



**Toward a New Frontier:
Improving the U.S.-Canadian Border**

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“Unfortunately, both Canadian and U.S. business communities are expressing a serious and growing concern with the increasing costs and delays associated with crossing the border. (...) A sense of frustration exists within the Canadian and U.S. business communities that many practical measures that could reduce border-related costs have yet to be taken.”

“Finding the Balance: Reducing Costs While Strengthening Security”

Joint Report of the U.S. and Canadian Chambers of Commerce, February 2008

“Anecdotes and reports from the border suggest this is in part due to a more involved U.S. border screening process. Traffic is down at three of the four international bridges in the Niagara area, yet wait times are up; processing time at the Peace Bridge, for example, increased 32 percent in August 2007 versus a year ago. Bridge travelers say inspectors are taking more time to clear travelers and asking veteran border crossers new questions. New requirements for proof of citizenship to enter the United States pose new uncertainties. These conditions threaten to crimp trade and commerce, at a time when the region and both nations have tremendous shared stake in enhanced economic integration.”

John Austin, Elaine Dezenski, and Britany Affolter-Caine

“The Vital Connection: Reclaiming Great Lakes Economic Leadership in the Bi-National US-Canadian Region” Brookings Institution, March 2008

“Today, the border is no longer unobstructed and its condition is less than proper. Over recent years, the border Canada shares with the United States has become the subject of unprecedented attention, from a security perspective and from an economic imperative.”

Michael Kergin and Birgit Matthiesen

“A New Bridge for Old Allies” Canadian International Council, November 2008

“I came to Canada on my first trip as President to underscore the closeness and importance of the relationship between our two nations, and to reaffirm the commitment of the United States to work with friends and partners to meet the common challenges of our time. As neighbors, we are so closely linked that sometimes we may have a tendency to take our relationship for granted, but the very success of our friendship throughout history demands that we renew and deepen our cooperation here in the 21st century. We're joined together by the world's largest trading relationship and countless daily interactions that keep our borders open and secure.”

*President Barack Obama
February 19, 2009*

Executive Summary

The condition of the United States border with Canada is not a crisis, but an opportunity for the Obama administration. One of the longest borders between any two countries in the world, more trade crosses the northern border than crosses any border on earth.

The post-2001 changes to U.S. border policies included overdue investments in infrastructure, personnel and security at the U.S.-Canadian border, but these now need to be revisited to address a range of problems large and small, transitional and persisting, that have emerged as a drag on the economies of both countries and created a potentially dangerous resistance to necessary U.S. federal investments in security.

The Bush administration failed to develop a border policy process to incorporate feedback reflecting the diversity of the U.S.-Canadian border—the challenge now faced by the Obama administration. There are four geographically distinct northern border regions—forming Cascadian, Great Lakes, Rural, and Perimeter corridors—for access to and from the United States. Each requires a different mix of technology and infrastructure in response to local conditions.

There are also five identifiable types of U.S.-Canadian border users for which specific U.S. policies have been tailored. Commercial shippers, regular commuters, energy flows, amateur travelers, and illicit border activity appear to varying degrees within the four northern border regions, further enriching the heterogeneity of this border. Yet the post-2001 border strategy has emphasized uniformity, with one-size-must-fit-all rules that ignore northern border diversity, and at times have falsely equated conditions at the U.S.-Canadian border with those that prevail at the more difficult U.S.-Mexican border. The two U.S. land borders are relevant to one another, but policy responses indifferent to their diversity result in lowest common denominator rules rather than capitalizing on opportunities to enhance border management and function.

President Obama acknowledged during his visit to Ottawa in February 2009 that too often in the past, the United States has "taken Canada for granted," allowing problems to fester and opportunities to work together to be lost. At a time of economic turmoil, the U.S.-Canadian border could be a place of innovation, where together stakeholders in both countries, policymakers build a New Frontier for the 21st century that could serve as a model for other U.S. borders and for other nations around the world.

To achieve this, this paper recommends process reforms to foster greater precision in identifying problems and targeting policy response at the U.S.-Canadian border. To this end, a greater degree of decentralization of authority and resource flexibility is recommended to U.S. federal agencies with presence along the northern border, to provide community and constituency leaders in border states and metropolitan regions with real partners in responding to diverse needs without derogating from U.S. national security. If these process improvements are undertaken by the Obama administration, the underbrush of concerns that bedevils the U.S.-Canadian border and fragments responses from regions and user types could be cleared away, and a path toward an inclusive consensus on the future of a New U.S.-Canadian Frontier will emerge. This paper outlines the first steps on that path for the Obama administration's first 100 weeks in office.

Introduction

Ask an American about how the border is managed, and she will probably think of the Mexican border, and her impression will be that there are problems there. Mention the Canadian border, and you will find little concern, and perhaps a sense that all is well.

Unless of course the American you ask is one of the 48 million people who live in a state on the northern border with Canada. Or someone who works for a firm that counts Canada as its largest export market. Or one of the 200 million people who crossed the U.S.–Canada border in both directions in 2008.

People who live along the northern border with Canada, people whose livelihood depends on crossing it regularly, and people who experience inspection at this border first hand can all relate that there is room for improvement in the management of the border today. While it does not rise to the level of a crisis, the border that most in the United States take for granted is in need of renewed attention.

One reason for this is the maturing of U.S. border security strategy as the belated border improvements that followed the terrorist attacks of September 11, 2001 have shifted from provisional to permanent, with emergency quick fixes gradually replaced by new infrastructure, new policies, new personnel, and experiences that allow for a second look at what has worked and what remains to be done. The start of a new U.S. administration is an opportunity for a second draft design for the border.

President Barack Obama signaled his openness to working with Canada during his first foreign trip to Ottawa on February 19, 2009. This was accompanied by an important recognition of the tendency of Americans to take Canada for granted—a tendency his administration hopes to correct.

The Obama administration has made a strong beginning to this task. In addition to giving a presidential trip to Canada top priority, new Secretary of Homeland Security Janet Napolitano launched a northern border policy review on her first day in office. The challenge for the administration will be not only to identify areas for improvement, but also to develop a consensus to support action on border improvement.

Building a new northern border consensus in the United States will begin with the diverse groups of border stakeholders who have been mobilized by the changes to the border in recent years. And recognizing their diversity is the key: Border stakeholders vary in their concerns by region, and by how (and for what) they rely on the border. As a result, it can be hard for Washington policymakers, whether in Congress or in the Department of Homeland Security, to respond to northern border concerns.

The second challenge will be to build a durable consensus in support of action to improve the northern border that includes other governments, including state and local governments in the United States as well as the federal, provincial, and local governments in Canada.

Border areas cannot resolve their challenges alone. Counties, cities, and suburbs operate within a national policy framework, and face challenges beyond their own capacities. What's needed is a new partnership between federal, state, local, and private-sector players in both Canada and the United States to help border areas build on their economic strengths, foster a strong and diverse middle class, and grow in environmentally sustainable ways.

