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BEYOND BORDERS: ARE THE DEPARTMENT OF HOMELAND SECURITY'S INTERNATIONAL AGREEMENTS ENSURING ACTIONABLE INTELLIGENCE TO COMBAT THREATS TO THE U.S. HOMELAND?

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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BEYOND BORDERS: ARE THE DEPARTMENT OF HOMELAND SECURITY'S INTERNATIONAL AGREEMENTS ENSURING ACTIONABLE INTELLIGENCE TO COMBAT THREATS TO THE U.S. HOMELAND?

Monday, July 30, 2012

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON COUNTERTERRORISM AND INTELLIGENCE,
Buffalo, NY.

The subcommittee met, pursuant to call, at 10:00 a.m., at the U.S. District Court for the Western District of New York, 9th Floor, 2 Niagara Square, Buffalo, New York, Hon. Patrick Meehan [Chairman of the subcommittee] presiding.

Present: Representatives Meehan, Higgins, and Hochul.

Mr. MEEHAN. The Committee on Homeland Security Subcommittee on Counterterrorism and Intelligence will come to order.

The subcommittee is meeting today to hear testimony about whether the Department of Homeland Security international agreements are yielding actionable intelligence to help combat threats in the United States homeland.

Before I begin, let me take a moment. My name is Congressman Patrick Meehan from the Pennsylvania suburbs of Philadelphia. It is just a real delight to be here today with two of my colleagues from our committee, Congressman Higgins and Congresswoman Hochul. We have had the good chance to work together on issues of homeland security, and I believe that I am not going out on a limb to say we have enjoyed each other's professional relationship and a personal relationship as well as we work together to deal with the issues of security, both within the United States and relations with our neighbors.

I am particularly appreciative of Judge Arcara for allowing us to use the courtroom today, and I see how Judge Arcara maintains order in the courtroom taking notice of that gavel. So I appreciate the ability to keep control, and we will use it if our witnesses get a little too out of hand.

But I want to thank everybody, including the witnesses, for attending. I appreciate the effort taken on behalf of all those involved to have this important field hearing. This is an official Congressional hearing, and we will certainly abide by the rules of the Committee on Homeland Security and the House of Representatives, which I have every suspicion are going to be appropriately ordered.

Maintaining the security of the borders of the United States is a fundamental responsibility of the Federal Government. Various components of the Department of Homeland Security—Customs and Border Protection, Immigration and Customs Enforcement, and the United States Coast Guard, among others—work tirelessly with numerous State, local, and Tribal authorities in an effort to secure our borders and to keep American safe.

However, a February 2011 report prepared by the Government Accountability Office stated that only 32 of the 4,000-mile-long border between Canada and the United States has an acceptable level of security. The report also indicated the high risk of terrorism along the Northern Border as significant and highlighted the Border Patrol's lack of operational controls and existing vulnerabilities along the United States-Canada border.

Western New York is home to 3 border crossings with Canada—the Lewiston-Queenston Bridge, the Rainbow Bridge, and the bridge we can see from here, the Peace Bridge. Located in downtown Buffalo, it is the busiest passenger crossing point between the United States and Canada.

With more than $1 million in goods and services crossing the U.S.-Canada border every minute, and more than 300,000 people every day, the United States and Canada maintain the world's largest bilateral trading relationship. The Peace Bridge and the Lewiston-Queenston Bridge are the third- and fourth-busiest commercial crossings in the United States, handling $30 billion in commerce each year.

To better deal with border issues, the United States and Canada's recent bilateral agreement called "Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness," has been viewed as a major milestone for cross-border security cooperation. Announced jointly by President Obama and Prime Minister Harper, and as well supported and trumpeted by both of my colleagues who are with me here today, the plan articulates a shared approach to security in which both countries work together to enhance information and intelligence sharing about potential threats, to better align trusted traveler programs, to reduce wait times for both goods and people at border crossings, and to bring Canada's air passenger screening, particularly for flights coming from Europe, or non-visa nations, in line with U.S. procedures.

In addition to U.S.-Canadian cross-border cooperation, information intelligence sharing between the United States and Canada is robust, and both intelligence and law enforcement agencies maintain strong relationships with their Canadian partners.

Here on our side of the border, Buffalo's Joint Terrorism Task Force maintains the primary law enforcement relationship with the Ontario provincial police and the Royal Canada Mounted Police on counterterrorism investigations. Led by the FBI, the Buffalo JTTF was most notably responsible for investigating the Lackawanna Six case, which dismantled an al-Qaeda cell of United States citizens living in the Buffalo area in 2002.

This subcommittee has received extensive briefings that indicate that Hezbollah maintains a presence in Toronto in their metropolitan area, and Interstate 90, which runs through Buffalo, is known

as a corridor for illicit trafficking of many types, including human smuggling.

In addition to the obvious threat in human smuggling terrorist organization poses to United States-Canada border security, the 9/11 Commission identified serious gaps in the U.S. visa system. Several of the hijackers entered the United States by obtaining student or other non-immigrant visas, and then overstay their visas in order to carry out the attacks.

Currently, biometric entry systems have been deployed in the 119 airports, 19 seaports, and 154 land ports of entry. However, no such biometrics exit system currently exists to capture information in real time to understand when an individual exits a country.

By September 30, 2012, Canada and the United States should begin implementation of a pilot project exchanging entry data for third-country nationals, permanent residents of Canada, and U.S. lawful permanent residents with each country through two to four common land ports of entry. If implemented, the plan will have a fully functional land border exit system on the Northern Border using biographic data in 2014.

To get a better understanding of these and other issues, we will hear from 3 government witnesses representing both the DHS and Erie County about the level and quality of information sharing on the Northern Border, and how a Beyond the Borders Action Plan is expected to enhance the intelligence sharing issues that remain to be resolved in order to make our border efficient and safe for trade and travelers alike. I look forward to hearing from today's witnesses on this very important topic.

[The statement of Chairman Meehan follows:]

STATEMENT OF CHAIRMAN PATRICK MEEHAN

JULY 30, 2012

THE IMPORTANCE OF BORDER SECURITY

Maintaining the security of the borders of the United States is a fundamental responsibility of the Federal Government. Various components of the Department of Homeland Security—Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard—work tirelessly with numerous State, local, and Tribal authorities in an effort to secure our borders and keep Americans safe.

However, a February 2011 report prepared by the Government Accountability Office (GAO) stated that only 32 of the 4,000-mile-long border between Canada and the United States had an "acceptable level of security."

The report also indicated that the risk of terrorism along the Northern Border is significant, and highlighted the Border Patrol's lack of operational control as well as other existing vulnerabilities along the U.S.-Canada border.

NORTHERN BORDER: WESTERN NEW YORK

Western New York is home to three border crossings with Canada: The Lewiston-Queenston Bridge, the Rainbow Bridge, and the Peace Bridge. The Peace Bridge, located in downtown Buffalo, is the busiest passenger crossing point between the United States and Canada.

With more than $1 million in goods and services crossing the U.S.-Canada border every minute and more than 300,000 people every day, the United States and Canada maintain the world's largest bilateral trading relationship. The Peace Bridge and the Lewiston-Queenston Bridge, are the third- and fourth-busiest commercial crossings in the United States, handling $30 billion in commerce each year.

To better deal with border issues between the United States and Canada, the recent bilateral agreement "Beyond the Border: A Shared Vision for Perimeter Secu-

rity and Economic Competitiveness" has been viewed as a major milestone for cross-border security cooperation.

Announced jointly by President Obama and Prime Minister Harper February 4, 2011, the plan articulates a shared approach to security in which both countries work together to enhance information and intelligence sharing about potential threats, to better align trusted traveler programs to reduce wait times for both goods and people at border crossings, and to bring Canada's air passenger screening—particularly for flights coming from Europe or "non-visa" nations—in line with U.S. procedures.

U.S.-CANADIAN INTELLIGENCE AND INFORMATION SHARING

In addition to U.S.-Canadian cross-border cooperation, information and intelligence sharing between the United States and Canada is robust and both intelligence and law enforcement agencies maintain strong relationships with their Canadian partners.

COUNTERTERRORISM (CT) COOPERATION IN WESTERN NEW YORK

Here on our side of the border, Buffalo's Joint Terrorism Task Force (JTTF), maintains the primary law enforcement relationship the Ontario Provincial Police (OPP) and the Royal Canadian Mounted Police (RCMP) on counterterrorism investigations. Led by the FBI, the Buffalo JTTF was most notably responsible for investigating the Lackawanna Six case, which dismantled an al-Qaeda cell of U.S. citizens living in the Buffalo area in 2002.

This subcommittee has received extensive briefings that indicate that Hezbollah maintains a presence in the Toronto Metropolitan area and that Interstate 90, which runs through Buffalo, is a known corridor for illicit trafficking of all types—including human smuggling.

INTERNATIONAL INTELLIGENCE AGREEMENTS WITH CANADIAN PARTNERS

In addition to the obvious threat human smuggling by terrorist organizations poses to U.S.-Canadian border security, the 9/11 Commission identified serious gaps in the U.S. visa system. Several of the hijackers entered the United States by obtaining student or other non-immigrant visas and then overstayed their visas in order to carry out the attacks.

One of the key recommendations of the 9/11 Commission was the implementation of a biometric entry and exit system. Congress subsequently mandated the creation of a fully functioning biometric entry and exit system in the Intelligence Reform and Terrorism Prevention Act of 2004. Yet 8 years after this legislation was passed, United States Government still does not have the ability to collect data on individuals exiting the country.

