

109TH CONGRESS
1ST SESSION

S. 853

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

IN THE SENATE OF THE UNITED STATES

APRIL 20, 2005

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To direct the Secretary of State to establish a program to bolster 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”.

6 **SEC. 2. NORTH AMERICAN SECURITY INITIATIVE.**

7 (a) IN GENERAL.—The Secretary of State shall en-
8 hance the mutual security and safety of the United States,
9 Canada, and Mexico by providing a framework for better

1 management, communication, and coordination between
2 the Governments of North America.

3 (b) RESPONSIBILITIES.—In implementing the provi-
4 sions of this Act, the Secretary of State shall carry out
5 all of the activities described in this Act.

6 **SEC. 3. IMPROVING THE EXCHANGE OF INFORMATION ON**
7 **NORTH AMERICAN SECURITY.**

8 (a) REPORT.—Not later than 6 months after the date
9 of enactment of this Act, and every 6 months thereafter,
10 the Secretary of State, in coordination with the Secretary
11 of Homeland Security and the Secretary of Defense, each
12 responsible for their pertinent areas of jurisdiction, shall
13 submit a joint report, to the congressional committees list-
14 ed under subsection (b) that contains a description of the
15 efforts to carry out this section and sections 4 through
16 7.

17 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—The congressional committees listed under
19 this subsection are—

20 (1) the Committee on Foreign Relations of the
21 Senate;

22 (2) the Committee on Homeland Security and
23 Governmental Affairs of the Senate;

24 (3) the Committee on International Relations of
25 the House of Representatives;

1 (4) the Select Committee on Homeland Security
2 of the House of Representatives;

3 (5) the Committee on Armed Services of the
4 Senate; and

5 (6) the Committee on Armed Services of the
6 House of Representatives.

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 expedite the movement of low-risk goods, includ-
15 ing the status of—

16 (A) the Fast and Secure Trade program
17 (referred to in this subsection as “FAST”) at
18 major crossings, and the progress made in im-
19 plementing the Fast and Secure Trade program
20 at all remaining commercial crossings between
21 Canada and the United States;

22 (B) marketing programs to promote enroll-
23 ment in FAST;

24 (C) finding ways and means of increasing
25 participation in FAST; and

1 (D) the implementation of FAST at the
2 international border between Mexico and the
3 United States.

4 (2) CARGO SECURITY AND MOVEMENT OF
5 GOODS.—The progress made in developing and im-
6 plementing a North American cargo security strat-
7 egy that creates a common security perimeter by en-
8 hancing technical assistance for programs and sys-
9 tems to support advance reporting and risk manage-
10 ment of cargo data, improved integrity measures
11 through automated collection of fees, and advance
12 technology to rapidly screen cargo.

13 (3) BORDER WAIT TIMES.—The progress made
14 by the Secretary of State, in consultation with na-
15 tional, provincial, and municipal governments, to—

16 (A) reduce waiting times at international
17 border crossings through low-risk land ports of
18 entry facilitating programs, including the status
19 of the Secure Electronic Network for Travelers
20 Rapid Inspection program (referred to in this
21 section as “SENTRI”) and the NEXUS pro-
22 gram;

23 (B) measure and report wait times for
24 commercial and non-commercial traffic at the
25 land ports, and establish compatible perform-

1 ance standards for operating under normal se-
2 curity alert conditions; and

3 (C) identify, develop, and deploy new tech-
4 nologies to—

5 (i) further advance the shared security
6 goals of Canada, Mexico, and the United
7 States; and

8 (ii) promote the legitimate flow of
9 both people and goods across international
10 borders.

11 (4) BORDER INFRASTRUCTURE.—Efforts to
12 pursue joint investments in and protection of border
13 infrastructure, including—

14 (A) priority ports of entry;

15 (B) plans to expand dedicated lanes and
16 approaches and improve border infrastructure
17 in order to meet the objectives of FAST;

18 (C) the development of a strategic plan for
19 expanding the number of dedicated FAST lanes
20 at major crossings at the international border
21 between Mexico and the United States; and

22 (D) an inventory of border transportation
23 infrastructure in major transportation cor-
24 ridors.

1 (5) SECURITY CLEARANCES AND DOCUMENT IN-
2 TEGRITY.—The development of more common or
3 otherwise equivalent enrollment, security, technical,
4 and biometric standards for the issuance, authen-
5 tication, validation, and repudiation of secure docu-
6 ments, including—

7 (A) technical and biometric standards
8 based on best practices and consistent with
9 international standards for the issuance, au-
10 thentication, validation, and repudiation of trav-
11 el documents, including—

12 (i) passports;

13 (ii) visas; and

14 (iii) permanent resident cards;

15 (B) working with the Governments of Can-
16 ada and Mexico to encourage foreign govern-
17 ments to enact laws controlling alien smuggling
18 and trafficking, use, and manufacture of fraud-
19 ulent travel documents and information shar-
20 ing;

21 (C) applying the necessary pressures and
22 support to ensure that other countries meet
23 proper travel document standards and are
24 equally committed to travel document

1 verification before transit to other countries, in-
2 cluding the United States; and

3 (D) providing technical assistance for the
4 development and maintenance of a national
5 database built upon identified best practices for
6 biometrics associated with visa and travel docu-
7 ments.