This report begins with a review of the recent history of attempts to improve the way in which Canadians and Americans manage their shared border. It then presents a diagnostic approach to understanding the border as it operates today, accounting for the diversity of the border along three dimensions: regionally; by border user type; and

then by jurisdiction, including the overlapping federal and local jurisdictions that remain relevant to border policy reform. Finally, it offers a short set of practical policy recommendations for how U.S. and Canadian governments can address the most pressing border concerns of key stakeholders and, in the process, increase the competitiveness of both nations.

These recommendations begin by identifying immediate problems with greater precision and addressing the legacy problems inherited from the post-September 11, 2001 border reforms; and by examining the decentralization of border management to a greater extent to set conditions for the development of a new border consensus that encompasses stakeholders on both sides of the border, across all regions, and among all major user types.

The attainment of a broad consensus for a New Frontier between the United States and Canada should be the goal of the Obama administration and the Harper government as they begin to follow-up on the pledge to work together made during President Obama's visit to Ottawa on February 19, 2009.

Renovating the Old Frontier

For years, the United States border with Canada was called "the undefended border" since the two countries had been at peace since the conclusion of the War of 1812 (in 1814). But this nickname was always a misnomer: Great empires and the two countries that eventually emerged from them guarded their border, and settled disputes about where it should be fixed, from 1749 until the present.¹ Significant 19th century disputes emerged over the Maine and Alaska boundaries, and over the Strait of Juan de Fuca. Confederate sympathizers crossed from Canada into New England conducting raids during the American Civil War, and Irish nationalists, known as Fenians, conducted raids into Canada (then part of the British Empire) from American soil from 1866 to 1871. During Prohibition, smugglers crossed the border with banned alcoholic beverages. In no sense was the northern border ever truly "undefended."

Yet as President Obama observed, the Canadian border has often been neglected, given the good relations between the United States and Canada—and particularly, the good relations between the people who live along the 5,525 mile border. President William Howard Taft proposed to improve relations with a trade reciprocity treaty in 1911 that would have eliminated tariffs on each country's key exports. Canadians rejected the treaty in a national election. Trade between the two countries grew anyway, and justified private firms building bridges to connect Buffalo, New York and Fort Erie, Ontario (the Peace Bridge) in 1927, and Detroit, Michigan and Windsor, Ontario (the Ambassador Bridge) in 1929.

Thousands of young soldiers from Canada and the United States fought together in the First and Second world wars, and the industrial heartland of Ontario and the U.S. Great Lakes economic region coordinated wartime production on an unprecedented scale. In 1956, President Dwight Eisenhower and Prime Minister John Diefenbaker signed the Defense Production Sharing Agreement, integrating arms production. In 1959, after years of wrangling, the St. Lawrence Seaway opened, connecting the Great Lakes to the Atlantic for transatlantic shipping for the first time.

Trade between the two countries grew in the postwar years as more and more sectors integrated production to better supply customers through economies of scale. This was especially important for Canada, with a smaller population that was spread out geographically across the continent. Once it lost access to British Empire markets when Britain gave up its colonies, Canada grew to depend more than ever before on U.S. markets. In 1965, responding to calls from Detroit carmakers, President Lyndon Johnson and Prime Minister Lester Pearson signed the Agreement Concerning Automotive Products, known colloquially as the Auto Pact, integrating automotive production. Motor vehicles and parts were the largest traded item between the two countries for decades after, and cross-border shipments grew dramatically. In 1982, total two-way trade between the United States and Canada amounted to \$170 billion

dollars (1996 constant U.S. dollars) and the two countries shared the largest bilateral trading relationship in the world.²

In 1986, President Ronald Reagan and Prime Minister Brian Mulroney began negotiations that led to the Canada-United States Free Trade Agreement. The agreement was credited with a dramatic jump in border crossing, with 285 million North American resident cross-border visits made in 1990.³

When the North American Free Trade Agreement was being negotiated, congressional leaders told President George H.W. Bush that before the agreement could be considered for ratification, it would be necessary to pass new legislation to invest in technology and infrastructure at the border in anticipation of similar surges in cross border traffic volumes.⁴ Following the election of President Bill Clinton in 1992, Congress was able to pass the Customs Modernization Act of 1993 but a companion Immigration Modernization bill proved too contentious. Nonetheless, President Clinton ordered a temporary transfer of one third of the customs, immigration and border patrol personnel from the northern border to the southern border in order to secure the ratification of NAFTA by a close vote in November of 1993.

In the U.S. midterm elections in November 1994, voters in the United States elected a Republican majority in the House of Representatives led by Newt Gingrich, and voters in California approved Proposition 187 which denied public services to illegal immigrants in that state. Proposition 187 was challenged in court and never took full effect, but it placed immigration squarely on the national agenda, where it remains today.

One consequence of the charged atmosphere surrounding immigration in the United States after the 1994 election was the tougher language in the 1996 Illegal Immigration Reform and Immigrant Responsibility Act that included a provision, an amendment to section 110 of the Immigration and Naturalization Service statute, which

required that a record be kept of every person who exits or enters the United States. This sparked a strong reaction in Canada. NAFTA seemed to presage an era of open access for Canadians to the United States, and so the 1996 immigration legislation came as a surprise to Canadians, 90 percent of whom live within 150 miles of the U.S. border and cross frequently each year for business and pleasure. The government of Prime Minister Jean Chrétien reacted to this unexpected challenge by encouraging a series of domestic and bilateral discussions on border management and security between 1996 and 2000, including: the Shared Border Accord, the Border Vision Initiative, the Cross-Border Crime Forum, the Canada-U.S. Anti-Smuggling Working Group, and the Canada-U.S. Partnership which held two meetings between federal officials in both countries and local stakeholders in 2000.

On September 11, 2001 U.S. officials, concerned that those responsible for attacks on the United States might try to enter for a second wave of terrorism or attempt to flee the United States to Canada or Mexico, tightened security at the border and brought cross-border traffic to a halt. President Bush ordered civilian air traffic grounded, forcing planes without the fuel to return to their point of origin to land at Canadian airports. The economic impact was swift, with auto plants as far from the borders as Missouri closing for want of parts—the adoption of just-in-time inventory management had made firms more productive but left them vulnerable to such disruptions.

The preceding flurry of border meetings and discussions in Canada, and between officials and border region residents in Canada and the United States provided the Canadian government with numerous concrete ideas for improving border security. In the aftermath of the September 11 attacks, Canada's Foreign Minister John Manley, who was also the prime minister's special border policy coordinator in cabinet, compiled the best of these and proposed to the United States in December 2001 that the two countries work their way through the list. The Bush administration happily agreed, and the result was the U.S.-Canada Smart Border Declaration (setting out principles and a

shared vision of an efficient and secure border) and Action Plan (the list of action items to be addressed by both governments, separately or jointly).

