

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2672

To direct the Secretary of State and the Secretary of Homeland Security to establish a program to enhance the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2005

Ms. HARRIS (for herself, Mr. PEARCE, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Armed Services and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of State and the Secretary of Homeland Security to establish a program to enhance the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “North American Coop-  
5 erative Security Act”.

1 **SEC. 2. PURPOSE OF NORTH AMERICAN SECURITY INITIA-**  
2 **TIVE.**

3 The Secretary of State shall enhance the mutual se-  
4 curity and safety of the United States, Canada, and Mex-  
5 ico by providing a framework for better management, com-  
6 munication, and coordination between the governments of  
7 such countries.

8 **SEC. 3. IMPROVING THE EXCHANGE OF INFORMATION ON**  
9 **NORTH AMERICAN SECURITY.**

10 (a) REPORT.—Not later than six months after the  
11 date of enactment of this Act, and every six months there-  
12 after, the Secretary of State, in coordination with the Sec-  
13 retary of Homeland Security and the Secretary of De-  
14 fense, shall submit to the appropriate congressional com-  
15 mittees listed under subsection (b) a joint report described  
16 under subsection (c) that contains a description of the ef-  
17 forts to carry out this Act.

18 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
19 The appropriate congressional committees referred to in  
20 subsection (a) are the following:

21 (1) The Committee on International Relations  
22 of the House of Representatives.

23 (2) The Committee on Foreign Relations of the  
24 Senate.

25 (3) The Committee on Homeland Security of  
26 the House of Representatives.

1           (4) The Committee on Homeland Security and  
2           Governmental Affairs of the Senate.

3           (5) The Committee on Armed Services of the  
4           House of Representatives.

5           (6) The Committee on Armed Services of the  
6           Senate.

7           (c) CONTENTS.—A report submitted under sub-  
8           section (a) shall contain a description of each of the fol-  
9           lowing:

10           (1) SECURITY AND THE MOVEMENT OF  
11           GOODS.—The progress of the development and ex-  
12           pansion of public-private partnerships to secure the  
13           supply chain of goods coming into North America  
14           and to expedite the movement of low-risk goods, in-  
15           cluding the status of—

16                   (A) the Fast and Secure Trade program  
17                   (referred to in this subsection as “FAST pro-  
18                   gram”) at major international border crossings  
19                   between the United States and Canada, and the  
20                   progress made in implementing the FAST pro-  
21                   gram at all remaining international commercial  
22                   border crossings between the United States and  
23                   Canada, Mexico;

24                   (B) marketing programs by the Depart-  
25                   ment of State and the Department of Home-

1 land Security to promote enrollment by eligible  
2 individuals and companies in the FAST pro-  
3 gram;

4 (C) ways and means of increasing partici-  
5 pation in the FAST program; and

6 (D) the implementation of the FAST pro-  
7 gram at international border crossings between  
8 the United States and Mexico.

9 (2) CARGO SECURITY AND MOVEMENT OF  
10 GOODS.—The progress made in developing and im-  
11 plementing a North American cargo security strat-  
12 egy that creates a common security perimeter  
13 around the United States, Canada, and Mexico by  
14 enhancing technical assistance for programs and sys-  
15 tems to support advance reporting and risk manage-  
16 ment of cargo data, improved integrity measures  
17 through automated collection of fees, and advance  
18 technology to rapidly screen cargo.

19 (3) BORDER WAIT TIMES.—The progress made  
20 by the Secretary of State and Secretary of Home-  
21 land Security, in consultation with national, provin-  
22 cial, and municipal governments, to—

23 (A) reduce waiting times at international  
24 border crossings through low-risk land ports of  
25 entry facilitating programs, including the status

1 of the Secure Electronic Network for Travelers  
2 Rapid Inspection program (referred to in this  
3 section as the “SENTRI program”) and the  
4 NEXUS program—

5 (B) measure and report wait times for  
6 commercial and non-commercial traffic at the  
7 land ports of the United States, Canada, and  
8 Mexico, and establish compatible performance  
9 standards for operating under normal security  
10 alert conditions; and

11 (C) identify, develop, and deploy new tech-  
12 nologies to—

13 (i) further advance the shared security  
14 goals of the United States, Canada, and  
15 Mexico; and

16 (ii) promote the legitimate flow of  
17 both people and goods across these inter-  
18 national borders.