Currently, biometric entry systems have been deployed to 119 airports, 19 seaports, and 154 Land Ports of Entry (LPOEs). However, no such biometric exit system currently exists to capture information in real time to understand when an individual exits the country.

One of the more significant aspect of the Beyond the Border Action Plan involves the land entry/exit program in collaboration with Canadian authorities. The Beyond the Border Action Plan states that the United States and Canada will serve as the exit function for the other country by exchanging entry records. Entries into one country will simultaneously serve as exit records from the other.

By September 30, 2012, Canada and the United States are to begin implementation of a pilot project exchanging entry data for third-country nationals, permanent residents of Canada, and U.S. lawful permanent residents, who enter each country through two to four common land ports of entry.

If implemented as planned, the United States will have a fully-functioning land border exit system on its Northern Border using biographic data in 2014.

A more challenging proposal that is still being negotiated would place U.S. Customs and Border Protection (CBP) Officers on Canadian soil to pre-screen freight trucks at the Peace Bridge and other major crossings. Though many believe this would significantly decrease inspection delays upon entering the United States, the issue of CBP officers carrying—and possibly using—firearms on Canadian soil remains to be worked out between the countries. But, I am hopeful the two sides will eventually be able to come to an agreement on this important program.

TODAY'S WITNESSES

To get a better understanding of these and other issues, we will hear from two government witnesses representing both DHS and Erie County about the level and

quality of information sharing on the Northern Border, and how the Beyond the Border Action Plan is expected to enhance the intelligence sharing issues that remain to be resolved in order make our border efficient and safe for trade and travelers alike.

I look forward to hearing from today's witnesses on this important topic.

Mr. MEEHAN. Now I recognize the gentleman from New York, the Ranking Member of the subcommittee, Mr. Higgins, for any opening statement he may have.

Mr. HIGGINS. Thank you, Chairman Patrick Meehan, for your friendship and your leadership. Pat and I have the unique distinction of playing ice hockey on the Congressional hockey team. We play a game every year for charity, and is one of about 5 Members of Congress to play ice hockey still. So we welcome you, Mr. Chairman, here today, and we thank you for holding this hearing.

I would like to extend a thank you to the clerk of the district court, Michael Roemer, and his staff at the soon-to-be-named Jackson Courthouse for their hospitality today. I would also like to thank the witnesses for appearing before us. I am looking forward to their testimony.

The Department of Homeland Security has several international agreements designed to continue to keep our Nation secure while working with foreign governments. These agreements enhance security and promote safe travel and trade. Western Europe knows all too well the necessity of having strong international agreements. We neighbor Canada, and there is an impressive amount of travel and trade that occurs between this area and our neighboring country. As the Chairman indicated, we are the busiest Northern Border crossing for passenger vehicles and third for commercial vehicles.

In February 2011, Canadian Prime Minister Stephen Harper and President Barack Obama signed the Beyond the Borders Declaration. This declaration is to be a long-term partnership built upon the perimeter approach to security and economic competitiveness. The White House released its Beyond the Border Action Plan, and the Department of Homeland Security plays an integral role in this process.

The Action Plan addresses a wide range of areas of cooperation between our 2 countries, many of which this subcommittee will and has examined. The Action Plan includes the United States and Canada collaborating to address threats early through information sharing and by improving intelligence. It also includes sharing information intelligence in support of law enforcement.

This is extremely important because in previous subcommittee hearings, we were told about a Hezbollah presence in North America. Hezbollah is Arabic for party of God. It is an Islamic Shia group that is committed to violent Jihad. They act as a proxy for Syria, for Venezuela, and for Iran. We were told in our committee that we should not be too concerned because Hezbollah's activities in 15 North America cities, including Toronto, is limited to fundraising activity. Well, if you are a terrorist organization or recognized as such and you are engaged in fundraising, that to me is terrorist activity.

So we are looking for an action plan that includes an approach to screening inbound cargo arriving from offshore and establishing robust entry and exit systems at our border. This Action Plan

seems like a much-needed step in the right direction. However, we have lingering questions as to how the elements will be actually implemented.

For instance, how can such a robust plan exist for the Northern Border areas, yet this area is not considered high-risk enough for State and local officials in this area to receive funding under the Urban Area Security Initiative? Without this program and without its funding, the local law enforcement and emergency personnel will, to sustain some of the advancements it made in 9/11, how can they be expected to work with the Federal partners without this necessary funding? How will inoperability capacity be increased under the Action Plan? The lack of inoperable communications has been an issue since September 11, and we have to fix it. What under this plan will be done to assist in this gap?

With regard to cargo screening, the Action Plan raised the possibility of pre-inspection of U.S.-bound cargo traffic on the Canadian side of the border crossing. The Peace Bridge, as I mentioned, is the second-busiest crossing between the United States and Canada. Expediting traffic at the bridge is essential to the economic future of Buffalo and western New York.

A pre-inspection pilot should be held at the Peace Bridge and would go a long way toward improving the congestion problem at the bridge as a short-term measure. We are looking at other issues, building capacity at both the plaza and the bridge span. But pre-inspection would—make this pilot project would be very, very helpful.

I am enthused about having a plan that assists in our keeping the Northern Border secure and accessible, but it is important that this Action Plan works for the personnel that work tirelessly in the border areas to mitigate threats and ensure lawful trade.

The success of the western New York economy and the safety is undoubtedly tied to Canada. I look forward to hearing testimony on how this Action Plan and other international agreements will be used to strengthen security and competitiveness.

With that, Mr. Chairman, I yield back.

Mr. MEEHAN. Thank you, Ranking Member Higgins. I would also like to recognize my good friend, the gentlelady from New York's 26th Congressional District, the neighboring district, for any opening comments she may have. Ms. Hochul.

Ms. HOCHUL. Thank you, Chairman Meehan. Thank you so much for hosting this in our lovely city today. We delivered some good weather for you today. You leave with good feelings about western New York.

I thank my Ranking Member, Brian Higgins, for your leadership on this committee as one of the newest Members of the Homeland Security Committee. I have enjoyed the nonpartisanship relationship that we have enjoyed very much, and I think that is a hallmark of that committee as we work together collaboratively to keep our country safe.

I also wanted to thank the witnesses for coming here today. We appreciate those. Certainly as a former staffer on Capitol Hill, I want to thank the staff that was involved in putting this together, traveling here today. Also our personal staffs for all you to do keep us in line. So thank you.

I think we have laid out very well how important our relationship with Canada is as a large trading partner, but also through our vulnerabilities that come with such a large border. One of my efforts on the committee was to ensure that there is language in our Secure Border Act that would make sure that we give the same amount of attention that we give to the Southern Border when we are making our priorities, the Northern Border, because of its large exposure. That is something that was pointed out by the GAO and something that we are very cognizant of here in western New York.

My top priorities in Congress are to make sure that we continue to have a better business climate for western New York businesses, United States business, and a lot of that hinges on free trade with Canada, open borders that allow us to do what we used to do before the Western Hemisphere Travel Initiative was enacted in 2004, creating additional barriers.

I am also concerned about the need to reduce over-burdensome regulations that affect that flow of commerce. But also underlying all this, and perhaps paramount, is the need to keep us safe. That is something, and you mentioned some of the threats we have experienced already, we are very cognizant of. So that is the framework from which we work to make sure we have the flow of commerce, help our businesses, help our local economy. But safety, protecting American citizens, is always at the top.

So I appreciate this opportunity and look forward to hearing from the witnesses and having the opportunity to question them as well. Thank you.

Mr. MEEHAN. Thank you, Ms. Hochul.

Let me take a moment to say thank you again for our witnesses who are here today. We are pleased to have 3 distinguished witnesses to testify on the important topics that have been raised in the opening statements.

I have the pleasure of introducing one of those, Deborah Meyers, who is the director of Canadian affairs in the Office of Policy at the Department of Homeland Security. Ms. Meyers coordinates the Department's engagement with Canada in support of the Department's goals and collaboration with its components, other U.S. Government agencies, and Canadian officials.

Her portfolio includes counterterrorism and law enforcement issues, border management, immigration, critical infrastructure protection, and cybersecurity, and emergency preparedness. She played a key role in the development declaration between President Obama and Prime Minister Harper in 2011 called "Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness," which articulates a shared approach to security in which both countries work together to address threats within, at, and away from our borders, while expediting lawful trade and travel.

Ms. Meyers also helped formulate the Department's Northern Border strategy.

Thank you for being here, Ms. Meyers.

I now recognize Ranking Member Higgins to introduce our other 2 witnesses.

Mr. HIGGINS. Mr. Chairman, I am pleased to introduce Mr. Dan Neaverth, commissioner of the Erie County Emergency Services.

Mr. Neaverth has over 22 years of public safety experience in service, with deployments to New York City following the tragic events of 9/11, the Binghamton floods, the crash of 3407, the 2006 October storm, and Hurricane Irene. Mr. Neaverth has first-hand experience with communication needs in disaster organization and recovery.

A volunteer firefighter for 22 years, Mr. Neaverth also serves as the Orchard Park fire district chief, an adjunct instructor for the New York State Department of Homeland Security and Emergency Management, and the Buffalo Bills game day emergency management coordinator.

We also are pleased to introduce Sheriff James Voutour, sheriff of Niagara County. Mr. Voutour has been sheriff for the past 3½ years, and he has been a law enforcement professional for over 20 years.

Mr. MEEHAN. Thank you, Ranking Member Higgins.

At this point in time, I am pleased to recognize in order the witnesses, who will testify before us today. I thank you for your extensive written testimony that was delivered to us. I will ask if you can do your best to try to maintain your oral testimony, the best you can, within the 5-minute period that we have. At the conclusion of each of your collective testimonies, we will begin the process of asking questions.