The U.S.-Canada Smart Border Action Plan had 30 points, grouped into four categories.⁵ Under the heading, “The Secure Flow of People” the governments agreed to work toward common biometric identifiers for identity documents, more secure permanent resident documents, a single alternative inspection system building on a pre-existing joint program for frequent border crossers such as commuters called NEXUS that was then in the pilot phase, better screening of refugee and asylum applicants for ties to terror groups, an agreement to deport rejected asylum and refugee applicants to a safe third country rather than to each other’s territory, and a joint review of visa waiver country lists and a sharing of watch lists among U.S. and Canadian visa issuance offices. In addition, “the Secure Flow of People” section of the U.S.-Canada Smart Border Action Plan committed the governments to continue to implement the pre-clearance of U.S. bound air passengers at major Canadian airports, sharing of air passenger information including passenger name records for flights between the two countries and a joint effort to share information to improve the screening of international air passengers arriving in either country with binational passenger analysis teams positioned at major international airports in the two countries. The governments agreed to an urgent review of procedures for passenger screening at ferry terminals, recalling the use of a ferry crossing from Canada to the United States by millennium bomb plotter Ahmed Ressam in December 1999. Canada and the United States also agreed to jointly-develop compatible immigration databases, increase the number of immigration officers each country posted overseas and enhance the joint training of airline personnel in what documents to look for when dealing with suspicious passengers.

The Action Plan of the U.S.-Canada Smart Border agreement also included a section titled “the Secure Flow of Goods” that committed the governments to develop audit-based partnerships with private sector firms to improve security and to harmonize commercial inspection procedures, to build joint border inspection facilities in remote

areas, improve data exchange between customs agencies and develop joint inspection procedures for maritime shipping containers. A section of the Action Plan on “Secure Infrastructure” engaged counterpart agencies in each country to coordinate physical and technological improvements to border points and along trade corridors to better manage traffic flow and inspections, and to explore the use of transponder technologies and electronic container seals to add information and security to goods in transit. Additionally, the governments planned to study and to develop emergency response plans to better protect critical infrastructure, and to press the U.S. Federal Aviation Administration and Transport Canada to expedite completion of an agreement already being negotiated on the compatibility and equivalence of security and training standards for pilots, airline and airport personnel.

The U.S.-Canada Smart Border Action Plan recognized a central obstacle to jointly improving security in the final section, “Coordination and Information Sharing in the Enforcement of these Objectives.” This section exhorted law enforcement agencies to expand the use of binational, interagency, federal-state/provincial and even local Integrated Border Enforcement Teams, and Integrated Maritime Enforcement Teams (IBETs/IMETs) and to coordinate enforcement whenever the evidence trail crossed the shared border. New joint teams would review and share intelligence information, and the United States would sign a memorandum of understanding to permit Canadian law enforcement to have real time access to the FBI fingerprint database. Lawyers on both sides were committed to resolve issues related to the joint removal of deportees, and developing counter-terrorism legislation to provide necessary authority to law enforcement without violating Canadian or U.S. constitutional protections for personal liberty or privacy. The U.S. Treasury Department and Canada’s Ministry of Finance were committed to exchange information and coordinate in the freezing of terrorist assets. More broadly, the Action Plan exhorted agencies and departments to engage in joint training and exercises both to improve readiness and effectiveness, and to boost citizen confidence that the United States and Canada were cooperating fully against terrorist groups in North America.

Congress funded new border security and emergency preparedness capabilities along the land borders following the 2001 attacks, and increased the number of Customs and Border Patrol officials posted to the land borders with Canada and Mexico. The creation of the new Department of Homeland Security (DHS) had a dramatic effect at the land borders, reorganizing border personnel and reducing the autonomy of port directors that previously had exercised some flexibility in conjunction with their cross-border counterparts to accommodate commercial interest in moving goods rapidly.

Inevitably, the new U.S. border management bureaucracy alienated Canadian and Mexican officials used to working with predecessor agencies and systems. Whereas the U.S. Customs Service had sought a balance between security and facilitation of legitimate commerce at the border, the Bureau of Customs and Border Protection in the new DHS was anchored by its security mission. In addition, the large number of new DHS officers at the land border lacked the experience and instincts of older officers who had worked at the land borders for years and often grew up in the border region where they spent their entire careers. Residents of border communities complained that the new officials at the border were stricter and less indulgent of local habits and traditions regarding easy border crossing, but as these complaints fell on deaf ears in Washington the culture of the U.S. borderlands gradually adapted to the new, less open approach to borders.

In Canada, however, changing U.S. border policy was a top concern. Canada protested a congressional move to require that U.S. citizens show passports to return to the United States from foreign countries (this had not been required for certain nearby countries in the past). Congress also authorized a new Western Hemisphere Travel Initiative to promote the use of passports for border crossing by U.S. citizens, increase

the capacity of the Department of State to issue and maintain passport services for citizens, and develop secure identification documents that might serve as an acceptable alternative to the passport while providing greater convenience to citizens. The Bush administration proceeded to implement the passport requirement, which after a congressionally-mandated delay will take effect in June 2009.

Following the November 2004 presidential election, Bush made a state visit to Canada where he discussed the future of U.S.-Canadian relations. Canadian Prime Minister Paul Martin told Bush he shared the concern for border and domestic security made clear to everyone by al Qaeda's attack on the United States, but hoped to address a range of concerns that now served as a drag on the economies of North America as a result. In January 2005 Bush traveled to Mexico where President Fox delivered a similar message about U.S.-Mexican relations. The result was the Security and Prosperity Partnership (SPP), a new model for coordinating the governance of North American integration and its attendant security risks.⁶

President Bush convened the first North American leaders' summit to launch the SPP in Waco, Texas March 23, 2005. Although an initiative to better manage North American relations was not discussed during the 2004 presidential election campaign, border security and economic growth had been hotly debated by the candidates. In Canada, Prime Minister Paul Martin was newly elected himself and had pledged to improve relations with the United States. In Mexico, President Vicente Fox had a limited amount of time to press the United States on immigration issues before the end of his term in 2006. The political conditions across North America were favorable for a successful summit.

At the same time, the SPP channeled more than the goodwill and political agendas of the three North American leaders in early 2005. The SPP was also fed by unresolved issues that had been building up in separate economic and security discussions among the three countries. The state of North American cooperation on facilitating trade and fighting terrorism prior to the Waco Summit was healthy, but in late

2004 a growing number of officials in all three countries felt that a new negotiating process such as the SPP was needed to address issues of emerging concern.