19 (4) BORDER INFRASTRUCTURE.—Efforts to  
20 pursue joint investments in and protection of border  
21 infrastructure, including—

22 (A) priority ports of entry;

23 (B) plans to expand dedicated lanes and  
24 approaches and improve border infrastructure

1 in order to meet the objectives of the FAST  
2 program;

3 (C) the development of a strategic plan for  
4 expanding the number of dedicated FAST pro-  
5 gram lanes at major crossings at the inter-  
6 national border between the United States and  
7 Mexico; and

8 (D) an inventory of border transportation  
9 infrastructure at major transportation corridors  
10 between the United States and Canada and the  
11 United States and Mexico.

12 (5) SECURITY CLEARANCES AND DOCUMENT IN-  
13 TEGRITY.—The development of enrollment, security,  
14 technical, and biometric standards for the issuance,  
15 authentication, and validation of secure documents,  
16 including—

17 (A) technical and biometric standards  
18 based on best practices and consistent with  
19 international standards for the issuance, au-  
20 thentication, and validation of travel docu-  
21 ments, including—

22 (i) passports;

23 (ii) visas; and

24 (iii) permanent resident cards;

1 (B) working with Canada and Mexico to  
2 encourage foreign countries to enact laws con-  
3 trolling alien smuggling and trafficking, the use  
4 and manufacture of fraudulent travel docu-  
5 ments, and information sharing;

6 (C) applying incentives and support to en-  
7 sure that other countries meet proper travel  
8 document standards and are equally committed  
9 to travel document verification before transit to  
10 other countries, including the United States;  
11 and

12 (D) providing technical assistance to Can-  
13 ada and Mexico for the development and main-  
14 tenance of a national database built upon iden-  
15 tified best practices for biometric standards as-  
16 sociated with visa and travel documents.

17 (6) IMMIGRATION AND VISA MANAGEMENT.—  
18 The progress on efforts to share information con-  
19 cerning high-risk individuals who might attempt to  
20 travel to the United States, Canada, or Mexico, in-  
21 cluding—

22 (A) immigration lookout data on high risk  
23 individuals through the implementation of the  
24 Statement of Mutual Understanding on Infor-

1           mation Sharing, that was signed by the United  
2           States and Canada in February 2003; and

3                   (B) immigration fraud trends and analysis,  
4           including asylum and document fraud.

5           (7) VISA POLICY COORDINATION AND IMMIGRA-  
6           TION SECURITY.—The progress made by the United  
7           States, Canada, and Mexico to enhance North Amer-  
8           ican security by cooperating on visa policies and  
9           identifying best practices regarding immigration se-  
10          curity, including—

11                   (A) enhancing consultation among visa  
12          issuing officials at consulates or embassies of  
13          the United States, Canada, and Mexico  
14          throughout the world to share information,  
15          trends, and best practices on visa flows;

16                   (B) comparing the procedures and policies  
17          of the United States and Canada with respect  
18          to visitor visa processing, including—

19                           (i) application processes;

20                           (ii) interview policies;

21                           (iii) general screening procedures;

22                           (iv) visa validities;

23                           (v) quality control measures; and

24                           (vi) access to appeal or review of such  
25          procedures and policies;

1 (C) converging the list of visa waiver coun-  
2 tries;

3 (D) providing technical assistance for the  
4 development and maintenance of a national  
5 database built upon identified best practices for  
6 biometric standards associated with immigra-  
7 tion violators;

8 (E) developing and implementing a North  
9 American immigration security strategy that  
10 works toward the development of a common se-  
11 curity perimeter by enhancing technical assist-  
12 ance for programs and systems to support ad-  
13 vance automated reporting and risk targeting of  
14 international passengers;

15 (F) the progress made toward sharing in-  
16 formation concerning lost and stolen passports  
17 on a real-time basis among immigration or law  
18 enforcement officials of the United States, Can-  
19 ada, and Mexico; and

20 (G) the progress made by the Department  
21 of State in collecting ten fingerprints from all  
22 visa applicants.