8 (6) IMMIGRATION AND VISA MANAGEMENT.—
9 The progress on efforts to share information on
10 high-risk individuals that might attempt to travel to
11 Canada, Mexico, or the United States, including—

12 (A) immigration lookout data on high risk
13 individuals by implementing the Statement of
14 Mutual Understanding on Information Sharing,
15 which was signed by Canada and the United
16 States in February 2003; and

17 (B) immigration fraud trends and analysis,
18 including asylum and document fraud.

19 (7) VISA POLICY COORDINATION AND IMMIGRA-
20 TION SECURITY.—The progress made by the Govern-
21 ments of Canada, Mexico, and the United States to
22 enhance North American security by cooperating on
23 visa policy and identifying best practices regarding
24 immigration security, including—

1 (A) enhancing consultation among visa
2 issuing officials at consulates or embassies of
3 Canada, Mexico, and the United States
4 throughout the world to share information,
5 trends, and best practices on visa flows;

6 (B) comparing the procedures and policies
7 of Canada and the United States related to vis-
8 itor visa processing, including—

- 9 (i) application process;
10 (ii) interview policy;
11 (iii) general screening procedures;
12 (iv) visa validity;
13 (v) quality control measures; and
14 (vi) access to appeal or review;

15 (C) converging the list of “visa waiver”
16 countries;

17 (D) providing technical assistance for the
18 development and maintenance of a national
19 database built upon identified best practices for
20 biometrics associated with immigration viola-
21 tors;

22 (E) developing and implementing a North
23 American immigration security strategy that
24 works toward the development of a common se-
25 curity perimeter by enhancing technical assist-

1 ance for programs and systems to support ad-
2 vance automated reporting and risk targeting of
3 international passengers;

4 (F) the progress made toward sharing in-
5 formation on lost and stolen passports on a
6 real-time basis among immigration or law en-
7 forcement officials of the Governments of Can-
8 ada, Mexico, and the United States; and

9 (G) the progress made by the Department
10 of State in collecting 10 fingerprints from all
11 visa applicants.

12 (8) NORTH AMERICAN VISITOR OVERSTAY PRO-
13 GRAM.—The progress made to implement parallel
14 entry-exit tracking systems between Canada and the
15 United States—

16 (A) to share information on third country
17 nationals who have overstayed in either country;
18 and

19 (B) that respect the privacy laws of each
20 country.

21 (9) TERRORIST WATCH LISTS.—The progress
22 made to enhance capacity of the United States to
23 combat terrorism through the coordination of
24 counterterrorism efforts, including—

1 (A) bilateral agreements between Canada
2 and the United States and between Mexico and
3 the United States to govern the sharing of ter-
4 rorist watch list data and to comprehensively
5 enumerate the uses of such data by the govern-
6 ments of each country;

7 (B) establishing appropriate linkages be-
8 tween Canada, Mexico, and the United States
9 Terrorist Screening Center; and

10 (C) working to explore with foreign govern-
11 ments the establishment of a multilateral watch
12 list mechanism that would facilitate direct co-
13 ordination between the country that identifies
14 an individual as an individual included on a
15 watch list, and the country that owns such list,
16 including procedures that satisfy the security
17 concerns and are consistent with the privacy
18 and other laws of each participating country.

19 (10) MONEY LAUNDERING, INCOME TAX EVA-
20 SION, CURRENCY SMUGGLING, AND ALIEN SMUG-
21 GLING.—The progress made to improve information
22 sharing and law enforcement cooperation in orga-
23 nized crime, including—

24 (A) information sharing and law enforce-
25 ment cooperation, especially in areas of cur-

1 rency smuggling, money laundering, alien
2 smuggling and trafficking in alcohol, firearms,
3 and explosives;

4 (B) implementing the Canada-United
5 States Firearms Trafficking Action Plan;

6 (C) the feasibility of formulating a fire-
7 arms trafficking action plan between Mexico
8 and the United States;

9 (D) developing a joint threat assessment
10 on organized crime between Canada and the
11 United States;

12 (E) the feasibility of formulating a joint
13 threat assessment on organized crime between
14 Mexico and the United States;

15 (F) developing mechanisms to exchange in-
16 formation on findings, seizures, and capture of
17 individuals transporting undeclared currency;
18 and

19 (G) developing and implementing a plan to
20 combat the transnational threat of illegal drug
21 trafficking.