Under the SPP, the three federal governments established ten working groups to address security cooperation: Aviation Security; Bio-protection; Border Facilitation; Cargo Security; Intelligence Cooperation; Law Enforcement Cooperation; Maritime Security and Transport; Critical Infrastructure Protection; Science and Technology Cooperation; and Traveler Security. All ten of the working groups had potential relevance to the border, or cross-border coordination. Each working group is co-chaired at the assistant secretary or equivalent level by one U.S., one Canadian, and one Mexican government official. The working groups are interagency, each drawing from a variety of departments and agencies as appropriate.

The ten security working groups were matched by an equal number of “prosperity” working groups that operated on the same model, but separated regulatory issues related to trade, investment, and product safety from more security inspection and enforcement issues. Although the working groups are overseen by a ministerial committee that includes the U.S. Secretary of Commerce, Secretary of Homeland Security, and Secretary of State (with the National Security Council serving as a coordinating and support group) that reported to the president—and Canada and Mexico drew in cabinet level officials in a similar way—the structure of the SPP had two implications for the management of border issues.

First, the SPP reinforced the split between security and facilitation at the border that was already a concern for border users and border communities. Second, the SPP was a process that brought together federal officials only, leaving state, provincial, and local governments on the outside. Whereas the Smart Border Action Plans reflected the stakeholder discussions that had followed the 1996 immigration legislation in the United States, the SPP operated entirely from a federal perspective.

In February 2008, the failure of the SPP to meet the concerns of the business community had become clear. The U.S. Chamber of Commerce and the Canadian Chamber of Commerce published a joint report, *Finding the Balance: Reducing Border Costs While Strengthening Security* that highlighted the rising costs of compliance with border inspections, including the costs associated with delays at the border and a confusing array of programs that made numerous demands on businesses for information and threatened severe penalties for noncompliance or even mistakes.⁷ Inefficient border management was hurting the competitiveness of firms in both countries, the report stressed.

In March 2008, the Brookings Institution issued a report on the impact of U.S.-Canada trade on the economy of the Great Lakes region.⁸ This report looked at the border from the perspective of the communities and metropolitan areas that line the border, and whose livelihood and quality of life are directly affected by the management of the border by federal authorities. *The Vital Connection: Reclaiming Great Lakes Economic Leadership in the Bi-National U.S.- Canadian Region* echoed some of the concerns of the report from the two chambers of commerce, noting that, "To realize the latent economic opportunities of the region, both the U.S. and Canada require more than the well-intentioned slow-walk of the existing Security and Prosperity Partnership dialogues of the past three years."

These calls for a reconsideration of the way in which the United States managed its border were based not on any resistance to national security concerns, but on a desire to see economic costs weighed rationally against security benefits. As 2008 unfolded, the global economy showed growing signs of weakness. For many businesses and border communities, the drag of marginal costs associated with compliance with new and changing border policies was increasingly seen as a greater burden in difficult times, when even small differences in costs and efficiency can hurt recovery.

The Canadian International Council welcomed the election of Barack Obama as 44th president of the United States in November 2008 with a set of recommendations for ways in which Canada and the United States might work together to redress problems at the border. *A New Bridge for Old Allies* drew on some of Canada's most distinguished scholars and statesmen to develop creative ideas for joint border management.⁹

The 1996 immigration reform in the United States followed the 1994 midterm elections. The SPP emerged following the 2004 election that returned the Bush administration to the White House. For the border, national elections have consequences and create both problems and opportunities. The 2008 U.S. elections provide the United States with an opportunity to review the border policies that have evolved over the past 30 years and to address concerns identified by a growing number of observers and stakeholders.

Recognizing Northern Border Diversity: Addressing Immediate Concerns

As the Obama administration takes responsibility for the management of the U.S.-Canadian border, it will encounter a set of legacy solutions already being implemented following decisions taken by the Bush administration. These include infrastructure investments where construction is planned and underway, as well as programs for which the phased implementation is ongoing. Too often, these more visible border policies become the focus of border debates to the exclusion of problems for which no solution has been identified or agreed.

Such *transitional* problems are still problems, but they require mitigation rather than new ideas. For example, traffic backups and delays at the busy Detroit-Windsor crossing between Michigan and Ontario will be remedied when a new bridge, now under construction, is complete.

More serious are the *persisting* problems that are not in the process of being resolved, either because there is disagreement about whether they are in fact problems, or in some cases because there is no solution identified for them. The persisting problems at the border include proposals for country of origin labeling for certain agricultural products that may impose significant costs on businesses, who complain that these additional costs will force them to reduce production and eliminate jobs due to higher operating costs and lower sales. Because many of the persisting problems related to the management of the U.S.-Canadian border are narrowly focused on particular sectors, businesses, regions, or communities, they are difficult for federal governments to address without stakeholder input. They are even more difficult for federal officials to identify before they become a source of conflict, and so when they do emerge Washington and Ottawa can respond to them defensively and, on occasion, too dismissively.

In order to avoid such responses, the Obama administration must also begin to consider the border not as a single line, but as a diverse set of variegated communities. Those who cross the border are not a homogenous group, but have similar diversity. Problems at the border differ by region and among types of border users. Accordingly the existing infrastructure and programs established to manage the border vary, too. There is no simple solution to remedy concerns at the U.S. border with Canada, but understanding the diversity of the border is an important first step toward defining the present problems at the border more precisely: that is, connecting them to the particular region and/or user type that experiences the problem.

Regional Border Areas – defined by geography

The United States' border with Canada is 5,525 miles long, and runs from north to south between Alaska and the Yukon Territory and British Columbia as well as from east to west from the Pacific to the Atlantic. Most of the border is a land border, but

some miles of the border run through four of the Great Lakes (Superior, Huron, Erie and Ontario); the Great Lakes divide the industrial heartland of the United States from that of Canada, and so it is in this region that bridges carry traffic to the busiest border crossings in the world.

The border between the United States and Canada is geographically diverse, crossing through forests, plains, mountains, rivers, and lakes. Just as important, some parts of this border trace the edges of major metropolitan areas. Seattle and Vancouver in the west, Detroit and Windsor, Toronto and Buffalo, and Ottawa and Montreal are border cities that rank among the largest metropolitan areas in North America, and nearby border crossings are the busiest by volume and value of trade and the number of travelers who cross daily. Yet rural stretches of the border are marked by numerous, smaller border crossings with limited daily volumes.

There are four primary corridors for traffic flows of goods and people across the U.S.-Canadian border. Each has distinctive characteristics and related problems.

The Cascadian Corridor

The Pacific Northwest is home to one of the major border corridors connecting western states such as California, Oregon and Washington to British Columbia. At its heart, this corridor links the metropolitan areas of Seattle and Vancouver with five major land border crossings: Blaine-Peace Arch and Blaine-Pacific Highway are the most highly trafficked, but smaller crossings at Point Roberts, Lyndon and Sumas as well. Interstate 5 connects to British Columbia's Highway 99 through the Blaine-Peace Arch crossing. The Blaine-Pacific Highway crossing, just one mile east, connects Washington State Route 543 to the Trans-Canada Highway and is the primary crossing for truck traffic. Together, these two crossings are the fourth busiest crossings for truck traffic and the third busiest for automobile traffic on the U.S.-Canada border.

