Canada is expected to implement the *Electronic Travel Authorization* (eTA) program, and begin connecting airlines to the complementary *Interactive Advance Passenger Information* (IAPI) System that will allow for the enforcement of the eTA. The measures will allow Canada to pre-screen travellers who are exempt from the Canadian visa requirement, except U.S. citizens, and to issue “board or no-board” messages to airlines about passengers intending to fly to Canada. These will mirror, to the greatest extent possible, the Electronic System for Travel Authorization (ESTA) program and the Advance Passenger Information System (APIS) already in place in the United States since 2008. To meet this goal, in 2014 Canada:

- Pre-published the eTA regulations in June for public comment, with final publication and the announcement of the official launch date for the eTA program anticipated in early 2015; and

- Advanced work on preparing the regulatory amendments needed to allow for the pre-departure transmission of traveller data; building the automated system to communicate with airlines and allow for the transmission of board/no-board messages; and, working closely with air carriers to ensure their buy-in and preparedness.

To increase security, counter fraud and improve the integrity and efficiency of admissibility decisions, Canada and the United States are sharing relevant immigration information on certain foreign nationals seeking to enter either country, such as those applying for a visa. The Canada-U.S. *Immigration Information Sharing Treaty/Agreement* came into force in December 2013 and incorporates privacy protections in accordance with the Beyond the Border joint Statement of Privacy Principles and with their respective domestic laws.

To date, both countries have systematically exchanged biographic immigration information on those third country nationals applying for a visa who had previously violated immigration laws or were denied a visa from the other country. This provides decision-makers with additional information to consider when making an admissibility decision.

Beginning in 2015, Canada and the United States will be able to directly query the other country in a systematic manner, using a fingerprint (biometrics). Biometric enabled sharing will help to counter identity fraud, provide valuable information to inform respective independent admissibility decisions, strengthen identity management and bolster program integrity. Both countries already have expanded the sharing of biometric information on asylum/refugee claimants and case-by-case sharing on persons removed from each country.

- Between October 2013 and October 2014, as part of their commitment to increase the volume of exchanged records, Citizenship and Immigration Canada and U.S. Citizenship and Immigration Services shared approximately 16,000 records (more than 7,000 each), an increase of approximately 1,000 compared to the 12-month period between 2012 and 2013; and
- In November 2014, Canada began to collect biometrics from overseas resettlement applicants. By May 2015, Canada expects to begin systematically sharing all such biometrics with the United States.

2. TRADE FACILITATION, ECONOMIC GROWTH, AND JOBS: MAKING THE BORDER MORE EFFICIENT FOR TRADE AND TRAVEL

DEVELOPING INITIATIVES FOR EXPEDITING LEGITIMATE TRADE AND TRAVELLERS

In December 2014, following two years of negotiations, Canada and the United States finalized an historic *Preclearance Agreement* in the land, rail, marine, and air modes, meeting a major commitment of the Action Plan. The Agreement was signed on March 16, 2015, and provides the authorities required to effectively process goods and people in all modes of travel. Once entered into force, the new Agreement will enable Canada to request that the United States regularize existing U.S. immigration pre-inspection sites – for example at cruise, rail and ferry terminals in British Columbia. The Agreement will also offer the possibility of opening new preclearance facilities in other modes of travel in the future and update the existing air preclearance agreement, bringing further economic and security benefits to both countries. Both countries have committed to upholding a high standard of service for preclearance in all modes of travel.

The Agreement creates an important legal framework for protections and accountabilities for preclearance officers whereby their home country generally has the right to exercise primary jurisdiction over certain acts related to the performance of official duties and the host country has the right to exercise primary jurisdiction over acts committed outside the performance of official duties. Additionally, the Agreement will allow Canada and the United States to explore the possibility of sharing facilities at certain small and remote ports.

Groundbreaking Agreement

Preclearance between the United States and Canada involves an examination of travellers and/or cargo by the destination country at designated preclearance sites inside the territory of the departure country. This process can benefit travellers and trade by reducing congestion and related delays at the border and increasing efficiency and predictability in cross-border travel/tourism and transportation. Under the current Canada-U.S. Air Preclearance Agreement, U.S. preclearance officers at eight Canadian airports examine and clear travellers before a plane departs for the U.S., allowing these travellers to avoid lengthy or unpredictable wait times upon arrival.