23 (8) NORTH AMERICAN VISITOR OVERSTAY PRO-  
24 GRAM.—The progress made to implement parallel

1 entry and exit tracking systems between the United  
2 States and Canada—

3 (A) to share information on third country  
4 nationals who have overstayed in either country;  
5 and

6 (B) that respect the privacy laws of each  
7 such country.

8 (9) TERRORIST WATCH LISTS.—The progress  
9 made to enhance the capacity of the United States  
10 to combat terrorism through the coordination of  
11 counterterrorism efforts, including—

12 (A) establishing bilateral agreements be-  
13 tween the United States and Canada and be-  
14 tween the United States and Mexico to govern  
15 the sharing of terrorist watch list data and to  
16 comprehensively enumerate the uses of such  
17 data by the United States, Canada, and Mexico;

18 (B) establishing appropriate linkages be-  
19 tween the United States Terrorist Screening  
20 Center and both Canada and Mexico; and

21 (C) working to explore and negotiate with  
22 foreign governments concerning the establish-  
23 ment of a multilateral watch list mechanism  
24 that would facilitate direct coordination between  
25 a country that identifies an individual as an in-

1           dividual included on a watch list, and a country  
2           that owns such list, including procedures that  
3           satisfy the security concerns and are consistent  
4           with the privacy and other laws of each partici-  
5           pating country.

6           (10) MONEY LAUNDERING, INCOME TAX EVA-  
7           SION, CURRENCY SMUGGLING, AND ALIEN SMUG-  
8           GLING.—The progress made to improve information  
9           sharing and law enforcement cooperation in orga-  
10          nized crime, including—

11                   (A) in areas of currency smuggling, money  
12                   laundering, alien smuggling and trafficking in  
13                   alcohol, firearms, and explosives;

14                   (B) implementing the Canada-United  
15                   States Firearms Trafficking Action Plan;

16                   (C) the feasibility of formulating a fire-  
17                   arms trafficking action plan between the United  
18                   States and Mexico;

19                   (D) developing a joint threat assessment  
20                   on organized crime between the United States  
21                   and Canada;

22                   (E) the feasibility of formulating a joint  
23                   threat assessment on organized crime between  
24                   the United States and Mexico;

1 (F) developing mechanisms to exchange in-  
2 formation on findings, seizures, and captures of  
3 individuals transporting undeclared currency;  
4 and

5 (G) developing and implementing a plan to  
6 combat the transnational threat of illegal drug  
7 trafficking.

8 (11) COUNTERTERRORISM PROGRAMS.—En-  
9 hancements to counterterrorism coordination, includ-  
10 ing—

11 (A) reviewing existing counterterrorism ef-  
12 forts and coordination between United States,  
13 Canada, and Mexico to maximize effectiveness;  
14 and

15 (B) identifying best practices regarding the  
16 sharing of information and intelligence with  
17 United States, Canada, and Mexico.

18 (12) LAW ENFORCEMENT COOPERATION.—The  
19 enhancement of law enforcement cooperation be-  
20 tween United States, Canada, and Mexico through  
21 enhanced technical assistance for the development  
22 and maintenance of a national database built upon  
23 identified best practices for biometric standards as-  
24 sociated with known or suspected criminals or ter-  
25 rorists, including—

1 (A) exploring the formation of law enforce-  
2 ment teams that include personnel from the  
3 United States and Mexico, and appropriate pro-  
4 cedures from such teams; and

5 (B) assessing the threat and risk of the  
6 use of the St. Lawrence Seaway System, the  
7 Great Lakes, and the Gulf of Mexico by known  
8 or suspected criminals or terrorists and devel-  
9 oping appropriate marine enforcement pro-  
10 grams based on the integrated border team  
11 framework.