In addition, the ports of Seattle and Vancouver are among the largest by volume on the west coast of North America. In 2008, the Port of Seattle¹⁰ handled 1.7 million

TEU (twenty-foot equivalent units; a standard forty-foot 40x8x8 feet container equals two TEUs each 20x8x8 feet) while the Port of Vancouver handled 2.3 million TEU in 2007¹¹. Each hosts a joint U.S. and Canadian customs presence operating under the Container Security Initiative (CSI) which enables the inspection of containers and cargo by U.S. customs in Vancouver and by Canadian customs officials in Seattle-Tacoma in collaboration with host country officers. New port facilities being developed at Prince Rupert, BC will be rail linked to Chicago and Toronto, allowing for handling of 500,000 TEU per year, with the potential to increase to 2 million TEU. Goods arrive to and from these ports on land by way of truck and rail.

The Border Policy Research Institute at Western Washington University in Bellingham, Washington conducted a study of travel patterns in the I-5 corridor in 2007, concluding:

“On average, 91 percent of travel (combined weekend/weekday) is discretionary. Shopping, vacations, recreation and friend/family visits are the dominant trip purposes. About two-thirds of the trips begin and end within 30 miles of the border (...) At the Cascade gateway, the majority of travelers are Canadians.”¹²

This profile is linked to the region’s strong tourism economy, but also suggests that there are relatively few daily commuters using this crossing. Nonetheless, the Washington state government and the Pacific North West Economic Region (PNWER) took the lead in developing enhanced driver’s licenses (EDL) that met Department of Homeland Security and Department of State standards for secure travel documents that can now serve as an alternative to passports for border crossers.¹³ Already required to improve the security of state issued identification such as driver’s licenses under the U.S. REAL ID Act of 2005, Washington proposed to add biometric identification and to encode citizenship information confirmed by the State Department. Washington state

officials collect documents for the EDL and submit these to the Department of State for verification, similar to the manner in which U.S. Post Offices collect information for passport applications. When the State Department processes the application and confirms citizenship, a radio frequency identification (RFID) chip is authorized to be embedded in the EDL that contains no personal information, but points to the individual's passport record so that U.S. inspectors can access it in seconds at the border and confirm identity for faster clearance. PNWER lobbied for approval of the EDL pilot program by Washington, and is encouraging its members to issue EDLs now that the pilot project has been approved for wider use by U.S. federal officials. PNWER is an association of states and provinces that includes Alaska, Alberta, British Columbia, Idaho, Montana, Oregon, Saskatchewan, Washington, and the Yukon Territory.

Smuggling is a significant concern in the Cascadian corridor, particularly the smuggling of drugs and weapons, but also including human trafficking.¹⁴ In particular, high-potency marijuana known as "BC Bud" is grown in the rugged interior of British Columbia and sent to markets across the United States, but particularly along the west coast to Washington, Oregon, and California. As President Obama's nominee for Director of the Office of National Drug Control Policy, former Seattle Police Chief Gil Kerlikowske will bring a wealth of experience addressing these problems to the national scene.

Transitional Concerns:

- The General Services Administration has begun work on new facilities at the Peace Arch Border Crossing in Blaine, Washington to replace existing buildings and inspection booths built in 1976. The expanded facility is scheduled to be completed by November 2010. Local governments are concerned about the impact of construction delays on travelers during the 2010 Winter Olympics (February), and the 2010 Paralympics (March) in Vancouver.

- The travel and tourist sector has suffered since 2001 with fewer discretionary trips in both directions. Although confusion over required traveler documents has been addressed in part with the implementation of the U.S. passport requirement and the development of the Enhanced Driver License, border delays remain a concern.

Persisting Problems:

- Smuggling of drugs (particularly the notorious BC Bud marijuana variety), weapons, and money, and human trafficking continues in the area although pressure from U.S. and Canadian law enforcement has pushed smuggling into more remote rural areas farther east.

2. The Great Lakes Corridor

The busiest section of the U.S.-Canadian border is the Great Lakes corridor encompassing the major crossings of Detroit and Port Huron in Michigan and the Buffalo and Niagara Peninsula crossings in New York, all connecting the U.S. industrial and agricultural heartland with Ontario, Canada's economic heart and home to 40 percent of the Canadian population and nearly half of Canadian GDP. At the eastern edge of the Great Lakes corridor, the crossing at Champlain, New York is the main connection between Montreal and New York City and the entire U.S. Atlantic seaboard. Unlike other sections of the border, geography limits the number of possible crossing points: the Great Lakes and rivers connecting them comprise most of the border in this region. As a result, traffic must cross over bridges and through tunnels, and is relatively concentrated. Of the major crossings in this corridor, only Champlain is a land crossing with room to expand inspection plaza areas to accommodate growth in traffic at a low relative cost. In all, 10 bridges and the Detroit- Windsor Tunnel carry motor vehicle traffic from Michigan and New York to Canada.

The majority of U.S.-Canadian trade passes through the Great Lakes corridor, based on value. This is mainly due to the automotive industry. Detroit's automotive pioneers established partnerships and subsidiaries in Canada by 1910. The U.S.

government signed trade agreements beginning in 1965 to remove barriers and allow the automakers to integrate car production across the continent. Today, Canada is responsible for nearly 20 percent of all North American vehicle production, and Canadian suppliers are closely linked to U.S. automotive supply chains. In recent decades, motor vehicles and parts have been the largest single component of bilateral trade, in what is famously the largest bilateral trade relationship in world history: generating more than \$1.5 billion in cross border flows every day.