Once the new Agreement enters into force, these benefits may be extended to the land, rail and marine modes of transit at approved preclearance locations. For example, in the rail mode, if new full preclearance operations are approved, trains that were previously required to stop at the border inspections may instead be precleared and permitted to travel straight across the border on schedule.

The Action Plan proposed a number of pilot projects to test new approaches to facilitating the secure movement of goods. In 2014:

- Canada and the United States launched the operational test phase of a *truck cargo pre-inspection pilot* in February at the Peace Bridge crossing between Fort Erie, Ontario and Buffalo, New York. This phase, which concluded in January 2015, tested the concept of CBP conducting primary inspections of U.S.-bound cargo by truck on the Canadian side of the border in order to determine the effect on border wait times and congestion at the Peace Bridge. An evaluation is currently underway;
- Both countries determined in October a *set of common data elements* required for in-bond/ in-transit cargo. These data elements will apply to goods originating from Canada and destined to another location in Canada, but whose routing transits the United States; and, similarly, for goods originating from the United States and destined elsewhere in the United States, but whose routing transits Canada. This should enable the launch of a U.S. pilot in 2015 to test a new in-bond module process, potentially reducing the reporting burden on industry and – as data will be sent pre-arrival – allow for the advance assessment of risks. Additionally, Canadian carriers will have more options with respect to routing of domestic shipments through the United States on safer, multi-lane divided highways, allowing truckers to avoid inclement weather, reduce wear and tear on vehicles, improve fuel efficiency and reduce greenhouse gas emissions; and
- The ability to implement the pilot for *preclearance of fresh meat exports* was negatively impacted as a result of policy challenges and several logistical impediments. Building on lessons learned from work done to date, Canada and the United States are exploring alternative means to advance the Action Plan's underlying objectives of enhancing the efficiency of exporting Canadian meat products to the United States.

Each country also is on the path to provide its own *Single Window initiative* that will allow U.S. exporters and Canadian and U.S. importers to electronically submit all information required to comply with customs and other government regulations. Single windows seek to facilitate border decision-making and eliminate the costs to business of needless duplication and manual, paper-based processes.

- In February 2014, President Obama issued Executive Order 13659 mandating the completion and government-wide utilization of the U.S. single window for imports and exports, called the International Trade Data System (ITDS), by December 2016; and
- CBSA is preparing to make its single window available in March 2015 for seven of nine participating departments, while others should be fully integrated by mid-2016.

Following completion of the 2013 joint inventory of border fees and charges, in May 2014, Canada commissioned a third party to conduct an *economic impact assessment of border fees*. The assessment is expected to be released by spring 2015.

Both countries are committed to work towards addressing stakeholder feedback about the need for greater predictability and consistency in decision-making with regard to cross-border business travel. To that end, the United States has announced its intent to launch a “Known Employer” pilot program in 2015 with a limited number of employers to make progress toward that goal.

INVESTING IN IMPROVED SHARED BORDER INFRASTRUCTURE AND TECHNOLOGY

Investing in improved shared border infrastructure and technology is a critical part of ensuring modern and efficient cross border trade and travel. Since 2011, both countries have made progress in *upgrading border infrastructure*. In 2013, Canada announced funding of up to C\$127 million for major upgrades at four priority border crossings and, in the United States, border infrastructure investments of roughly US \$151 million have been made or announced.

- In December 2014, Canada and the United States finalized a significantly expanded second *joint Border Infrastructure Investment Plan* that details major infrastructure upgrades at the top 25 commercial and passenger land border crossings. The Plan was released in February 2015; and
- In line with *Beyond the Border* objectives, Canada, the United States, and the State of Michigan concluded and signed an arrangement in February 2015 to secure and expedite the building of a much-needed new bridge at Windsor-Detroit, the busiest Canada-U.S. commercial border crossing.

Under the Action Plan, Canada and the United States committed to install *border wait time technology* at the top 20 land border crossings to reliably measure north and southbound wait times, monitor operational performance relative to published service standards, and position drivers to make informed travel decisions. Border wait time technology has already been installed at six of the top 20 crossings: four between British Columbia and Washington State (Pacific Highway, Peace Arch, Huntingdon/Sumas, Aldergrove/Lynden) and two between Ontario and New York State (Peace Bridge, Queenston-Lewiston). Canada and the United States will continue to work together to determine a path forward for deploying wait time technology at remaining sites.