12 (13) BIOSECURITY COOPERATION.—The  
13 progress made to increase and promote cooperation  
14 between United States, Canada, and Mexico in the  
15 analysis and assessments of intentional threats to  
16 biosecurity, naturally occurring threats to biosecu-  
17 rity, and the prevention and response capacity of the  
18 United States to respond to such threats, includ-  
19 ing—

20 (A) mapping relationships among key reg-  
21 ulatory and border officials to ensure effective  
22 cooperation in planning and responding to a  
23 biosecurity threat; and

24 (B) working jointly with Mexico and Can-  
25 ada in support of the Public Health Security

1 and Bioterrorism Preparedness and Response  
2 Act of 2002 (Public Law 107–188; 116 Stat.  
3 594) to develop a regime that employs a risk  
4 management approach to the movement of  
5 foods and food products in the United States,  
6 Canada, and Mexico and across the borders of  
7 such countries, and which builds upon and har-  
8 monizes with customs processes.

9 (14) PROTECTION AGAINST NUCLEAR AND RA-  
10 BIOLOGICAL THREATS.—The progress made to in-  
11 crease cooperation between the United States, Can-  
12 ada, and Mexico to prevent nuclear and radiological  
13 smuggling, including—

14 (A) identifying opportunities to increase  
15 cooperation to prevent smuggling of nuclear or  
16 radioactive materials, including improving ex-  
17 port controls for all materials identified on the  
18 high-risk sources list maintained by the Inter-  
19 national Atomic Energy Agency;

20 (B) working collectively with other coun-  
21 tries to install radiation detection equipment at  
22 foreign land crossings to examine cargo des-  
23 tined for the United States, Canada, or Mexico;

1 (C) enhancing border controls through ef-  
2 fective technical cooperation and other forms of  
3 cooperation to—

4 (i) prevent the smuggling of radio-  
5 logical materials; and

6 (ii) examine related next-generation  
7 equipment;

8 (D) enhancing physical protection of nu-  
9 clear facilities in the United States, Canada,  
10 and Mexico through effective technical and  
11 other forms of cooperation; and

12 (E) developing a program for physical pro-  
13 tection for nuclear installations in Mexico that  
14 increases the level of the nuclear security cul-  
15 ture of those individuals responsible for the  
16 physical protection of nuclear installations and  
17 the transport of nuclear material.

18 (15) EMERGENCY MANAGEMENT COOPERA-  
19 TION.—The progress made regarding the appro-  
20 priate coordination of systems between the United  
21 States, Canada, and Mexico for planning and oper-  
22 ational standards for emergency management, in-  
23 cluding the development of an interoperable commu-  
24 nications system or the appropriate coordination of

1 existing systems for such countries for cross-border  
2 incident management.

3 (16) COOPERATIVE ENERGY POLICY.—The  
4 progress of efforts to—

5 (A) increase reliable energy supplies for  
6 the needs and development of the United  
7 States, Canada, and Mexico;

8 (B) streamline and update regulations con-  
9 cerning energy;

10 (C) promote energy efficiency, conserva-  
11 tion, and technologies;

12 (D) work with Canada and Mexico to de-  
13 velop a North American energy alliance to bol-  
14 ster the collective security of the United States,  
15 Canada, and Mexico by increased reliance on  
16 North American energy sources; and

17 (E) work with Mexico to—

18 (i) increase Mexico's crude oil and  
19 natural gas production by obtaining the  
20 technology and financial resources needed  
21 by Mexico for energy sector development;

22 (ii) attract sufficient private direct in-  
23 vestment in the upstream sector, within  
24 the constitutional framework of Mexico, to

1 foster the development of additional crude  
2 oil and natural gas production; and

3 (iii) attract sufficient private direct  
4 investment in the downstream sector, with-  
5 in the domestic legal framework of Mexico,  
6 to foster the development of additional do-  
7 mestic refining capacity to reduce costs for  
8 consumers and to move Mexico toward  
9 self-sufficiency in meeting its domestic en-  
10 ergy needs.