When the U.S.-Canada border was closed briefly on September 11, 2001, auto plants across the Midwest and as far south as Missouri were forced to shut down for lack of component parts. This is a consequence of just-in-time, or JIT, inventory management, a practice that coordinates the delivery of parts within hours or even minutes of when they will be needed so that companies do not need to maintain warehouses full of parts waiting for orders. In order to coordinate the logistics among suppliers and assemblers, manufacturers organize “supply chains” linking factories in a synchronized production process that is more efficient and therefore more competitive. JIT logistics are a major contributor to the growth in productivity in the auto industry and in other areas of the economy, from food processing to consumer electronics. A study by the Conference Board of Canada in 2007 identified the seven sectors most vulnerable to border disruptions of supply chains: (1) motor vehicle manufacturing; (2) basic chemical manufacturing; (3) computer and peripheral equipment manufacturing; (4) resin, synthetic rubber, and artificial and synthetic fiber manufacturing; (5) rubber product manufacturing; (6) seafood product preparation and packaging; and (7) electrical equipment and component manufacturing.¹⁵

Delays at the U.S.-Canadian border undermine the efficiency of JIT logistics, particularly unpredictable delays. Instead of sitting in warehouses, necessary components sit in trucks that are waiting to clear customs. Unexpected delays force assembly lines to slow down and in some cases stop when the parts they need have not arrived. Since such delays create a disincentive to purchase critical parts from

suppliers on the other side of the border, the failure to address border delays can encourage companies to seek more expensive supplies in their own market. This in turn raises the cost of the product for the consumer, which can translate into lost sales and ultimately, lost jobs. As a result, the Blue Water Bridge and the Ambassador Bridge have among the highest rates of commercial traffic entered into the Free And Secure Trade (FAST) trusted traveler program at some 44 percent of all trucks crossing the border at these locations.¹⁶

In recent years, the priority in the Great Lakes corridor has been to increase infrastructure. A new railway tunnel, the St. Clair Tunnel, was expanded south of Port Huron to accommodate larger rail cars in 1995. A second, twin span of the three-lane Blue Water Bridge between Port Huron, Michigan and Sarnia, Ontario was opened in 1997.¹⁷ Together these investments helped to make Port Huron one of the busiest crossing on the Canadian border as other crossing points were in the process of building new infrastructure to keep up with the space requirements for new security measures instituted by U.S. and Canadian customs authorities and with demands caused by traffic volumes.

At Detroit, there is a bridge crossing, a vehicle tunnel, and a rail tunnel. The Detroit-Windsor Tunnel was opened in 1930 and is nearly one mile long, passing underneath the Detroit River. Commuter buses, tour buses, cars and trucks pass through the tunnel on a regular basis, but traffic is easily congested because the entry and exit from the tunnel flows to downtown streets in both cities, and the space available to customs is limited by nearby office buildings. As a result, the tunnel is avoided by commercial traffic.

The rail tunnel at Detroit-Windsor opened in 1910, and continues to move freight although traffic through this tunnel diminished after the St. Clair Rail Tunnel opened in 1995. The Detroit River Tunnel Partnership proposed turning the former rail tunnel into

a high capacity rail tunnel as well as a commercial truck crossing with up to six lanes of roadbed, but the plan failed to win approval from local authorities.¹⁸

The Ambassador Bridge has long been the busiest crossing on the U.S.-Canadian border. Privately-owned and operated by the Detroit International Bridge Company (DIBC), the Ambassador Bridge carries more trade between the United States and Canada each year than flows between the United States and all of Europe and Japan combined. The Michigan Department of Transportation has undertaken a \$230 million expansion of the Ambassador Bridge customs plaza to improve traffic flow and enhance access to Interstate 75 and Interstate 96, as well as to ease traffic problems affecting adjacent city neighborhoods. The DIBC has proposed a privately financed \$1 billion second span for the Ambassador Bridge that is pending regulatory approvals.¹⁹

At the same time, a new crossing between Detroit and Windsor, known as the Detroit River International Crossing (DRIC) is being planned, and received U.S. Department of Transportation approval in January 2009.²⁰ The DRIC would cost \$1.5 billion, and construction could begin as early as 2010; the earliest that this second bridge would be open to traffic is 2013. This second crossing would connect Interstate 75 and Ontario's Highway 401 while bypassing Huron Church Road, which passes through the City of Windsor and is subject to congestion and delays. It would require the construction of additional customs inspection space in both countries, additional customs personnel, and a new three-mile long highway to connect the bridge to Highway 401 via the E.C. Row Expressway on the Canadian side. Planning for this connector began in 2006, and a route and design have been approved.

Planning and permitting for improvements at the Detroit-Windsor crossing involve the two federal governments, the governments of Michigan and Ontario, the counties of Wayne (Michigan) and Essex (Ontario), the cities of Detroit and Windsor, and neighborhood groups on both sides. Despite growth in traffic from 1989 onward,

governments willing to invest in additional crossing infrastructure after the September 11, 2001 terrorist attacks, and an organized business and labor constituency lead by the auto industry supporting additional infrastructure, the delays have been considerable and frustrating to local residents.

A similar frustration has been building in Buffalo, New York. There are four bridges that cross the Niagara River between the United States and Canada. Three are at the north end of the river, nearer to Lake Ontario and Niagara Falls, and governed by the binational public Niagara Falls Bridge Commission: the Lewiston-Queenston Bridge, the Whirlpool Bridge, and the Rainbow Bridge. To the south, the Peace Bridge has its own binational public bridge commission and connects Buffalo with Fort Erie, Ontario where the river meets Lake Erie. Together, these bridges have fourteen lanes open for vehicle traffic and connect to major highways, but only the Peace Bridge and the Lewiston-Queenston Bridge are open to truck traffic.

Given the proximity of metropolitan Toronto, Canada's largest city, along with the Niagara Falls and other attractions, the Niagara River border crossings carry the heaviest passenger vehicle volume on the U.S.-Canadian border, much of it related to tourism and showing heaviest volumes during summer.

The Peace Bridge is the second busiest crossing on the U.S.-Canadian border despite having just three lanes (one is bidirectional, switching during the day). Room to expand the customs plaza is greater on the Canadian side, while in Buffalo the U.S. Customs plaza is constrained by a local neighborhood and a historic park. The Peace Bridge Authority began planning a new bridge span to increase capacity in 1993, but ran into opposition to building a twin to the current bridge (as was done in Port Huron) from the Buffalo mayor and City Council, the Erie County chief executive and County Board, and both the two U.S. senators for New York, as well as the state attorney general. Opponents wanted the PBA to build a "signature bridge" that would become an architectural landmark for the area as well as carry additional traffic.

In 2007, the private owner of the Ambassador Bridge proposed to build a privately financed bridge across the Niagara River 1.5 miles north of the Peace Bridge. More recently, the architecturally-significant design of a second span alongside the Peace Bridge was criticized for the effect that its two tallest piers might have on migratory birds in the area. As of early 2009, work has not advanced beyond the planning and permitting stages for an additional Niagara River crossing.

Another issue in the Great Lakes corridor has been customs pre-clearance (allowing one country to pre-clear goods or people for entry) or reverse inspections (where both countries pre-clear goods and people at the same point of entry). The security benefit of pre-clearance and reverse inspection is that it would allow customs officials to inspect cargo and passenger vehicles before they access bridges. In practice, this would create sovereignty concerns since U.S. customs inspections would occur on the Canadian side of the border, and Canadian customs inspections would take place on the U.S. side of the border. Pressure for reverse inspections is greatest in locations where the space for inspections is constrained on one side of the border or the other (or both). However, due to national sovereignty concerns, only the U.S. and Canadian federal governments can consent to reverse inspections.