22 (11) COUNTERTERRORISM PROGRAMS.—En-
23 hancements to counterterrorism coordination, includ-
24 ing—

1 (A) reviewing existing counterterrorism ef-
2 forts and coordination to maximize effective-
3 ness; and

4 (B) identifying best practices regarding the
5 sharing of information and intelligence.

6 (12) LAW ENFORCEMENT COOPERATION.—The
7 enhancement of law enforcement cooperation
8 through enhanced technical assistance for the devel-
9 opment and maintenance of a national database
10 built upon identified best practices for biometrics as-
11 sociated with known and suspected criminals or ter-
12 rorists, including—

13 (A) exploring the formation of law enforce-
14 ment teams that include personnel from the
15 United States and Mexico, and appropriate pro-
16 cedures from such teams; and

17 (B) assessing the threat and risk of the St.
18 Lawrence Seaway System and the Great Lakes
19 and developing appropriate marine enforcement
20 programs based on the integrated border team
21 framework.

22 (13) BIOSECURITY COOPERATION.—The
23 progress made to increase and promote cooperation
24 in the analysis and assessments of intentional
25 threats to biosecurity, including naturally occurring

1 threats, as well as in the United States prevention
2 and response capacity and plans to respond to these
3 threats, including—

4 (A) mapping relationships among key reg-
5 ulatory and border officials to ensure effective
6 cooperation in planning and responding to a
7 biosecurity threat; and

8 (B) working jointly in support of the Pub-
9 lic Health Security and Bioterrorism Prepared-
10 ness and Response Act of 2002 (Public Law
11 107–188; 116 Stat. 594) to develop a regime
12 that employs a risk management approach to
13 the movement of foods and food products in our
14 countries and across our shared border, and
15 which builds upon and harmonizes with customs
16 processes.

17 (14) PROTECTION AGAINST NUCLEAR AND RA-
18 DIOLOGICAL THREATS.—The progress made to in-
19 crease cooperation to prevent nuclear and radio-
20 logical smuggling, including—

21 (A) identifying opportunities to increase
22 cooperation to prevent smuggling of nuclear or
23 radioactive materials, including improving ex-
24 port controls for all materials identified on the

1 high-risk sources list maintained by the Inter-
2 national Atomic Energy Agency;

3 (B) working collectively with other coun-
4 tries to install radiation detection equipment at
5 foreign land crossings to examine cargo des-
6 tined for North America;

7 (C) enhancing border controls through ef-
8 fective technical cooperation and other forms of
9 cooperation to—

10 (i) prevent the smuggling of radio-
11 logical materials; and

12 (ii) examine related next-generation
13 equipment;

14 (D) enhancing physical protection of nu-
15 clear facilities in North America through effec-
16 tive technical and other forms of cooperation;
17 and

18 (E) developing a program on physical pro-
19 tection for Mexican nuclear installations that
20 increases the level of the “nuclear security cul-
21 ture” of those responsible for the physical pro-
22 tection of nuclear installations and transport of
23 nuclear material.

24 (15) EMERGENCY MANAGEMENT COOPERA-
25 TION.—The progress made regarding the appro-

1 appropriate coordination of our systems and planning and
2 operational standards for emergency management,
3 including the development of an interoperable com-
4 munications system or the appropriate coordination
5 of existing systems for Canada, Mexico, and the
6 United States for cross-border incident management.

7 (16) COOPERATIVE ENERGY POLICY.—The
8 progress of efforts to—

9 (A) increase reliable energy supplies for
10 the region’s needs and development;

11 (B) streamline and update regulations con-
12 cerning energy;

13 (C) promote energy efficiency, conserva-
14 tion, and technologies;

15 (D) work with the Governments of Canada
16 and Mexico to develop a North American en-
17 ergy alliance to bolster our collective security by
18 increased reliance on North American energy
19 sources; and

20 (E) work with the Government of Mexico
21 to—

22 (i) increase Mexico’s crude oil and
23 natural gas production by obtaining the
24 technology and financial resources needed
25 by Mexico for energy sector development;

1 (ii) attract sufficient private direct in-
2 vestment in the upstream sector, within its
3 constitutional framework, to foster the de-
4 velopment of additional crude oil and nat-
5 ural gas production; and

6 (iii) attract the private direct invest-
7 ment in the downstream sector, within its
8 domestic legal framework, to foster the de-
9 velopment of additional domestic refining
10 capacity to reduce costs for consumers and
11 to move Mexico toward self-sufficiency in
12 meeting its domestic energy needs.