So, Ms. Meyers, at this point in time, the Chairman recognizes you for your testimony.

STATEMENT OF DEBORAH W. MEYERS, DIRECTOR, CANADIAN AFFAIRS, OFFICE OF INTERNATIONAL AFFAIRS, U.S. DEPARTMENT OF HOMELAND SECURITY

Ms. MEYERS. Chairman Meehan, Ranking Member Higgins, and Congressman Hochul, thank you very much for the opportunity to provide testimony on this important and exciting subject.

As the director of Canadian affairs at the Department of Homeland Security, I am pleased to discuss the Department's partnership with Canada to enhance security while facilitating lawful trade and travel.

As you have noted, our partnership with Canada is critical to both our National and economic security. With over 5,500 miles of land, the U.S.-Canada border is the longest shared border in the world. Over 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 importance of a security and economic partnership with Canada is particularly evident here in western New York. In 2011, over 13 million cars, buses, and trucks crossed between the United States and Canada at the region's 4 crossings—the Peace Bridge, the Rainbow Bridge, the Whirlpool Rapids Bridge, and the Queenston-Lewiston Bridge.

In 2011, New York's exports to Canada topped $16 billion, supporting thousands of U.S. jobs. Canada is also the largest source of foreign investment in New York. Mr. Chairman, you may find of particular interest to know that 30 percent of the Keystone States' exports go to Canada. Pennsylvania's exports to Canada are 3 times greater than the exports to China.

To preserve and extend the benefits of the U.S.-Canada partnership, on February 2011, President Obama and Prime Minister Harper released the joint declaration "Beyond the Border: A Shared Vision for Perimeter Security and Economic Competitiveness." This declaration was followed by a joint Action Plan released last December, as we noted, outlining specific initiatives to help turn the outer border vision into a reality. The outer border commits to the United States and Canada to pursue a perimeter approach to security working together, within, at, and away from the borders of our 2 countries to enhance our security and to accelerate the legitimate flow of people, goods, and services between our 2 countries.

The declaration outlines 4 key areas of cooperation—first, addressing threats early; second, trade facilitation, economic growth, and jobs; third, integrate cross border law enforcement; and fourth, critical infrastructure and cybersecurity. The Action Plan describes the specific initiatives to advance each of these areas of cooperation.

Information and intelligence sharing support a number of initiatives beyond the border. Specific examples include commitments to share risk assessment targeting scenarios and real-time notifications regarding individuals on the U.S. Watch List; provide access to information on those who have removed or have been refused admission or a visa from either country; and implement a systematic and automated biometric information-sharing capability by 2014 to reduce identify fraud and enhance screening decisions.

Importantly, all of our information sharing under Beyond the Border is conducted with respect for our separate constitutional and legal frameworks. Toward this end, our countries released the joint U.S.-Canada privacy principles in June 2012 to guide and inform all information-sharing activities under Beyond the Border.

The Beyond the Border Action Plan provides implementation time frames, describes how we will measure progress, and names the responsible agency or department for each initiative. The White House's National security staff coordinates these efforts within the U.S. Government, while bilateral coordination is conducted through the Beyond the Border Executive Steering Committee.

The U.S. and Canadian governments are committed to public engagement and transparency and have participated in numerous stakeholder outreach events, including one here in the Niagara region. DHS has also solicited comments on the action for *Federal Register* Notice, and continues to accept input on-line. To ensure continued transparency, Canada and the United States will generate a joint public annual Beyond the Border implementation report.

The United States and Canada already have made significant progress implementing the Beyond the Border Action Plan. For example, in May 2012, U.S. Customs and Border Protection and the Canada Border Services Agency announced joint efforts to expand and enhance the trusted traveler program NEXUS, including opening the southbound NEXUS lane the Queenston-Lewiston Bridge. In addition, Secretary Napolitano herself held a consultation with business traveler stakeholders, and the Canadian immigration ministry did the same in Toronto.

Just this month, CBD and CBSA announced the installation of new and advanced sensor technology for the Peace Bridge and the 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 crossings, and select the bridge with the best wait times.

In conclusion, the Beyond the Border Declaration and accompanying Action Plan provide the overarching vision to guide U.S.-Canada bilateral cooperation.

Chairman Meehan, Ranking Member Higgins, and Congressman Hochul, thank you again for the opportunity to provide testimony today. I have submitted the written testimony and respectfully ask it be made part of this hearing's official record. I look forward to answering any questions.

[The prepared statement of Ms. Meyers follows:]

PREPARED STATEMENT OF DEBORAH W. MEYERS

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 U.S.-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 U.S.-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 watch lists;
- 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 time frames, 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 in-

cludes 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, DC; 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.* The feedback and comments received, both in-person at outreach events, through correspondence, and on-line, are helping to inform the implementation efforts. All of the *Beyond the Border*-related documents and announcements are available on-line at *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 PreCheck™ 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 polices 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.

Mr. MEEHAN. Thank you, Ms. Meyers.

At this point in time, Commissioner Neaverth, we would look forward to your testimony.

STATEMENT OF DANIEL J. NEAVERTH, JR., COMMISSIONER, DEPARTMENT OF EMERGENCY SERVICES, ERIE COUNTY, NEW YORK

Mr. NEAVERTH. Chairman Meehan, Ranking Member Higgins, and, of course, Committee Member Hochul. I am Daniel J. Neaverth Jr., Commissioner of the Erie County Department of Emergency Services, and I want to thank you for the opportunity to testify and submit for the record regarding cross-border initiatives, collaborative homeland security efforts, and intelligence sharing.

The Buffalo, Erie, and Niagara Urban Area Security Initiative, under the leadership of its three co-chairs, facilitate the direction of our homeland security efforts consistent with Presidential directives.

Homeland security efforts in our community feature numerous partners and key stakeholders. Local, county, State, and Federal agencies gather routinely to discuss best practices, intelligence updates, and training initiatives.

Even before the tragic events of September 11, 2001, the first response agencies of western New York worked in a collaborative effort to train, equip, and respond as a region. We count among these partners the Niagara Region of Canada. Our International Joint Commission has resulted in the cross-border contingency plan. Now this cross-border contingency plan is very historic. As a matter of fact, the joint tradition has resulted in the plan itself and its agreement in North America is the first of its kind. The signatures on this document represent a common goal between the Niagara Region of Canada, including all of its municipal entities, the City of Buffalo, and the Counties of Erie as well as Niagara.

Now the primary focus of the agreement is to expedite appropriate resources in times, and even before times, of crisis, and to focus those energies where they are needed. A secondary benefit is a regularly-scheduled grass-roots dialogue between international partners often missed on the Federal level. I am happy to announce that Sean Herbert, who is the associate director of regional emergency planning, was part of that as co-chair, is in the room with us here today, and he is happy to be a part of this effort.

Well, these efforts have resulted in maximizing collective talents regardless of jurisdiction. The project has led to cross-border exercises, planning events, and facilitation of our Canadian counterparts in Homeland Security trainings that were previously limited to U.S. citizens.

One particular effort that I take great pride in has been the cross-training of personnel in the incident command system, as well as hazardous materials. This partnership has resulted in a timely notification during incidents and, more recently, investment

in a common emergency management platform known as Disaster LAN or DLAN.

As for intelligence gathering, I requested that one of our partner agencies update me on the current cross-border initiatives. I hope you fully appreciate the fact that my department does not have as a key mission an intelligence component, but that we are kept in the loop and updated on key issues and concerns several times per week. My inquiry was with New York State Investigator Fred Andriaccio. He is with Troop A's counterterrorism unit.

Investigator Andriaccio commented that his group, and I quote, "They're actively involved in several cross-border intelligence and information-sharing initiatives, including Canadian and American law enforcement organizations, CALEO, a monthly meeting that brings together numerous law enforcement agencies from both sides of the border, meeting 1 month in Canada, and the next month they come back to the United States. We also sponsor a very well-attended educational training summit each year. The New York State Police counterterrorism unit, they hold counterterrorism meetings, and law enforcement and emergency response agencies are all invited." There are more details in my statement.

Now I attended their 2012 counterterrorism conference held at the First Niagara Center in downtown Buffalo. There was excellence in attendance. It was attended by not only our Canadian partners from law enforcement, but other emergency management branches as well.

Now some of our key homeland security-funded initiatives include a 400-MHz interoperable platform. This allows our fire agencies in Erie County to communicate with each other on a common spectrum. Our mobile operations command vehicles serve as a regional resource allowing numerous agencies in and out of Erie County the tools for a more effective management of command and control during prolonged incidents and planned events.

Currently our 9–1–1 system is being updated. Thank you for the homeland security funding for that. The critical upgrade will enhance all public safety answering points in the county with more accurate dispatch.

One of Erie's that is a Homeland Security funding that I think has been absolutely tremendous has been in the area of the western district incident management team. The team consists of Federal Emergency Management Agency-trained personnel from a 10-county region of the western New York area. This, when requested, responds to disasters within the State, assisting local, county, and State agencies with emergency management, incident command solutions, and incident action plan development. The team has already deployed to several disasters, including last year's devastating floods following Hurricane Irene, the 2010 Gowanda floods, and of course the crash of flight 3407.

The list of accomplishments is incredible. The partnerships are priceless. Of course, concerns about the reduction funding to urban area security groups—many of these projects have reoccurring maintenance costs, calibration issues, and personnel budget lines tied directly to the life of that grant.

The co-chairs of the BEN region fully appreciate the current economic environment, and we realize that everybody must feel the

pain. But we question the decisions to depart from the established threats and critical infrastructure-based criteria. A short drive from this facility, as you noted, you will find our international crossings, the economic arteries of North America. You will also find the engine that powers the Northeast.