Pre-clearance and reverse inspections are currently in use at selected air and sea ports, but not yet at the land border. Under the Container Security Initiative, where Canadian Customs inspectors work alongside U.S. Customs and Border Protection officers at seaports in Seattle, Vancouver, Montreal, Halifax, and New York-New Jersey. Similarly, arrangements have been made to allow U.S. Customs and Border Protection officers to operate at most major Canadian airports, screening passengers flying to the United States. A SPP working group has been working on pre-clearance and reverse inspection issues for the U.S.-Canadian border but without success, and a pilot project to test the concept at the Peace Bridge announced by the two federal governments in 2004 was cancelled in 2007 amid mutual recriminations by U.S. and Canadian officials.

The Public Border Operators Association, representing nine publicly owned border crossings between Ontario and the states of Michigan and New York, reported in February 2009 that truck traffic between Ontario and Michigan and Ontario and New York fell by nine percent to 7.3 million truck crossings in 2008 from just more than 8 million the year before. The slowdown in the auto industry has contributed to a fifteen percent drop in the number of trucks crossing the Ambassador Bridge from 2007 to 2008, with an eighteen percent drop in truck traffic across the Ambassador Bridge in December 2008 compared with the previous December. Declining traffic figures, if sustained into 2009, undermines the case for the investment of billions of dollars in new border infrastructure after years of contentious debate and planning has already taken place.

Transitional Concerns:

- Construction of an expanded U.S. customs plaza at the Ambassador Bridge has rerouted traffic and caused some delays, and DIBC plans for an Ambassador Bridge expansion may cause further disruption.
- Work on a second crossing at Detroit could begin in 2010 and continue until 2013 under current plans with traffic impact unknown at this time.

Persistent Problems:

- Coordination among multiple governments and approval processes and competition among private and public infrastructure owners force long lead times for planning and permitting and create uncertainty about border crossing status and future capacity. Despite the post 2001 pressure for action, progress in this region on new border infrastructure has been glacial
- To date there has been no agreement to allow reverse inspections at northern land border crossings.

The Rural Corridors

The vast majority of the land border between the United States and Canada is outside the Cascadian and Great Lakes corridors and home to most of the border crossing points between the two countries. This includes the Alaska-Yukon Territory border (four crossings), the border between eastern Washington and British Columbia (eight crossings), Idaho's border with British Columbia (two crossings), Montana's border with British Columbia (three crossings), Montana's border with Alberta (six crossings), Montana's border with Saskatchewan (seven crossings), North Dakota's border with Saskatchewan (six crossings), North Dakota's border with Manitoba (thirteen crossings), Minnesota's border with Manitoba (three crossings), Minnesota's border with Ontario (three crossings), the Sault Ste. Marie crossing between northern Michigan and Ontario, ten crossings between upstate New York, Ontario, and Quebec, Vermont's border with Quebec (fourteen crossings), New Hampshire's single crossing to Quebec, and Maine's borders with Quebec (six crossings) and New Brunswick (sixteen crossings). Along the Great Lakes, there are also lake ports with customs facilities that serve as additional points of entry to the United States.

These crossings can be grouped together as the "Rural corridors" connecting the United States and Canada, more because they connect rural regions than because they lack development. In fact, of the ten busiest crossings on the northern border (each of which processed more than \$1 billion US in 2008 imports) four are located in the Rural corridors. Yet many of these crossings are quite small, located along traditional routes for trade in agricultural and resource products that date back more than a century.

Most of the border crossings in the Rural corridors are open to inspect commercial shipments during limited hours. Most common are locations where commercial inspections can take place 24 hours a day on five days of the week (but not

on weekends). With the exception of Canada's Yukon Territory, every province with a U.S. border has at least one crossing point that offers commercial inspections 24 hour a day all seven days of the week, permitting an access point for time sensitive shipments. This is a compromise necessitated by limited budgetary resources, but evidence that the Department of Homeland Security is working to offer commercial facilitation in less-trafficked parts of the border.

One particular type of commercial inspection is made at ports of entry, but not by DHS officers: the inspection of plants, animals and related products, which is conducted by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture. Under cost recovery provisions in the 1990 Food, Agriculture Conservation and Trade Act, APHIS charges a user fee for each inspection of shipments at the border and for the inspection and clearance of aircraft and ships. Since 2007, APHIS has begun collecting a more controversial fee of \$5.00 per passenger on all flights into the United States, a fee that is on top of fees that the airlines pay for inspection of the aircraft. This helps to fund more APHIS inspectors, but forces many people flying to and from the United States to subsidize inspections at the border. It is also a hidden fee, embedded in the price of most airline tickets, raising fears that the fee could be increased over time to more onerous levels and discourage tourism. The APHIS fee is not collected from passengers who cross the land border by car.

Another concern in the Rural corridor is the introduction on March 16, 2009 of new Country Of Origin Labeling (COOL) requirements by the U.S. Department of Agriculture, which had been debated for more than a year in Washington. The new regulation requires labeling for muscle cuts and ground beef (including veal), pork, lamb, goat, and chicken; wild and farm-raised fish and shellfish; fresh and frozen fruits and vegetables; peanuts, pecans, macadamia nuts, and ginseng sold by designated retailers. These products must be labeled for retail sale, but also adds recordkeeping

requirements for retailers and suppliers. Both products of solely U.S. origin and foreign imported products to be sold in the United States are covered under the rule.

The COOL requirement is a concern in certain food processing sectors that are highly-integrated between Canada and the United States, such as livestock (especially beef and pork) where animals may be born of parents on different sides of the border, fed or grazed on both sides of the border at different times, and then slaughtered and packed on another side of the border than the one where they lived out their lives. Keeping track of these details under COOL recordkeeping rules (which are subject to audit) places an additional burden on farmers and food processors, and is a drag on the competitiveness of businesses that operate cross-border supply chains relative to those who do not. Over time, this could discourage imports from Canada, and is therefore treated by Canada as a protectionist measure in effect, if not in intent.

The distances between border crossings in the Rural corridors result in a greater role for the U.S. Border Patrol and U.S. Coast Guard, both part of the Department of Homeland Security. To improve the capacity to monitor and interdict unauthorized border crossings, DHS launched the Secure Border Initiative (SBI) in 2005 and SBInet in 2006. The Secure Border Initiative devoted additional resources and personnel to the Bureau of Immigration and Customs Enforcement (ICE) to increase the enforcement of deportation orders and workplace inspections. SBInet is a companion initiative operated by Customs and Border Protection that uses advanced technology to monitor the border, assess and classify threats, and coordinate responses among nearby law enforcement personnel. In practice, it has involved the use of cameras, remote sensors, and unmanned aerial vehicles (UAVs) to monitor remote border areas and advanced systems to integrate the information gathered by these means to determine whether the border crosser is a person or a moose, for example.