11 (17) FEASIBILITY OF COMMON EXTERNAL TAR-  
12 IFF AND DEVELOPMENT ASSISTANCE TO THE ECON-  
13 OMY OF MEXICO.—The progress of efforts to deter-  
14 mine the feasibility of—

15 (A) harmonizing external tariffs with Mex-  
16 ico on a sector-by-sector basis to the lowest pre-  
17 vailing rate consistent with multilateral obliga-  
18 tions, with the goal of creating a long-term  
19 common external tariff;

20 (B) accelerating and expanding the imple-  
21 mentation of existing smart border actions  
22 plans to facilitate intra-North American travel  
23 and commerce;

1 (C) working with Mexican authorities to  
2 devise policies designed to stimulate the Mexi-  
3 can economy that—

4 (i) attracts investment;

5 (ii) stimulates growth; and

6 (iii) commands broad public support  
7 and provides for Mexicans to find jobs in  
8 Mexico; and

9 (D) working to support the development of  
10 Mexican industries, job growth, and appropriate  
11 improvements to social services.

12 **SEC. 4. INFORMATION SHARING AGREEMENTS.**

13 The Secretary of State, in coordination with the Sec-  
14 retary of Homeland Security and the appropriate officials  
15 representing the Government of Mexico, is authorized to  
16 negotiate an agreement with Mexico to—

17 (1) cooperate in impeding the ability of third  
18 country nationals from using Mexico as a transit  
19 corridor for unauthorized entry into the United  
20 States; and

21 (2) provide technical assistance to support  
22 stronger immigration control at the border with  
23 Mexico.

1 **SEC. 5. IMPROVING THE SECURITY OF MEXICO'S SOUTH-**  
2 **ERN BORDER.**

3 (a) **TECHNICAL ASSISTANCE.**—The Secretary of  
4 State, in coordination with the Secretary of Homeland Se-  
5 curity, appropriate officials representing the Canadian De-  
6 partment of Foreign Affairs, and appropriate officials rep-  
7 resenting the Government of Mexico, shall establish a pro-  
8 gram to—

9 (1) assess the specific needs of Guatemala and  
10 Belize in maintaining the security of the borders of  
11 such countries;

12 (2) use the assessment made under paragraph  
13 (1) to determine the financial and technical support  
14 needed by Guatemala and Belize from the United  
15 States, Canada, and Mexico to meet such needs;

16 (3) provide technical assistance to Guatemala  
17 and Belize to secure issuance of passports and travel  
18 documents by such countries; and

19 (4) encourage Guatemala and Belize to—

20 (A) control alien smuggling and traf-  
21 ficking;

22 (B) prevent the use and manufacture of  
23 fraudulent travel documents; and

24 (C) share relevant information with the  
25 United States, Canada, and Mexico.

1           (b) IMMIGRATION.—The Secretary of Homeland Se-  
2   curity, in consultation with the Secretary of State, appro-  
3   priate officials representing the Government of Guate-  
4   mala, and appropriate officials representing the Govern-  
5   ment of Belize, shall provide robust law enforcement as-  
6   sistance to Guatemala and Belize that specifically address-  
7   es migratory issues to increase the ability of Guatemala  
8   and Belize to dismantle human smuggling organizations  
9   and gain tighter control over the shared border between  
10  Guatemala and Mexico and Belize and Mexico.

11          (c) BORDER SECURITY BETWEEN MEXICO AND GUA-  
12  TEMALA AND BELIZE.—The Secretary of State, in con-  
13  sultation with the Secretary of Homeland Security, the ap-  
14  propriate officials representing the Government of Mexico,  
15  appropriate officials representing the Government of Gua-  
16  temala, and appropriate officials representing the Govern-  
17  ment of Belize shall establish a program to provide needed  
18  equipment, technical assistance, and vehicles to manage,  
19  regulate, and patrol the international border between Mex-  
20  ico and Guatemala and between Mexico and Belize.