I will wrap things up now and conclude my comments here. With millions of homeland security dollars being dedicated to interoperable projects and tighter and tighter spend-down time tables, one area we would like to focus on is the FCC. They are extremely accommodating, and the Federal agencies on both sides of the border are aware of this. However, we have some major needs and major concerns with the licensing of these frequencies as it relates to cross-border. I can get more into that with my testimony if you would like.

Chairman Meehan, Ranking Member Higgins, and Subcommittee Member Hochul, let me conclude by reiterating my appreciation for the opportunity to provide testimony today. The first responders of western New York have repeatedly answered the call. They have faced man-made horrors of Ground Zero with our brothers and sisters in New York City and the wrath of Mother Nature. Sustained funding for equipping and training these individuals is critical to that mission. I thank you for your time and look forward to answering any of your questions.

[The prepared statement of Mr. Neaverth follows:]

PREPARED STATEMENT OF DANIEL J. NEAVERTH, JR.

JULY 30, 2012

Chairman Meehan, Ranking Member Higgins, and Members of the committee: I am Daniel J. Neaverth, Jr., Commissioner of the Erie County Department of Emergency Services. Thank you for the opportunity to testify and submit testimony for the record regarding cross-border initiatives, collaborative homeland security efforts, and intelligence sharing.

The Buffalo, Erie, and Niagara Urban Area Security Initiative (UASI) under the leadership of its three co-chairs, facilitate the direction of our Homeland Security efforts consistent with Presidential Directives. Homeland Security efforts in our community feature numerous partners and key stakeholders. Local, county, State, and Federal agencies routinely gather for discussions on best practices, intelligence updates, and training initiatives.

Even before the tragic events of September 11, 2001, the first response agencies of Western New York have worked in a collaborative environment to train, equip, and respond as a region. We count among these partners the Niagara Region of Canada. Our International Joint Commission (IJC) has resulted in the Cross-Border Contingency Plan, a historic first-of-its-kind agreement in North America. The signatures on this document represent a common goal between the Niagara Region of Canada including all of their municipal entities, the City of Buffalo, and the Counties of Niagara and Erie. The primary focus of the agreement, expedite appropriate resources in times of crisis regardless of the imaginary lines we define as borders. A secondary benefit is a regularly-scheduled grass-roots dialogue between international partners often missed at the Federal level.

These efforts have resulted in maximizing collective talents regardless of jurisdiction. This project has lead to cross-border exercises, planning events, and facilitation of our Canadian counterparts in Homeland Security trainings previously limited to U.S. citizens. One particular effort that I take great pride in has been the cross-training of personnel in the Incident Command System and hazardous materials. This partnership has resulted in timely notifications during incidents and more recently, investment in a common emergency management platform known as Disaster Lan or DLAN.

As for intelligence gathering I requested that one of our partner agencies update me on the current cross-border initiatives. I hope you appreciate the fact that my department doesn't have as our key mission an intelligence component but that we

are kept in the loop and updated on key issues and concerns several times per week. My inquiry was directed to investigator, Fred Andriaccio, Troop A Counter-Terrorism Unit.

Investigator Andriaccio commented that his group is:

" . . . actively involved in several cross-border intelligence and information-sharing initiatives including the Canadian American Law Enforcement Organization (CALEO), a monthly meeting that brings together numerous LE agencies from both sides of the border, meeting 1 month in Canada, the next in the United States. We also sponsor a very well-attended educational training summit each year; this year it was in Buffalo, NY. The purpose is to network with agencies from across the border, as well as our own Law Enforcement partners, sharing intelligence information and educational training initiatives.

"Another group is the Integrated Border Enforcement Teams (IBET) of which our Partnership Purpose and Goal is increasing the effectiveness of the Smart Border Action Plan signed by the U.S. Attorney General and the Canadian Solicitor General in December 2001. The IBET GIS Work Group was formed to support IBET's mission of securing the U.S./Canadian border by facilitating partnerships such as the Land Use/Land Cover (LULC) The LULC data and the partnerships developed through this project will support a joint Common Operational Picture (COP) that involves multiple law enforcement agencies.

"In our New York State Police Counterterrorism Unit, we hold Counterterrorism Zone meetings, and the Canadian Law Enforcement and Emergency Response agencies are always invited."

I attended the 2012 Counterterrorism Conference, held at the First Niagara Center in downtown Buffalo. There was excellent attendance by our Canadian brothers and sisters in law enforcement and emergency responders. I would like to thank Investigator Andriaccio and note that my request for updates on his cross-border projects and his prompt reply, should serve to reinforce the cooperation that exists among all of our agencies.

Some of our key Homeland Security-funded initiatives include, a 400-MHz interoperable platform allowing all fire agencies in Erie County to communicate with each other on a common spectrum. Our mobile operations command vehicles serve as a regional resource allowing numerous agencies in and out of Erie County the tools to more efficiently manage command and control during prolonged incidents and planned events. Currently our 9–1–1 system is being updated. This critical upgrade will enhance all public safety answering points in the county with more accurate dispatch information. Funds have been dedicated to improve surveillance, detection update all hazard plans, plus equipment and train our first responder on the latest tactics.

Your Homeland Security funding efforts have allowed us to create the Western District Incident Management Team (IMT). This team consists of Federal Emergency Management Agency (FEMA)-trained personnel from a 10-county region of Western New York. The team when requested responds to disasters within the State, assisting local, county, and State agencies with emergency management, incident command solutions and incident action plan development. The team has already deployed to several disasters, including last year's devastating floods following Hurricane Irene; the 2010 Gowanda, New York floods; and closer to home, the crash of Flight 3407.

The list of accomplishments is impressive; the partnerships, priceless. Of concern however is the reduction of funded Urban Area Security groups. Many of these projects have reoccurring maintenance costs, calibration issues and personnel budget lines tied directly to the life of the grant. The co-chairs of the BEN region fully appreciate the current economic environment and the realization that everyone needs to share in reductions. We question the decision to depart from the established threat and critical infrastructure-based criteria. A short drive from this facility you will find our international crossings, the economic arteries of North America. You will also find the engine that powers the Northeast.

An area in need of better collaboration on the Federal level involves the approval of Federal Communication Commission (FCC) licenses for first response agencies bordering Canada. Currently an agency, in addition to the traditional FCC application, must wait for cross-border approval so as to avoid potential interference. Whereas I fully appreciate the need for communication channels to be vetted, the time frame for acceptance is excessive. Oftentimes, despite a clear demonstration of negative interference, licenses are denied. Erie County applied for 400-MHz approval to activate our MED channels early in 2011. We have yet to receive approval. The end result, a key component of our county-wide system designed to assist in

ambulance tracking, mass casualty tactical operations and hospital status, remains silent.

With millions of homeland security dollars being dedicated to interoperable projects and tighter and tighter spend-down time tables, it's imperative that constructive dialogue begin on rectifying this cross-border public safety issue.

The FCC has been extremely accommodating and Federal agencies on both sides of the border are aware, however this needs to be front and center on everyone's radar. It's a large border with thousands of agencies seeking a more efficient means of approval. Improvements in our ability to detect, deter, and respond shouldn't be negatively impacted by a lack of dialogue.

Chairman Meehan, Ranking Member Higgins, and Members of the subcommittee, let me conclude by reiterating my appreciation for the opportunity to provide testimony today. The first responders of Western New York have repeatedly answered the call. They faced the man-made horrors of Ground Zero with our brothers and sisters in New York and the wrath of Mother Nature. Sustained funding for equipping and training of these individuals is critical to that mission. I thank you for your time and look forward to answering any questions.

Mr. MEEHAN. Thank you, Commissioner. I am grateful for your testimony.

Sheriff Voutour—is that how it——

Sheriff VOUTOUR. That is correct, Mr. Chairman.

Mr. MEEHAN. Voutour, thank you. I appreciate your being here today, and look forward to your testimony. Sheriff Voutour.

STATEMENT OF JAMES R. VOUTOUR, SHERIFF, NIAGARA COUNTY, NEW YORK

Sheriff VOUTOUR. Mr. Chairman and distinguished Members of the subcommittee, my name is James Voutour. I am the elected sheriff of Niagara County, New York. I have been a law enforcement professional for the past 20 years and sheriff for the past 3½ years.

As the chief law enforcement official of Niagara County, I am responsible for keeping the peace and protecting the citizens of Niagara County. It is my honor to be asked to testify here today, and I thank you for that privilege. I will try to make my testimony a little bit more specific to Niagara County, although we are a response partner with Erie County and the Buffalo region.

As you know, Niagara County is located in the northwest corner of New York State. The combined population for the Buffalo-Niagara region is 1.35 million, and that is before a single tourist sets foot in our area. What is unique about our county is that we share an international border with Canada to our west, to our north, and a small portion to our south. In total, there are approximately 40 miles of international border we are charged with protecting in Niagara County.

We are host to one of the wonders of the world with Niagara Falls, which attracts millions of tourists from around the world yearly. We have 3 international ports of entry in Niagara County as we have heard today—the Rainbow Bridge, the Whirlpool Bridge, and the Lewiston-Queenston Bridge. These bridges account for a large portion of the traffic into the United States and are among the most active bridges in the entire country.

More than 13 million people cross these bridges into the Buffalo-Niagara area on an annual basis. There are 7,000 commercial vehicles crossing the international bridges on a daily basis. A single, significant incident occurring on any of these bridges could result

in a Nation-wide hardening of all international traffic, resulting in an immediate economic impact throughout North America.