- In August 2014, an additional border wait time system became operational at the Blue Water Bridge between Port Huron, Michigan and Sarnia, Ontario.

To align with existing U.S. investments, Canada will be deploying *Radio Frequency Identification technology* in two lanes at 11 land ports of entry. The CBSA is in the final stages of the contracting process and expects to award the contract to the winning bidder shortly in order to begin installing this technology in the summer of 2015.

ALIGNING AND ENHANCING THE BENEFITS OF TRUSTED TRADER AND TRAVELLER PROGRAMS

Trusted Traders

BTB Trusted Trader Tier I initiatives provide businesses that meet rigorous security requirements with facilitated processing at the border. Under the Action Plan, Canada and the United States have continued to *align and harmonize their Tier I trusted trader programs* – in Canada, the Partners in Protection (PIP) program and in the U.S., the Customs–Trade Partnership Against Terrorism (C-TPAT) program.

Canada and the United States are expecting to launch a fully automated harmonization process allowing a joint application for cross-border highway carriers in the PIP and C-TPAT programs by the fall of 2015. This will allow companies interested in joining both programs to submit a single application, and to manage only one Partnership account instead of two.

BTB Tier I – enhanced benefits for PIP / C-TPAT members

“EC Trucking”, a hypothetical Canadian highway carrier, makes multiple daily trips across the U.S.-Canada border. Noting increasing truck volumes, EC Trucking decides to apply for harmonized membership in Canada’s PIP and the U.S. C-TPAT Trusted Trader programs. With impending program improvements, EC Trucking will be able to apply on-line to both programs at the same time and easily upload to the website all the documents needed to support the application, thereby saving time and administrative resources.

Canada is moving to regularize PIP-member access to the Free and Secure Trade (FAST) lane at the Blue Water Bridge between Port Huron and Sarnia, following a successful pilot project at that location, and will extend access to other locations as volumes allow. This new benefit will serve to further align PIP with benefits already provided to C-TPAT members. Canada is also moving to add additional FAST lane/booth infrastructure at two high volume commercial ports of entry and to also modify the current FAST infrastructure model at a third location.

BTB Trusted Trader Tier II initiatives offer facilitated border clearance as well as self-assessment approaches to trade compliance. In 2014:

- U.S. CBP initiated a Trusted Trader pilot program in June that combines the C-TPAT supply chain security program with its Importer Self-Assessment (ISA) import compliance program. Under the pilot, participating importers need to meet increased recordkeeping and reporting requirements and in exchange may benefit from reduced inspections, partial release of held shipments, and the option to be exempt from non-intrusive inspections. The pilot program is open to U.S. and non-resident Canadian importers;

Canada officially announced an enhanced Tier II Customs Self-Assessment (CSA) Platinum program in July, which provides additional benefits to those CSA importers who voluntarily demonstrate that their business systems, internal controls and self-testing processes are effective and reliable at ensuring trade compliance. CSA-Platinum importers are directly responsible for verification and testing of their trade program compliance, saving time and money through fewer trade compliance verifications by the CBSA. Additionally, Canada extended CSA eligibility to non-resident importers in the United States;

On CSA-Platinum

“...improvements to the Customs Self-Assessment program will enable more Canadian firms to take advantage of the opportunities presented by global supply chains.”
– John Manley, President and CEO,
Canadian Council of Chief Executives

- Canada began an agri-food pilot in January whereby grade-related inspections by USDA or CFIA are not necessary for U.S.-grown onions imported into Canada. Following completion of the pilot, expected in early 2015, CFIA will determine the next steps, taking into consideration USDA’s ability to undertake a similar reciprocal pilot for Canadian-grown onions imported into the United States; and
- CFIA released a summary report in October of a pilot that was undertaken to test the feasibility of extending Tier II benefits to processed food companies, which are more highly regulated and thus not typically eligible for Tier II benefits. The report describes the pilot outcomes and outlines next steps, which include evaluating how to expand Tier II benefits to other approved, low risk processed food importers, while ensuring compliance with federal food safety requirements.