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

17 (A) harmonizing external tariffs on a sec-
18 tor-by-sector basis to the lowest prevailing rate
19 consistent with multilateral obligations, with the
20 goal of creating a long-term common external
21 tariff;

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

1 (C) working with Mexican authorities to
2 devise a set of policies designed to stimulate the
3 Mexican 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 Government of Mex-
15 ico, is authorized to negotiate an agreement with Mexico
16 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, the Canadian Department of Foreign Affairs, and
6 the Government of Mexico, shall establish a program to—

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

10 (2) use the assessment made under paragraph
11 (1) to determine the financial and technical support
12 needed by Guatemala and Belize from Canada, Mex-
13 ico, and the United States to meet such needs;

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

17 (4) encourage Guatemala and Belize to—

18 (A) control alien smuggling and traf-
19 ficking;

20 (B) prevent the use and manufacture of
21 fraudulent travel documents; and

22 (C) share relevant information with Mex-
23 ico, Canada, and the United States.

24 (b) **IMMIGRATION.**—The Secretary of Homeland Se-
25 curity, in consultation with the Secretary of State and ap-
26 propriate officials of the Governments of Guatemala and

1 Belize, shall provide robust law enforcement assistance to
2 Guatemala and Belize that specifically addresses migra-
3 tory issues to increase the ability of the Government of
4 Guatemala to dismantle human smuggling organizations
5 and gain tighter control over the border.

6 (c) BORDER SECURITY BETWEEN MEXICO AND GUA-
7 TEMALA OR BELIZE.—The Secretary of State, in consulta-
8 tion with the Secretary of Homeland Security, the Govern-
9 ment of Mexico, and appropriate officials of the Govern-
10 ments of Guatemala, Belize, and neighboring contiguous
11 countries, shall establish a program to provide needed
12 equipment, technical assistance, and vehicles to manage,
13 regulate, and patrol the international border between Mex-
14 ico and Guatemala and between Mexico and Belize.

15 (d) TRACKING CENTRAL AMERICAN GANGS.—The
16 Secretary of State, in coordination with the Secretary of
17 Homeland Security, the Director of the Federal Bureau
18 of Investigation, the Government of Mexico, and appro-
19 priate officials of the Governments of Guatemala, Belize,
20 and other Central American countries, shall—

21 (1) assess the direct and indirect impact on the
22 United States and Central America on deporting vio-
23 lent criminal aliens;

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

4 (3) devise an agreed-upon mechanism for notifi-
5 cation applied prior to deportation and for support
6 for reintegration of these deportees; and

7 (4) devise an agreement to share all relevant in-
8 formation with the appropriate agencies of Mexico
9 and other Central American countries.

10 (e) AERIAL INTERDICTION OF NARCOTRAFFICKING
11 THROUGH CENTRAL AMERICA AND PANAMA.—The Sec-
12 retary of State shall examine the feasibility of entering
13 into an agreement with Panama and the other countries
14 of Central America regarding the aerial interdiction pro-
15 gram commonly known as “Airbridge Denial”.

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

17 (a) IN GENERAL.—The Secretary of Defense, in con-
18 sultation with the Secretary of State, shall examine the
19 feasibility of—

20 (1) strengthening institutions for consultations
21 on defense issues among the United States, Mexico,
22 and Canada, specifically through—

23 (A) the Joint Interagency Task Force
24 South;

1 (B) the Permanent Joint Board on De-
2 fense;

3 (C) joint-staff talks; and

4 (D) senior Army border talks;

5 (2) proposing mechanisms to reach agreements
6 with the Government of Canada or Mexico regarding
7 contingency plans for responding to threats along
8 the international borders of the United States;

9 (3) in consultation with the Governments of
10 Canada and Mexico, and with input from the United
11 States Northern Command—

12 (A) developing bilateral and trilateral capa-
13 bilities and coordination mechanisms to address
14 common threats along shared borders; and

15 (B) work together to clearly define the
16 term “threats” to only encompass military or
17 defense-related threats, rather than other
18 threats to homeland security;

19 (4) offering technical support to willing regional
20 parties to maintain air space security, including con-
21 sultation mechanisms with the Joint Interagency
22 Task Force and the North American Aerospace De-
23 fense Command, to improve security in the North
24 American and Central American space; and

1 (5) proposing mechanisms to strengthen com-
2 munication information and intelligence sharing on
3 defense issues among the United States, Mexico, and
4 Canada.

5 **SEC. 7. REPATRIATION.**

6 The Secretary of State shall—

7 (1) apply the necessary pressure on, and nego-
8 tiate with, other countries to accept the Inter-
9 national Civil Aviation Organization Annex 9 one-
10 time travel document provided by the United States
11 in lieu of official travel documents if an inadmissible
12 immigrant has not presented official travel docu-
13 ments or has presented fraudulent ones; and

14 (2) provide the proper support and inter-
15 national pressure necessary to facilitate the removal
16 of inadmissible aliens from the United States and
17 their repatriation in, or reinstatement by, a respon-
18 sible country, with a focus on criminal aliens that
19 are deemed particularly dangerous or potential ter-
20 rorists.

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