I mention our international bridges first for good reason. Niagara County sits just 30 miles south of the Greater Toronto area. The Greater Toronto area is home to nearly 6 million people, of which nearly half are immigrants. The population in and around Toronto continues to grow at a rapid pace, making Toronto one of the most multicultural cities on face of the earth.

Toronto has become a destination for refugees from strife-torn countries in the Middle East. Many of these citizens travel across our international bridges on a regular basis to take advantage of comparatively lower prices with less tax at our shopping malls, and they continue on to northeast cities such as New York and Washington, DC.

Local law enforcement is the second line of defense in supporting Federal agencies, such as Customs and Border Protection and the Border Patrol, in their mission of ensuring that all those desiring entry into the United States are both properly screened and vetted at our established ports of entries.

Niagara County is also home to the Niagara Power Project, the largest producer of electricity in New York State, generating 2.4 million kilowatts of power. The economic impact of a terrorist attack at the Niagara Power Plant would be catastrophic not only for New York, but also for the entire northeast and Canada.

The Buffalo-Niagara region has long been home to a number of plants in the electro, petro, and chemical industry. There are more than 50 facilities that produce, store, and ship extremely hazardous materials in the Niagara region alone. These materials are transported daily and throughout the region by truck and train, making the area vulnerable to a catastrophic event.

The mission of the Buffalo/Erie, Niagara Urban Area Work Group is to maximize the efforts of jurisdictions located in the Buffalo, Erie, and Niagara areas to prevent, prepare, respond to, and recover from acts of terrorism, including weapons of mass destruction and naturally occurring catastrophic events.

UASI funding has allowed us to train, equip, practice, and prepare for such events described in our mission statement. Our expertise was put to the test with the crash of flight 3407, the Gowanda floods of 2009, and the October storm of 2006. The funding has allowed Niagara County to participate in regional and Federal task forces throughout our region.

Our sheriff's office currently assigns full-time investigators to the FBI Joint Terrorism Task Force. The FBI regional computer forensics lab, the Buffalo Office of the Alcohol, Tobacco, and Firearms, the Army Counterintelligence Unit, and Customs and Border Protection, also assign members to our Niagara County Drug Task Force.

I cannot stress enough the importance I place on having the ability to assign my staff to these task forces to protect our region. You may remember the arrests and convictions of the Lackawanna Six in the spring of 2002. This discovery and arrest was a direct result of the JTTF here in Buffalo, and a Niagara County sheriff's investigator played an important key role in that investigation.

Mr. Chairman, the continuing success of the task force needs three key pieces. First, we must have a dedicated pool of experienced law enforcement officials. Second, we need highly-trained law enforcement leadership. Third, the financial resources that the Federal Government can provide.

Niagara County is facing a shrinking budget once again in 2013. The recent elimination of the Buffalo-Niagara UASI group greatly diminishes the ability to protect our borders. We need to continue to plan, equip, and practice to protect our citizens. We also need to continue to improve our interoperable communications for our first responders and build fusion centers with our Canadian partners to share not only intelligence, but real-time intelligence. I fear that these financial cuts will quickly bring the Buffalo-Niagara region back into pre-9/11 times.

Mr. Chairman, I applaud your committee for the work you have embarked on to protect our borders. Your support in Washington is greatly needed and greatly appreciated by the Buffalo/Niagara region. I believe that if we work together, we will be able to uphold our oath to serve and protect, and the Buffalo-Niagara group will be able to fulfill our mission statement. Thank you for the opportunity to address this committee.

I would like to close with a quote from our President: "We cannot continue to rely on our military in order to achieve the National security objectives that we've set. We've got have a civilian National security force that's just as powerful, just as strong, just as well-funded."

Mr. Chairman, my partners here are your civilian National security force. Thank you.

[The prepared statement of Sheriff Voutour follows:]

PREPARED STATEMENT OF SHERIFF JAMES R. VOUTOUR

JULY 30, 2012

Mr. Chairman and distinguished Members of the subcommittee, I am James R. Voutour, the elected sheriff of Niagara County, New York. I have been a law enforcement professional for the past 20 years and sheriff for the past 3½ years. As the chief law enforcement official in Niagara County, I am responsible for keeping the peace and protecting the citizens of Niagara County. It is my honor to be asked to testify here today, and I thank you for the privilege.

As you know, Niagara County is located in the northwest corner of New York State. The combined population for the Buffalo-Niagara region is 1.35 million before a single tourist enters the region. What is unique about our county is that we share an international border with Canada to our west, to our north, and a small portion to our south. In total, there are approximately 40 miles of international border we are charged with protecting. We are host to one of the wonders of the world with Niagara Falls, attracting millions of tourists from around the world yearly. We have 3 international ports of entry in Niagara County: the Rainbow Bridge, the Whirlpool Bridge, and the Lewiston-Queenston Bridge. These bridges account for a large portion of traffic into the United States and are among the most active bridges in the country. More than 14 million people cross the bridges into the Buffalo-Niagara area on an annual basis. There are 7,000 commercial vehicles crossing the international bridges on a daily basis. A single, significant incident occurring on any of these bridges would result in a Nation-wide "hardening" of all international traffic, resulting in an immediate economic impact throughout North America.

I mention our international bridges first for good reason. Niagara County sits just 30 miles south of the Greater Toronto area. The Greater Toronto area is home to nearly 6 million people, of which nearly half are recent immigrants. The population in and around Toronto continues to grow at a rapid pace making Toronto one of the most multi-cultural cities on Earth. Toronto has also become the destination for refugees from strife-torn countries in the Middle East. Many of these citizens travel

across our international bridges on a regular basis to take advantage of comparatively lower prices and less tax at our shopping malls and to continue on to northeast cities such as New York and Washington, DC. Local law enforcement is the second line of defense in supporting Federal agencies such as Custom and Border Protection and Border Patrol in their mission of insuring that all those desiring entry to the United States are properly screened at our established ports of entry. The loss of UASI funding will greatly diminish our ability to maintain this working relation, particularly with our Canadian partners.

Niagara County is also home to the Niagara Power Project, the largest producer of electricity in New York State, generating 2.4 million kilowatts of power. The economic impact of a terrorist attack at the Niagara Power Plant would be catastrophic for not only New York, but also the entire Northeast and Canada. The Buffalo-Niagara region has long been home to a large number of plants in the electro-petrochemical industry. There are more than 50 facilities that produce, store, and ship extremely hazardous materials in our region alone. These materials are transported daily throughout the region by truck and train making the area vulnerable to a catastrophic event.

The mission of the Buffalo/Erie/Niagara Urban Area Work Group is to maximize the efforts of jurisdictions located in the Buffalo, Erie, and Niagara areas to prevent, prepare for, respond to, and recover from acts of terrorism and events involving weapons of mass destruction and naturally occurring catastrophic events.

UASI funding has allowed our region to train, equip, practice, and prepare for such events described in our mission statement. Our expertise was put to the test with the crash of flight 3407, the Gowanda floods of 2009, and the October storm of 2006. The funding also allows Niagara County to participate in regional, Federal tasks forces throughout the region. Our sheriff's office currently assigns full-time investigators to the Buffalo FBI Joint Terrorism Task Force (JTTF), the FBI's regional computer forensics lab, the Buffalo Office of the Drug Enforcement Agency (DEA) and the FBI's cyber task force. Conversely, the Buffalo Office of Alcohol, Tobacco, and Firearms (ATF), the Army Counter-Intelligence Unit and Customs and Border Protection all assign an agent to the Niagara County Drug Task Force. I cannot stress enough the importance I place on having the ability to assign my staff to these task forces to protect our region. You may remember the arrest and conviction of the Lackawanna Six in the spring of 2002. This discovery and arrest was a direct result of the JTTF task force and a Niagara County Sheriff's Investigator played a key role in the investigation.

Mr. Chairman, the continuing success of this task force needs three key pieces. First, we must have a dedicated pool of highly experienced local law enforcement officials; second, we need highly skilled leadership, and third, the financial resources that the Federal Government can provide. Niagara County is facing a shrinking budget once again in 2013. The recent elimination of the Buffalo-Niagara UASI group greatly diminishes the ability to protect our borders. We need to continue to plan, equip, and practice to protect our citizens. We also need to continue to improve inter-operable communications for our first responders and build fusion centers with our Canadian partners to share real-time intelligence. I fear that these financial cuts will quickly bring the Buffalo-Niagara region back into pre-9/11 times.

Mr. Chairman, I applaud the committee for the work you have embarked on to protect our borders. Your support in Washington is greatly needed and appreciated by the Buffalo/Niagara region. I believe that if we work together, we will be able to uphold our oath to serve and protect and the Buffalo-Niagara group will be able to fulfill its mission statement. Thank you for the opportunity to address this committee. I will close with a quote from President Obama.

"We cannot continue to rely only on our military in order to achieve the National security objectives that we've set. We've got to have a civilian National security force that's just as powerful, just as strong, just as well-funded." Mr. Chairman and Members of Congress, we are your civilian National security force. Thank you.

Mr. MEEHAN. Thank you, Sheriff, for your testimony. Thanks to each of our witnesses not only for your testimony, but for your service. We must be getting ready for a new form of testimony. Nobody knows what is going to come on that screen, huh? There is not something we are waiting for, is there, on the screen? Okay.

Ms. HOCHUL. Live Olympics.

[Laughter.]

Mr. MEEHAN. Yeah, this is a swimming—yeah. Well, thank you for your testimony, and thank you again, as I said, for your service to our country.

I will now recognize myself for 5 minutes of questioning.