Trusted Travellers

Membership in the joint Canada-U.S. Trusted Traveller program NEXUS results in shorter wait times at primary inspection lanes at Canadian and U.S. airports and land ports of entry, as well as at marine ports. Since the 2011 Action Plan was announced, there has been a significant *increase in NEXUS membership and benefits.*

- As of December 2014, membership in NEXUS has risen to approximately 1.1 million travellers, an increase of about 20% over last year or about 80% since 2011.

Access to Transportation Security Administration (TSA) Pre ✓ lanes*, where NEXUS members receive expedited screening, has expanded to more than 120 airports in the United States – up from 5 in 2011. Similarly, the Canadian Air Transport Security Authority (CATSA) has designated entrances for NEXUS members at 16 Canadian airports, up from 8 airports in 2011. At four of those airports, Trusted Travellers flying to the United States receive expedited screening and screening benefits similar to those offered in the TSA Pre ✓* lanes.

- In 2014, Air Canada became the first foreign carrier to participate in TSA Pre ✓*.

NEXUS members save time

NEXUS members can enjoy reduced waiting times at pre-board security screening, answer declaration questions on-screen at U.S. Global Entry kiosks, and proceed straight to a connecting flight at a U.S. domestic terminal without having to go through U.S. CBP on arrival or to re-clear security. Since November 2012, NEXUS members whose fingerprints are on file with U.S. CBP are eligible to use Global Entry kiosks when flying to the United States even if they are coming from a third country. Flying into Canada, NEXUS members get faster security screening because they are eligible for TSA Pre ✓* in which they can leave on their jacket and belt and keep their laptop in their bag. Once in Canada, members can proceed straight to the NEXUS kiosk and move quickly through primary inspection - some 95% faster than the average air traveller.

NEXUS members now have *access to NEXUS lanes* in Canada at 19 major land border crossings. This is in addition to over 24 locations at U.S. ports of entry. CBSA reports that NEXUS members coming into or returning to Canada experience an average processing time – from Radio Frequency Identification capture to the Border Services Officer’s decision – of 18 seconds, compared to 37 seconds for non-NEXUS members; or, a time savings of approximately 50%. In 2014:

- CBSA opened new NEXUS lanes at major land border crossings, including Pacific Highway, British Columbia, Windsor (Ambassador Bridge) and Niagara Falls (Whirlpool Bridge), Ontario; and
- Under a new “eGate” pilot project, CBSA began testing an expedited passage for NEXUS members at the Peace Bridge port of entry at Buffalo (New York)/Fort Erie (Ontario). Between May 2014 and May 2015, expanded hours of operation will allow 24/7 access to the Canada-bound NEXUS lane.

Notably, in February 2014, Canada, the United States and Mexico committed to the development and implementation of a North American Trusted Traveler arrangement, which is anticipated for 2015. Although not directly under the purview of *Beyond the Border*, it is consistent with the Action Plan commitment to incorporate third-country traveller programs.

3. CROSS-BORDER LAW ENFORCEMENT: BUILDING ON SUCCESSES TO ENHANCE CROSS-BORDER POLICING

CROSS-BORDER COOPERATION ON LAW ENFORCEMENT

Cross-border cooperation on law enforcement strengthens the ability to prevent criminals from exploiting the border for illicit purposes and escaping justice. Since the 2011 Action Plan, Canada and the United States have successfully conducted activities that allow both countries to jointly pursue national security and transnational criminal investigations, and to better leverage the enforcement resources and technologies available to their enforcement agencies. In 2014:

- Canada and the United States developed the Cross Border Law Enforcement Advisory Committee, which seeks to enhance the integrity of the shared border by supporting cross-border law enforcement initiatives of CBP, CBSA, U.S. Immigration and Customs Enforcement, the Royal Canadian Mounted Police (RCMP), and U.S. Coast Guard (USCG).