21          (d) TRACKING CENTRAL AMERICAN GANGS.—The  
22  Secretary of State, in coordination with the Secretary of  
23  Homeland Security, the Director of the Federal Bureau  
24  of Investigation, appropriate officials representing the  
25  Government of Mexico, appropriate officials representing

1 the Government of Guatemala, appropriate officials rep-  
2 resenting the Government of Belize, and appropriate offi-  
3 cials representing the governments of other Central Amer-  
4 ican countries, shall—

5           (1) assess the direct and indirect impact on the  
6           United States and the countries of Central America  
7           as a result of deporting from the United States vio-  
8           lent criminal aliens back to such countries;

9           (2) establish a program and database to track  
10          Central American gang activities, focusing on the  
11          identification of returning criminal deportees;

12          (3) devise an agreed-upon mechanism for notifi-  
13          cation to such countries regarding such deportations  
14          prior to deportation and for support for reintegra-  
15          tion of deportees; and

16          (4) devise an agreement to share all relevant in-  
17          formation with the appropriate government agencies  
18          of Mexico and the appropriate government agencies  
19          of such countries.

20          (e) AERIAL INTERDICTION OF NARCOTRAFFICKING  
21 THROUGH CENTRAL AMERICA AND PANAMA.—The Sec-  
22 retary of State shall examine the feasibility of entering  
23 into an agreement with Panama and with other Central  
24 American countries regarding the establishment of an aer-

1 ial interdiction program that in similar contexts is com-  
2 monly referred to as “Airbridge Denial”.

3 **SEC. 6. NORTH AMERICAN DEFENSE INSTITUTIONS.**

4 (a) IN GENERAL.—The Secretary of Defense, in con-  
5 sultation with the Secretary of State, shall examine the  
6 feasibility of—

7 (1) strengthening institutions for consultations  
8 on defense issues among the United States, Canada,  
9 and Mexico specifically through—

10 (A) the Joint Interagency Task Force  
11 South;

12 (B) the Permanent Joint Board on De-  
13 fense;

14 (C) joint-staff talks; and

15 (D) senior Army border talks;

16 (2) proposing mechanisms to reach agreements  
17 with Canada and Mexico regarding contingency  
18 plans for responding to threats along the inter-  
19 national borders of the United States;

20 (3) in consultation with Canada and Mexico,  
21 and with input from the United States Northern  
22 Command—

23 (A) developing bilateral and trilateral capa-  
24 bilities and coordination mechanisms to address  
25 common threats along shared borders; and

1 (B) working cooperatively to clearly limit  
2 the term “threats” to encompass only military  
3 or defense-related threats, rather than other  
4 threats to homeland security;

5 (4) offering technical support to willing regional  
6 parties to maintain airspace security, including con-  
7 sultation mechanisms with the Joint Interagency  
8 Task Force and the North American Aerospace De-  
9 fense Command, to improve security in the North  
10 American and Central American airspace; and

11 (5) proposing mechanisms to strengthen com-  
12 munication information and intelligence sharing on  
13 defense issues among the United States, Canada,  
14 and Mexico.

15 **SEC. 7. REPATRIATION.**

16 The Secretary of State shall—

17 (1) offer incentives, and negotiate with, other  
18 countries to accept the International Civil Aviation  
19 Organization Annex 9 one-time travel document pro-  
20 vided by the United States in lieu of official travel  
21 documents if an inadmissible alien has not presented  
22 official travel documents or has presented fraudulent  
23 ones; and

24 (2) provide the proper support necessary to fa-  
25 cilitate the removal of inadmissible aliens from the

1 United States and their repatriation in, or reinstatement by, their country of nationality or last country  
2 of habitual residence, with a focus on criminal aliens  
3 who are considered particularly dangerous or who  
4 are potential terrorists.  
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