Ms. Meyers, I appreciate the work that you have done, a lot of the work that has been trend-setting in Beyond the Borders. We enjoy a special relationship with our neighbors from Canada, and one which has been steeped in a long tradition of friendship and cooperation. But, of course, we have both realized the threats to our homelands and the unique relationship that Canada shares in the form of its ties back to Europe and other places. As was testified by the sheriff, it has become, Toronto in particular, a location of which there has been a significant amount of people from around the world who have traveled to Canada for a variety of reasons, but not the least of which is, you know, hoping for a better life.

In the work that you have done in Beyond the Borders, can you tell me what has happened in the form of increasing the ability for us to share intelligence information about threats that could emanate from either side, but more often we believe it is likely to emanate from somebody who is using Canada as a method to try to gain entrance into the United States?

So what has been done to enhance that? What are the barriers to continuing or increased communication or information sharing, intelligence sharing in our relationship?

Ms. MEYERS. Chairman Meehan, thank you for that question. As you noted in your opening remarks, one of the elements of the Beyond the Border initiative is working together within, at, and away from our borders to address threats in the earliest way possible. This is where information sharing is absolutely critical. As Prime Minister Harper noted, a threat to one country is a threat to both countries.

So there are a number of specific items in the Beyond the Border Action Plan that address this, including working together to develop a shared understanding of the threat, working together on joint threat and risk assessments, collaborating to enhance awareness, and working together to understand each other's legal systems so that we can be sure that we can share the information that is necessary, that is accurate and timely. Thank you.

Mr. MEEHAN. Could you talk a little bit about that, because that is one of the issues. Is there any unique concerns with regard to privacy or access to information that serves as a barrier to effective intelligence sharing with our friends and colleagues in Canada?

Ms. MEYERS. There is actually, sir, a very robust relationship between intelligence communities in both countries and the law enforcement officials in both countries as we have heard today. So that collaboration is on-going.

It is not an accident that one of the earliest deliverables in the Beyond the Border Action Plan was the joint statement on privacy principles to ensure that everyone understood that we take seriously the commitment to privacy that each country has, and to be very explicit about our commitment to ensure that there is a specific purpose for the information sharing, that that information is accurate, that it is timely, that it is used only by those who have a need to know, and that there is transparency and oversight of

that process, and that there is redress during the process. So that is absolutely critical, and it will inform all the information-sharing networks.

Mr. MEEHAN. Thank you. Let me ask both the commissioner and the sheriff, from your experience from a local perspective. I had the good fortune prior to this point in time in service to have been appointed as a United States attorney and served with my good friends, Mike Battle and Terry Flynn. I know that the same position is in good hands here now in Buffalo, New York. But it was during a period of time in which we were dealing with the threat of terrorism.

One of the big inroads that was made was the creation of the Joint Terrorist Task Forces. So now you are in a unique circumstance. We often have enough difficulty where I am from just making sure New York, and New Jersey, and Pennsylvania, and Delaware are communicating effectively enough across State borders.

Are you able to include within your network sufficiently your partners from Canada? I know that there has been some cooperation with the Coast Guard and the Canadian folks with controlling some of those. But are there impediments or opportunities with regard to real participation on both sides of the borders, either our folks in Canada or Canadian colleagues working with us here in the United States? Commissioner or Sheriff, if you would like to answer that first? Commissioner Neaverth.

Mr. NEAVERTH. I can tell you that the collaborative efforts, and I tried to address it in my opening comments, that the collaborative efforts on the grass roots are just really with the sheriff and myself as well as our partners over on the Canadian side. We collaborate with them. We have tremendous collaborative efforts with our Federal partners here in the BEN region. We continue to have discussions, local discussions in several different subcommittees. We work very closely with the port security. So it is a matter of reaching out and having those ties.

I cannot stress enough how important it is when something major happens or is about to happen, that information sharing. There is the technical aspect of that, but there is the human aspect, too. To me, as an emergency manager, the most valuable aspect are the relationships that have been formed, at least at the grass-roots level, in our Federal delegation.

I use as an example, when the sheriff came in this morning, I am not meeting the sheriff of Niagara County for the first time. We have been deployed to many things, and we have been to many conferences together. We have worked collaboratively through the BEN region. There are some of our Federal partners that are sitting here in the audience today, as well as our Canadian partners.

So I think when you talk about intelligence and information sharing, what we have managed to do here is to pull together, not only Erie County and Niagara County, and the Canadian region as far as these collaborative efforts, but we have also pulled in all of our Federal partners. We include the 10-county region of the western district. So you could pull in an emergency manager from any one of the 10 counties, or even first responders, or sheriffs deputies

from those counties, and people are on a first-name basis with one another.

I think that is the critical aspect when it comes to intelligence and information sharing is those one-on-one relationships.

Mr. MEEHAN. Thank you. Sheriff, do you have some thoughts?

Sheriff VOUTOUR. Mr. Chairman, what I have seen in the past 20 years, and the problem is, probably within the last 5 or 6 years with our assignment to the Joint Task Force here in Buffalo is the cooperation between local and Federal. Just here at the FBI office just a couple of blocks from here, they have made just tremendous strides to bring all of us as partners that the commissioner talked about into one room on at least a quarterly basis. They have vetted all those partners.

Most of us all have received our top secret clearance, which allows us to really get a good handle on the western area of Canada. I think that has probably been the most promising thing that we have had in the past couple of months is the ability to get those people vetted, bring them all to the table, and share that information. Canadian partners are at the table with us.

Mr. MEEHAN. Sheriff, my time has expired, but I do have one question with regard to that. Do you have full, active members on the Joint Terrorism Task Force from Canada?

Sheriff VOUTOUR. I am not sure if we do from Canada.

Mr. MEEHAN. Okay.

Sheriff VOUTOUR. I know that most of it is the American side.

Mr. MEEHAN. Okay.

Sheriff VOUTOUR. I am not sure. Commissioner, do you know for sure?

Mr. NEAVERTH. No. That was not included in the comments from the investigator from the State police.

Mr. MEEHAN. Right.

Mr. NEAVERTH. I could not answer that.

Mr. MEEHAN. I do not know that we do, and that was one of the questions I would have whether there is some particular way for us to enhance the activity by finding a way to include that, because I think it would only enhance the ability to be better prepared. But I am sure there are issues, and we may revisit that with some subsequent questions.

But at this point in time, my time has expired. I turn the questions over to my colleague from New York, Mr. Higgins.

Mr. HIGGINS. Thank you, Mr. Chairman. Before I question the witnesses, I would ask for unanimous consent to submit comments from the Buffalo and Fort Erie Public Bridge Authority for the record.

Mr. MEEHAN. So ordered.

[The information follows:]

LETTERS SUBMITTED FOR THE RECORD BY HON. BRIAN HIGGINS

BORDER TRADE ALLIANCE SUPPORTS PRE-PROCESSING PILOT AT BUFFALO PEACE BRIDGE

Issue.—The Peace Bridge spans the Niagara River and links Buffalo, NY and Ft. Erie, Ontario. The bridge is one of four toll crossings linking western New York with southern Ontario, one of the fastest-growing metropolitan areas in North America.

The Peace Bridge is the busiest automobile crossing between Canada and the United States and the third-busiest commercial crossing, with approximately 1.3

million trucks traversing the bridge annually. While Canada has made significant infrastructure improvements to facilitate the movement of people and commerce into Canada, the U.S. customs plaza remains a 60-year-old antiquated, constrained facility with not enough primary inspection booths to efficiently service the current traffic volumes. The plaza resides adjacent to an urban neighborhood and Olmsted-designed park. The Environmental Impact Statement process to expand the plaza is now in year 10 with no end in sight.

Pre-clearance not an option.—To address the geographic constraints in Buffalo, in the mid-2000s the concept of Customs pre-clearance was explored as an option to relieve the congestion at the bridge as well as to increase the security of this valuable element of bi-national infrastructure.

The concept centered on U.S. Customs and Border Protection (CBP) officers located on Canadian soil performing all their inspection and enforcement activities of U.S.-bound traffic in Canada before the conveyance or auto reached the Peace Bridge. In 2007, confirmed in 2009, this concept was rejected as it would have resulted in a lower level of security than at other U.S. ports of entry or required Canada to accept actions contrary to its Charter of Rights and Freedoms.

As recently as a February 2011 Capitol Hill hearing, U.S. Department of Homeland Security Secretary Janet Napolitano said:

"We have looked into preclearance on the Canadian side. We cannot do it: The position has not changed . . . We understand the importance of the span for trade and tourism and so forth. But we are not going to be able to resolve the preclearance issues in Canada."

Pre-processing: A simple, elegant solution.—In early February 2011 President Obama and Minister Harper signed a joint declaration entitled "Beyond the Border—A Shared Vision for Perimeter Security and Economic Competitiveness" which included the following statements:

"We intend to pursue creative and effective solutions to manage the flow of traffic between the United States and Canada. We will focus investment in modern infrastructure and technology at our busiest land ports of entry, which are essential to our economic well-being.

"We will strive to ensure that our border crossings have the capacity to support the volume of commercial and passenger traffic inherent to economic growth and job creation on both sides of the border."

The Border Trade Alliance (BTA) supports the statements by Canada and the United States that preclearance is not possible. However, both countries should implement a creative, innovative model that respects Canadian sovereignty and provides for U.S. security needs by establishing a commercial-only pre-processing facility in Canada.

Under this model, the Peace Bridge Authority would build a CBP commercial facility in Canada that would consist of primary inspection booths, offices, and parking. Primary processing would be conducted in Canada, with a "go" or "no-go" message sent ahead to the enforcement/release booth in the United States based on the outcome of the preliminary inspection. More than 90% of commercial shipments are released based on the primary inspection. If the CBP officer determines more intensive inspection is required, that inspection and any associated enforcement would be carried out in the United States. The driver would not know whether a "go" or "no-go" determination was made at the time of the initial inspection.