Under the *Shiprider program*, the RCMP and USCG are working together to enforce the law on both sides of the border in shared waterways. Shiprider vessels are jointly crewed by specially trained and cross-designated Canadian and U.S. law enforcement officers. Since 2013, full-time Shiprider operations have been conducted in British Columbia/Washington State and Ontario/Michigan and, to date, have completed more than 820 joint boardings on Canadian and U.S. vessels and accumulated over 4,150 patrolling hours. In 2014:

- Surge operations were completed in Quebec and New Brunswick in addition to regularized operations in the regions of Detroit/Windsor and Surrey/Bellingham. These surge operations yielded more than 185 patrols and 322 boardings;
- The USCG and RCMP met in Eastport, Maine in April 2014 to formally sign the regional standard operating procedures for eastern region Shiprider surge operations; and
- Canada and the United States have cross-designated 83 officers as Shipriders and in December added a third course to the annual training schedule in order to train additional officers in anticipation of additional Shiprider locations in 2015.

Canada and the United States have sought to make use of cost effective voice-over-Internet protocol technology to implement an *interoperable cross-border radio system* that would permit law-enforcement agencies to coordinate timely responses to border incidents and to better coordinate bi-national investigations. Work has begun to implement the radio interoperability system in British Columbia/Washington State and Ontario/Michigan.

The Action Plan intended that both countries would develop and implement two Next Generation pilot projects to create integrated law enforcement. The intent was to create integrated law enforcement teams in areas such as intelligence, criminal investigations, and an intelligence-led uniformed presence between ports of entry. Deployment of these pilots has been delayed by policy, legal, and operational challenges, but both countries expect to continue discussions on the way forward in 2015.

4. CRITICAL INFRASTRUCTURE AND CYBERSECURITY: ENHANCING OUR SHARED RESILIENCY

ENHANCE THE RESILIENCY OF OUR SHARED CRITICAL AND CYBER INFRASTRUCTURE

Canada and the United States have worked closely together under the Action Plan to enhance the resilience of our shared critical and cyber infrastructure, as the two countries are connected by a vast network of bridges, roads, energy infrastructure and cyberspace. Both countries continued implementing the *Canada-U.S. Action Plan for Critical Infrastructure* and have worked on bi-national regional resiliency projects that bring together regional officials and private sector stakeholders to assess infrastructure of bi-national importance, analyze interdependencies and risks, and address identified gaps. In 2014:

- A Regional Resiliency Assessment Program (RRAP) project for Alaska-Yukon-British Columbia was launched, following a 2013 cross-border RRAP project in Maine-New Brunswick. Both countries are incorporating lessons learned into their domestic procedures.

Canada and the United States also continued implementing the *Joint Cybersecurity Action Plan* that focuses on enhancing cyber incident management collaboration between National Cybersecurity Operations Centers; joint engagement and information sharing with the private sector on cybersecurity; and, continued cooperation on ongoing cybersecurity public awareness efforts. In 2014, DHS and Public Safety Canada:

- Conducted classified briefings in June and November for stakeholders in the Energy and Utilities Sectors;
- Developed on several occasions a Joint Cyber Flash document containing information on indicators of malicious activity on cyber threats; and
- Aligned National Cyber Security Awareness Month activities in October and jointly participated in Twitter chats to raise public awareness of the campaign and to share information on how to stay safe online.

Also in 2014, Canada and the United States began exploring cyber security of the supply chain and electronic cargo systems (“eCargo”) to build awareness of the cyber vulnerabilities and threats to eCargo, and to formulate a collaborative action plan to assess unforeseen vulnerabilities with high potential impact.

Canada remains committed to acceding to the Council on Europe Convention on Cybercrime, and both countries will explore opportunities to promote the Convention. In December 2014, Canada received Royal Assent to the *Protecting Canadians from Online Crime Act* (Bill C-13) that will update Canada's cybercrime laws and allow it to ratify the Convention.

RAPIDLY RESPONDING TO AND RECOVERING FROM DISASTERS AND EMERGENCIES

Canada and the United States are striving to develop strategies for business resumption and community recovery by minimizing the significant negative impacts that could result from prolonged disruptions in the movement of people and goods across the border.

Managing Traffic in the Event of an Emergency

In joint efforts to develop strategies for business resumption and community recovery, in 2014, Canada and the United States:

- Finalized a Road Border Traffic Management Plan in March for Ontario, and planning continues for accompanying plans for the central, western, northern and eastern cross-border regions;
- Held stakeholder consultation sessions in Montreal (May), Hamilton (July) and Detroit (August) to support the development of regional bi-national plans to quickly restore maritime transportation system operations following a natural disaster, accident, security incident or other disruption in Great Lakes region, contributing to the creation of draft Great Lakes region Maritime Commerce Resilience Guidelines;
- Conducted in July a successful connectivity test between the U.S. Federal Emergency Management Agency's (FEMA) Watch Centre and Canada's Government Operations Centre to confirm video teleconference capabilities in the event of an emergency; and
- Participated in the Canadian Surface Transportation Security Roundtable in November, bringing together transit operators, security practitioners, law enforcement officials, and analysts to exchange ideas and best practices.