Benefits:

- Facility would be paid for by the Peace Bridge Authority.
- Would result in a 72% increase in throughput capacity.
- CBP officers in the United States would know what was coming.
- Smaller, less expensive plaza in the United States and better integration with neighborhood.
- Greater security as space created for additional non-intrusive inspection facilities.

BTA position.—The Border Trade Alliance supports the Peace Bridge Authority's pre-processing concept and urges DHS/CBP and CBSA to carry out a demonstration project at the bridge.

The BTA has consistently called for pushing enforcement away from the border when possible and for seeking opportunities to leverage creative thinking to relieve congestion and speed the flow of legitimate trade and travel.

The pre-processing pilot could serve as a model for other Northern Border ports of entry where appropriate to meet the demands of increasing cross-border trade and travel.

JULY 30, 2012.

U.S. House of Representatives,
Committee on Homeland Security, Subcommittee on Counterterrorism and Intelligence, H2–176 Ford House Office Building, Washington, DC 20515.

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

DEAR CHAIRMAN MEEHAN AND RANKING MEMBER HIGGINS: These comments are filed on behalf of the Buffalo and Fort Erie Public Bridge Authority (PBA), an international compact entity operating between the U.S. and Canada, which has owned and managed the Peace Bridge since 1933. First opening to traffic in 1927, the bridge traverses the Niagara River between Fort Erie, Ontario, and Buffalo, New York, and is a key international border crossing. The span also serves as the busiest Northern Border crossing for automobiles and third-busiest for commercial carriers, with 6,056,998 total vehicles utilizing the corridor in 2011.

The subcommittee's July 30, 2012, field hearing provides the perfect opportunity to address progress with many of the key deliverables of the *U.S.-Canada Beyond the Border Accord—A Shared Vision for Perimeter Security and Economic Competitiveness,* which was signed this past year between President Barack Obama and Prime Minister Stephen Harper.

Several specific components of the accord are of great interest to Western New York and the PBA, including:

- Increased promotion and implementation of the NEXUS and FAST trusted traveler programs to ensure continued growth and greater reliability in border movements for individuals and commercial shipments.
- Potential pilot projects regarding the pre-inspection of U.S.-bound commercial vehicles at certain border crossings, including the Peace Bridge corridor.

Trusted Travel Promotion

With over 88,000 NEXUS cardholders residing in the Western New York and Niagara regions, the use and popularity of this trusted traveler program is paramount to local security and economic prosperity. Roughly 16% of total traffic at the Peace Bridge utilizes NEXUS lanes. As part of the Beyond the Border Accord, a commitment was made by the U.S. and Canadian governments to better market and promote the program, in order to increase these NEXUS usage and enrollment figures even further.

While a strong "sweat equity" push (entitled NEXUS Niagara) has been put on this year between the PBA, the Niagara Falls Bridge Commission, Canada Border Services Agency, and CBP (to help grow and publicize the program), no Federal funding commitments have yet been made to buttress such efforts. Therefore to fully harness the true time-savings and congestion reduction features of NEXUS and other trusted travel programs, it is critical that the U.S. and Canadian governments allocate actual dollars—in the near-term—to market the programs to new potential members in Buffalo Niagara and across both countries.

For more information on the NEXUS Niagara trusted traveler campaign visit *http://www.n6xusnlagara.com.*

Pre-Inspection U.S.-Bound Commercial Vehicles

Beginning in late 2009, the PBA began working with local Members of Congress and their counterparts in government at the Department of Homeland Security to examine creative ways to ease chronic vehicle processing delays at the Peace Bridge, which are caused by a number of factors such as limited U.S. Customs plaza geography and antiquated facilities.

The Peace Bridge connects the densely populated city of Buffalo's west side with the more sparsely-populated town of Fort Erie. As a result, substantial property is available adjacent to the Canadian port-of-entry, as opposed to its American counterpart. Such property could feasibly accommodate new booth infrastructure and innovative techniques to pre-inspect or pre-process U.S.-bound commercial shipments. This approach would potentially free up much-needed space within the U.S. plaza area, and allow for increased automobile and commercial vehicle throughput, streamlined traffic patterns, and a more secure port parameter.

According to Nelson Balido, President of the Border Trade Alliance (BTA), pre-inspection at the Peace Bridge is worthy of immediate consideration through the Beyond the Border Accord because available land is already owned by the PBA, the concept offers serious congestion relief, and the sovereignty of both nations would be protected by retaining U.S. Customs and Border Protection's (CBP) ability to conduct actual "enforcement" activities on U.S. soil. A copy of the BTA's endorsement letter is attached for reference.

The Department of Homeland Security is slated to announce the selection of one or several pre-inspection pilot port locations later this year. In doing so, it is critical that DHS focus on those crossings that are most important to the U.S.-Canadian trade and security relationship, from both a vehicle volume and port applicability perspective. This decision should not be postponed, as rampant delays and infrastructure inefficiencies continue to cost the North American economy millions of dollars each and every year.

The PBA appreciates this opportunity to offer written comments to the House Homeland Security Subcommittee on Counterterrorism and Intelligence regarding the Beyond the Border Accord, trusted travel promotional needs, and the implementation of innovative border management techniques—such as the pre-inspection of commercial vehicles at the Peace Bridge—as means to improve the safety and efficiency of one North America's busiest border crossings.

Sincerely,

SAM HOYT,

Chairman, Board of Directors, Buffalo and Fort Erie Public Bridge Authority.

Mr. HIGGINS. Mrs. Meyers, you stated in your testimony that earlier this month, Customs and Border Protection and the Canada Border Service Agency announced the installation of new and advanced sense technology, both for the Peace Bridge and the Queenston-Lewiston Bridges.

You also stated that later this year, the Department of Homeland Security will be implementing an entry-exit pilot project at 2 to 4 land ports of entry, such that a record of entry in one country could be considered a record of exit from another.

As you know, the Peace Bridge is the second-busiest land border crossing in the United States. How feasible would it be for the entry-exit pilot program to be implemented at the Peace Bridge?

Ms. MEYERS. Thank you for the question, Congressman Higgins. I know that the officials at CBD and CBSA are evaluating where to begin the pilot for the entry-exit. I know that no decisions have been made at this time. They are looking at all sorts of border crossing data and operational issues, technological issues. But certainly there are a number of locations that are under consideration for all the pilot programs.

Mr. HIGGINS. Thank you. For the sheriff and the commissioner, you mentioned in your testimony the importance of the Urban Area Security Initiative Program. The hard thing about this is that, you know, we did not ask to be put on this list. We were put on the list, as the commissioner had stated previously, because of critical infrastructure and because of risk and threat.

The sheriff also mentioned the Niagara Power Project, a high-impact target for terrorists. Toronto, an international city, a high-impact target for terrorists. Niagara Falls, a destination for visitors from all over the world, some 7 million each year, a high-impact target for terrorists. Obviously the second-busiest Northern Border crossing between the United States and Canada, a high target for terrorist activity.

We also have a history, as has been mentioned here previously, with the Lackawanna Six, a terrorist cell, not far from here in Buffalo in the city of Lackawanna.

So I would like for both of you to talk about the importance of the program again, but also the consequence of not having it.

Mr. NEAVERTH. I will start with the consequence of the de-funding of UASI. We are still receiving and still have the opportunity to submit for other forms of grants to sustain. We are currently non-sustaining.

I think the big issue with regards to the application and being de-funded as to UASI is the broad stroke removal versus the broad stroke of funding, a lump sum. When we prepare our budgets for any of the grants, you have to be very specific as to what you are spending your money, what the initiatives are, and whether or not they are meeting the justifications. You are funded based on that.

So each year, your investment justification should be flexible. It should be based on this year you are purchasing equipment for training, and we are doing calibrating, that that should be the particular set of funding. But for some of the UASIs to have a consistent level of funding that does not fluctuate and does not appear to really have any investment justification other than here is your funding, I think that is where we run into an issue.

So if it was a level playing field that was addressing what the true threats are, we do not need to purchase a million dollars' worth of response vehicles every year, but we do need to maintain those vehicles. We do need to maintain calibration. We do need to maintain the personnel to be able to do that response. That is from a law enforcement, fire, as well as the EMS side of things.

So I guess if you take a blanket budget and you write a blank check and there would appear from the smaller UASIs to be no real—if I did the $50 million this year and I the $50 million last year, where was the substance of your grant application that said you should be at that level?

You may very well be at $60 million, but with today's economic situation, people might just be happy to remain on that list and not make any waves about that.

So I think what does not change is the personnel. What does not change is the need to calibrate and maintain all of the equipment and operate the training. But there should be some type of justification.

So if you take next year $5 million, $6 million away those areas and you reinvest that into some of the unfunded UASIs for subsequent years based on those investment justifications, we can all feel the pain, but we can all maintain that high level that we currently are at, but risk losing by not maintaining our equipment and our personnel.

Sheriff VOUTOUR. Commissioner, you hit it right on the head about the accountability of the UASI funding. We are known Nation-wide for accountability and the IJs that we have in the Buffalo-Niagara region. We are called sort of the model child to really come up with plans, spend appropriately, and only spending what we absolutely need.

It would certainly be devastating to us, as the commissioner said, if we went from several million dollars down to zero. With the investments that we have made and infrastructure protection, it would really be difficult for us to maintain that further.

Mr. Chairman, if I may, something I thought of prior to your last question is, the FBI assigns a lead in Ottawa Canada, and that is a primary contact for the JTTF here in the Buffalo region to reach out to them pertaining to communications.

Mr. HIGGINS. Thank you. No further questions.

Mr. MEEHAN. Okay. The Chairman now recognizes the gentle lady from New York, Ms. Hochul, for her questioning.

Ms. HOCHUL. Thank you, Mr. Chairman. Ms. Meyers, I wanted to ask you, what are the primary regulatory or logistical hurdles to cross-border trade that you see right now, and what more can Congress be doing to obliterate those? Because as everyone has testified today and spoken about, we have to eliminate those barriers so we can help our local economy prosper. What can Congress be doing to help?

Ms. MEYERS. Absolutely. Thank you, ma'am, for your question. Expediting the trade and travel is a significant priority obviously for the administration at large. I would note to you that one initiative that was announced at the same time as the Beyond the Border effort was the U.S.-Canada Regulatory Cooperation Council. That is specifically focused on eliminating those regulatory barriers.

Also they are developing an action plan and seeking stakeholder input. I think that we all understand that reducing barriers so that we can expedite trade between the large export market that we have and ensuring that we protect our trade and travel from economic disruptions is absolutely critical.

So the combined elements of Beyond the Borders, such as improving infrastructure and getting more people into trade programs, combined with the efforts of the Regulatory Cooperation Council to raise barriers, such as health, safety, transportation, and the environment, combined I think can make a significant difference.

Ms. HOCHUL. Thank you. Do you believe that the closure of the Canadian consulate here in Buffalo will have any impact on the implementation of the Beyond the Border initiative?

Ms. MEYERS. I certainly would hope not. I think it is unfortunate both our governments, both the Canadian government and the United States, are facing difficult financial times and a more austere budget environment. I did notice that the consulate, I know that it over the years has been a significant contributor in this area. But I think that the decision of the Canadian government, and we know that the Canadian government overall is extremely committed, highly committed, to the implementation of the Beyond the Border initiative by its operating agencies.

Ms. HOCHUL. Thank you very much. Sheriff Voutour, there is talk of plans to consolidate Customs and Border Protection on the campus of the Niagara Falls Air Reserve Station. Are you familiar with that, and what are your thoughts on how that would work to help coordinate our local law enforcement and our partnerships with the Federal Government?

Sheriff VOUTOUR. I think it would be a tremendous asset, and that goes two ways. Not only to get that headquarters there so that we could possibly be a part of it as well, and have that collaborative effort, but it also, as you know quite well, Congresswoman, it is going to help keep that base which is critical to the economic impact here in Niagara County and western New York region as our largest employer.

I think it is a fantastic idea. I certainly support it, and I hope we can see that happen very soon.

Ms. HOCHUL. Thank you. You mentioned the Niagara Power Authority, a great concern to many of us. How prepared are we to handle any threat that came to that facility?

Sheriff VOUTOUR. We train on an annual basis with the Power Authority. We have action plans in place. Much of our action plan is confidential material. I feel that we are very prepared.

But we also are very cognizant of what can happen in the event of a threat there, particularly at the reservoir, and the damage that can be done not only to the Niagara area, but also from west and north area.

Ms. HOCHUL. Thank you. I just wanted to also reiterate my support for having the pre-clearance opportunity, the pre-screening opportunity occur here in western New York. I cannot think of any more compelling argument that can be made that with the four border crossings to at least initiate this here in western New York at the Peace Bridge initially, and hopefully to Lewiston-Queenston shortly thereafter. I hope we can convey that message very strongly to the Department of Homeland Security.

There is united support for that here. It has got to happen. As a former county clerk who was in my position when the Western Hemisphere Travel Initiative came into being, I saw what happened when people just stopped crossing the border. The casual visitors stopped going until we were able to get the enhanced licenses, the passport cards out there. So much more needs to be done because there has been an impact ever since that law went into effect.

Well-intended, but we are the ones who are collateral damage in a sense, and we want to make sure that we keep that flow of commerce going, not just for the commercial activity, but the individuals. So we look forward to the Department's full cooperation on that as well.

I yield back the balance of my time, Mr. Chairman.

Mr. MEEHAN. Thank you. Thank you, Ms. Hochul, for your questioning. I know that I just have a couple of follow-up questions that I wanted to ask, and I know the Ranking Member has a question that he wanted to ask. You may have a follow-up if you do.

But, Ms. Meyers, one of the issues that we have been struggling with in the United States are people who enter our borders and do so legally under some kind of a visa. They maintain a period of time where they are here for educational or some kind of specific work-related. But then they overstay their visas. We have very little accountability with regards to not only where they are in the country, but we do very little to identify whether or not they have actually left the country in some capacity.

Can you speak to what is being discussed here? I think that there are some proposals that may look at the idea of sharing information across borders so that at least when there is entry into Canada from somebody who is here on a visa overstay, it begins to be communicated back to us to help us close some of that information gap.

Ms. MEYERS. Absolutely, Chairman Meehan. This is a terrific example of a way in which the Department can best achieve its goals and our mandate through collaboration with our community partners.

As you noted, there is a mandate to do exit, and no one had built a significant infrastructure to capture outbound exit the same that they have to screen individuals that come into the United States. So by collaborating with Canada, what we hope through this pilot project to be able to do is that a departure from the United States will be reported by receiving the entry data from Canada once the individual has entered Canada. That way we will then be able to close out that record and have a much better understanding of who, in fact, is in the country and who has left, and can then track overstays as security threats as appropriate.

Mr. MEEHAN. Thank you. Just one other question to the extent that you are able or comfortable speaking about this. We have spent a great deal of time on the committee looking at a couple of issues. One has been the growing presence of Hezbollah, not just in the Middle East, but as we have tracked it throughout South America and other kinds of places. We as a Nation for the first time saw activity carried out on the Mexican border in which there were attempts for the Quds forces to utilize in collaboration with some other, you know, the drug gangs to carry out an act of terrorism here in the United States. So we have seen activity in border countries that has then led to potential terrorism.

I also noted that we are tracking a group within Nigeria called Boko Haram. The question as to whether or not they will be identified as a foreign terrorist organization is one that is before the Department of State, but they have significantly increased their terrorist-related activity within Nigeria. About half of the Nigerians in Canada that are here are in Toronto, and there is a concern about whether there would be any relationship back to Boko Haram.

Are you aware of or comfortable with any information sharing that is done to allow us to be aware of any potential threats from either Boko Haram or Hezbollah that may be situated in Canada, but looking towards the United States?

Ms. MEYERS. Sir, that is a subject outside of the scope of my position. I would be very happy to arrange a briefing for you or your staff with the principle deputy terrorism coordinator for Homeland Security.

What I can tell you is that the enhanced information sharing that has already been undertaken by the Beyond the Border initiative will help us to make strides in this and help secure our country. We share a responsibility. United States and Canada share a responsibility for the safety, and security, and resilience of our 2 countries in a world in which we are increasingly integrated under evolving threats.

So certainly we will support that effort, and I would be happy to follow up after.

Mr. MEEHAN. Well, thank you so much. I just wanted to get your perspective here from the local. Let me turn it to my colleague, Mr. Higgins, for any concluding questions he may have.

Mr. HIGGINS. Yeah, just one. Ms. Meyers, on the Department of Homeland Security pre-inspection pilot project, I do not mean to push this. Well, actually I do.

[Laughter.]

Mr. HIGGINS. But it seems to me that, you know, you had indicated that Customs and Border Protection and the Canadian Border Service Agency installed new information technology equipment. How many Northern Border crossings? Do you have the number?

Ms. MEYERS. There are 120 northern borders. In terms of the technology that was just recently announced in July, it was installed at 2, Peace Bridge and Queenston-Lewiston, to measure border wait times.

Mr. HIGGINS. That is it?

Ms. MEYERS. Initially.

Mr. HIGGINS. Just the 2? Okay. Is that technology necessary to facilitate a pre-inspection program, or is that something separate?

Ms. MEYERS. This is a different initiative, Congressman Higgins.

Mr. HIGGINS. Right.

Ms. MEYERS. To start to pilot technology that would allow us to better measure wait times, and then relay that information to the travelers. So that is one initiative that is being worked with the Department of Transportation.

In fact, one of the elements of the Beyond the Border initiative that is very unique is that it is very much an interagency effort with the Department of Homeland Security partnering with the Department of Transportation, the Department of Agriculture, the Department of Justice, Department of State, to advance these initiatives.

Mr. HIGGINS. Why was the Peace Bridge selected 1 of 2 out of over 100?

Ms. MEYERS. I would have to get back to you on that, sir.

Mr. HIGGINS. Okay, all right. Thank you.

Mr. MEEHAN. Well, thank you, Ranking Member Higgins. I would like to thank the witnesses today for their testimony, which has been helpful to us in both understanding the unique relationship or the unique challenges that exist in this border that we share with our good friends from Canada, but also an example of a challenge that exists across the extensive border that we share from ocean to ocean.

Is there any concluding comment that any of you would like to make with regards to the issues that we raised today for the record?

You do not have to. I am just giving you that opportunity. It is a unique opportunity. We do not generally do that, but I wanted to give you the chance to do it.

I want to thank the witnesses for their valuable testimony and Members for their questions.

The Members of the committee may have some additional questions for the witnesses, and if, in fact, that happens, we would ask that you would try to be responsive to them generally. That would be done within writing within about 10 days.

I thank you for your service. I thank you for your attention to the security of our Nation. I know that all of us feel safer with people like yourselves who have devoted themselves to the safety and security of our citizens.

So without objection, the committee stands adjourned.
[Whereupon, at 11:05 a.m., the subcommittee was adjourned.]

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