Health Security

Throughout 2014, Canada and the United States have made substantial progress on a joint strategic work plan on health security, including progress on identifying the challenges of deploying public health and medical personnel, medical assets, and medical countermeasures. The joint Health Security Working Group:

- Collaborated on a report of recommendations for further areas of collaboration; and
- Initiated work to advance and validate the recommendations through the development of a new work plan focused on information sharing, collaboration, interoperability, and lessons learned.

Emergency Communications

The Communications Interoperability Working Group furthered its objective of harmonizing cross-border emergency communications efforts. In 2014:

- A Memorandum of Understanding was signed in June by Defence Research and Development Canada's Centre for Security Science and FEMA to facilitate the automated exchange of emergency messages and alerts between Canada's Multi-Agency Situational Awareness System and the U.S. Integrated Public Alert and Warning System;
- Industry Canada and the U.S. Federal Communications Commission announced in October an agreement to allow each country's emergency responders to bring and use licensed mobile communications devices, such as hand-held radios, across the border without permit, thereby addressing a key challenge to bilateral cooperation during emergencies in either country; and
- Convened the third Canada–U.S. Enhanced Resiliency Experiment (CAUSE III) in November, part of a series to advance cross-border coordination and response to natural disasters and terrorist events through shared information, data, and alerts and warnings between each nation's emergency communications systems. CAUSE III was delivered in partnership with various provincial, state, municipal and non-governmental organizations.

Chemical, Biological, Radiological, Nuclear and Explosives (CBRNE) Events

The Canada-U.S. CBRNE working group continues to work to prevent, mitigate, prepare for, respond to, and cover from CBRNE events. In 2014:

- Public Safety Canada and FEMA worked together in March to develop a new process for Canadians to participate in CBRNE-related training classes in the United States. Canadian emergency management officials can now take classes at the Emergency Management Institute and the Center for Domestic Preparedness; and
- FEMA, the DHS National Operations Center, the DOD Defense Threat Reduction Agency, Public Safety Canada, Environment Canada, and Health Canada, held discussions in January and May to develop standard information sharing and modeling protocols to facilitate an expeditious and effective joint response to a cross-border CBRNE incident.

5. MANAGING OUR LONG TERM PARTNERSHIP

In September 2014, Canada and the United States convened the third annual *Beyond the Border* Executive Steering Committee (ESC) meeting to discuss *Beyond the Border* achievements, next steps for existing initiatives, and new or expanded areas of work. Consistent with efforts by both countries to engage and inform stakeholders, following the September meeting Canada hosted a roundtable session with ESC members and stakeholders, who expressed support for *Beyond the Border*, recognized the Action Plan initiatives that have benefited industry and travellers, and identified their respective Action Plan priorities – including their expectation to see more progress on the trade facilitation/economic benefits aspects of *Beyond the Border*. They also gave recommendations to the ESC for future work that could facilitate secure trade and travel.

Additional outreach occurred on a regular basis throughout the year in one-on-one as well as group meetings by multiple Canadian and U.S. agencies. Consulates in both countries engaged with local stakeholders regarding *Beyond the Border*, as did officials from CBSA and U.S. CBP, along with other agencies, through their standing stakeholder advisory groups. As well, Canada's Minister of International Trade Ed Fast and the U.S. Secretary of Commerce Penny Pritzker engaged industry leaders on the progress of and priorities for *Beyond the Border* at a January 2014 event hosted by the Chicago Council on Foreign Affairs and at the October 2014 North American Competitiveness and Innovation Conference in Toronto. Additionally, the DHS Secretary Jeh Johnson met with Canada's Minister of Public Safety Steven Blaney as well as the Minister of Transport Lisa Raitt and Minister of Citizenship and Immigration Chris Alexander in September 2014 and conducted *Beyond the Border* outreach with Canadian stakeholders. To expand awareness on *Beyond the Border* in the U.S., in 2014 the White House asked the Department of Commerce to work with DHS and the State Department to develop an outreach strategy, which included updated messaging and greater use of social media and webinars.

Overall, stakeholders have delivered a strong message of support for continued efforts to complete the initial Action Plan and encouragement to build on *Beyond the Border* accomplishments as a means to strengthen perimeter security and economic competitiveness going forward.

IV. Moving Forward

Canada and the United States remain committed to achieving the objectives set out in President Obama and Prime Minister Harper's *Declaration* by continuing to advance implementation of the 2011 Action Plan. This will include ongoing outreach to spread the word on *Beyond the Border* to the wide variety of stakeholders in both countries and continue to solicit views from stakeholders regarding the path forward. Both countries will persist in efforts to deliver on outstanding Action Plan initiatives, while continuing to seek ways to build upon initial *Beyond the Border* successes and lessons learned. To that end, both countries are developing a detailed Forward Plan that includes new and enhanced measures intended to deepen and strengthen our partnership. An outline of the Forward Plan is included as the Annex.

Annex

Beyond the Border Forward Plan

Canada and the United States reaffirm their commitment to delivering on the initiatives of the 2011 *Beyond the Border* Action Plan and agree that work begin on the development and implementation of a Forward Plan that introduces new or enhanced measures to build upon initial *Beyond the Border* successes and lessons learned.

Addressing Threats Early

Integrated Cargo Security Strategy (CBSA, CFIA // DHS/CBP, USDA/APHIS)

- Identify what needs to be in place (e.g. multi-model manifests, inspection protocols, harmonized processes and standards) to achieve the vision of “cleared once, accepted twice”

Plant Health Risks (CFIA // USDA)

- Expand the Asian Gypsy Moth (AGM) model to other countries and pursue other opportunities to apply the AGM model

Air Cargo Security (TC // DHS/TSA)

- Work collaboratively to ensure commensurate security controls exist within the secure supply chains of their air cargo security programs

Visa Validation (CIC // DHS, State)

- Develop an automated process to validate whether a traveler holds a valid visa in the other country

Enhanced Screening - Visas (CIC // DHS, State)

- Expand the exchange of biometrics from certain visa applicants at overseas posts and by screening applicants against INTERPOL’s Stolen and Lost Travel Document database

Enhanced Screening – At Ports of Entry (CBSA // DHS/CBP)

- Take stock of which databases and systems (e.g. INTERPOL’s Stolen and Lost Travel Document database) Canada and/or U.S. use on primary and in secondary at ports of entry and identify any gaps, cognizant of the desire to avoid adding to processing times

Facilitation, Economic Growth and Jobs

Trusted Travellers (CBSA // DHS/CBP)

- Increase participation by transforming business process, addressing backlogs and ongoing outreach and work toward the North American Leaders Summit commitment of mutual recognition between Canada, the United States, and Mexico

Trusted Traders (CBSA // DHS/CBP, DOC)

- Increase participation by continuing harmonization and alignment efforts, conduct outreach to promote participation, ensure meaningful benefits, and work toward mutual recognition

RFID Documents (CIC, CBSA // DHS/CBP)

- Implement a strategy to promote, incentivize and support an increased number of RFID-enabled documents used by cross-border travellers to optimize the lane segmentation technology deployed at the border

Business Travellers (CIC // DHS)

- Identify ways to facilitate cross-border business travellers

Freight Planning (TC // DOT)

- Coordinate national freight planning strategies including involving provinces and states as appropriate

Strengthening Cross-Border Collaboration

Law Enforcement (JUS, PS / DOJ, DHS)

- Enhance bilateral law enforcement collaboration through the Cross Border Crime Forum, including information sharing between federal, state, local and provincial law enforcement authorities (e.g. Border Operations Legal Team (BOLT))

Information Sharing – National Security (PS, JUS // DHS, DOJ)

- Continue to work together to improve effective and responsible information sharing for national security purposes, while respecting each country's respective constitutional and legal frameworks

Health Security (PHAC // HHS, DHS)

- Implement the workplan developed by the Health Security Working Group

Critical Infrastructure (PS // DHS)

- Execute programs and develop joint products to enhance cross-border critical infrastructure protection and resilience