Controversy surrounding SBI and SBInet at the southern border has developed out of concern over the treatment of Mexican nationals. In the remote areas of the northern border, concern over SBInet has been more muted, but landowners and

local residents have expressed concerns that the U.S. federal government is using cameras and UAVs to spy on them, invading their privacy. Yet for the most part the SBInet technologies are unobtrusive, and DHS outreach to communities and landowners in the borderlands has helped allay if not eliminate concerns. However the SBInet is viewed in the U.S.-Mexican border region, in the longer and more remote stretches of the U.S.-Canadian border it represents a balanced compromise between resources and the task of guarding the border.

Transitional Concerns:

- Privacy concerns over SBInet and the use of advanced technology to monitor the border may undermine local cooperation with law enforcement

Persistent Problems:

- Labeling requirements reduce the competitiveness of some agricultural and livestock producers operating in both Canada and the United States
- APHIS fees shift the cost of inspection from users to others crossing the border, creating an impression of unfairness and the possibility for hidden rate increases that add to the cost of crossing the border

The Perimeter Corridors

The land border between the United States and Canada is made more secure by inspections and law enforcement activity that occurs away from the border. From aircraft that land in Canada to ships that unload goods bound for U.S. destinations at ports in Canada, the United States and Canada work together to protect the perimeter of the continent as well as the border between the two countries.

One of the first security measures adopted at the Perimeter was the Container Security Initiative (CSI) under which U.S. Customs officials are located at the Canadian ports of Halifax, Montreal, and Vancouver and work with Canadian counterparts to inspect shipping containers bound for U.S. destinations. CSI is a reciprocal effort, allowing Canadian Customs inspectors to operate at major U.S. ports (Seattle-Tacoma and New York-New Jersey) to inspect containers unloaded there and bound for Canada. In addition, U.S. and Canadian customs teams work together in overseas ports such as Rotterdam to inspect cargo containers before they leave Europe bound for North America.

Under CSI, containers are unsealed and inspected by the local customs agents, but decisions about which containers to inspect are made jointly and information is shared between them. CSI has helped to stop smuggling of drugs and other contraband, as well as human trafficking.

Individuals seeking to enter the United States by air pre-clear U.S. Customs and Border Protection before heading to their airplanes at nine of the largest Canadian airports. U.S. airport preclearance allows CBP to determine the admissibility of an individual prior to their entering U.S. airspace. Canadian airports were among the first to host U.S. Customs preclearance, and have invested millions of dollars to upgrade airport facilities to secure the U.S. departures gates and provide space for CBP to operate. In addition to Canada, only Aruba, the Bahamas, Bermuda and Ireland have U.S. passenger pre-clearance agreements, which provide airlines with the major benefit of being able to fly directly to any domestic U.S. airport rather than being limited to those with a U.S. Customs presence for screening inbound international travelers.

U.S. concerns over Canadian immigration policies were one reason for the United States to seek a presence at Canadian airports to pre-screen U.S.-bound travelers. A Canadian Supreme Court ruling in 1986 (the Singh ruling) made it more difficult for Canadian authorities to deport non-citizens who had entered Canada

seeking to remain as refugees or prospective immigrants. In 2002, the Canadian Parliament overhauled its immigration legislation to require potential immigrants in most cases to apply from their home country or a safe third country prior to coming to Canada – a practice similar to that of the United States. The 2002 Canadian immigration reform also improved the background checks on potential immigrants to Canada by requiring officials to consider intelligence reports from friendly foreign countries including the United States where applicable and appropriate.

Despite these reforms, an unknown number of individuals who had previously entered Canada were a source of concern for U.S. officials. Although none of the individuals who carried out the September 11, 2001 terrorist attacks on the United States came from or through Canada, there were several previous terrorism cases with Canadian connections. The ringleader behind the 1993 World Trade Center bombing, Omar Abdel Rahman, visited Toronto and Montreal regularly to raise funds and recruit supporters; Palestinian-born Ghismail Ibrahim Abu Mezer and Lafi Khalil entered the United States from Canada on several occasions before their arrest in a New York City subway bomb plot in 1997; Algerian-born Ahmed Ressay was a Montreal resident who was apprehended in 1999 attempting to enter the United States from British Columbia with plans to attack the Los Angeles International Airport; and several members of the Ahmed Saied Khadr family of Ottawa were killed fighting Western troops in Afghanistan, with son Omar Khadr imprisoned at Guantanamo.

This points to the reason why the Perimeter corridor is in some ways the most critical for the United States and its relationship with Canada: stopping individuals and attacks as far from intended targets in the United States as possible requires active international cooperation, which Canada has been willing to provide through security cooperation as well as domestic reforms.

The U.S. and Canadian militaries also defend the Perimeter approaches to North America. Dating back to the Cold War, NORAD is a joint U.S.-Canada air defense agreement under which the U.S. and Canadian air forces monitor air threats and coordinate the response by U.S. or Canadian fighter jets, whichever are nearest. The NORAD Agreement was renewed in 2006, and the two countries agreed to explore the coordination of maritime defense of the approaches to North America; in practice, however, the Canadian navy and coast guard works closely with U.S. counterparts already.

The principal responsibility for the U.S. effort to defend the approaches to North America rests with United States Northern Command (US NORTHCOM), with an area of responsibility that includes air, land and sea approaches and encompasses the continental United States, Alaska, Canada, Mexico and the surrounding water out to approximately 500 nautical miles. It also includes the Gulf of Mexico and the Straits of Florida. The defense of Hawaii and U.S. territories and possessions in the Pacific is the responsibility of U.S. Pacific Command. The defense of Puerto Rico and the U.S. Virgin Islands is the responsibility of U.S. Southern Command. In emergency response, critical infrastructure protection, and other homeland security missions, US NORTHCOM operates as a ‘second responder’ providing logistics and other support to law enforcement, U.S. National Guard, and other responders.

The commander of US NORTHCOM is responsible for theater security cooperation with the militaries of Canada and Mexico. This involves a relationship with Canada Command, the Canadian military command for defense of Canadian territory. In two areas, political concerns have emerged over the role of the U.S. military in defending Canadian territory. The first is the longstanding Canadian refusal to participate in missile defenses, which has not deterred U.S. development of missile defense systems but has greatly reduced the role and importance of NORAD. The second is the security of the Arctic, where there remain significant unresolved border disputes between Canada and its Arctic neighbors including the United States. At the

same time, the United States has a far greater capacity to operate in the Arctic and does so with sensitivity to Canadian sovereignty concerns but with the ultimate goal of safeguarding U.S. interests in this area. The commercial aspect of these two areas of political sensitivity over military cooperation at the Perimeter of North America is two-fold. First, the United States protects critical satellites in orbit over North America, and since many satellites serve customers and purposes in both countries, U.S. protection efforts extend to Canadian space interests as well. Second, the growing development of arctic oil and natural gas fields, though hampered somewhat by boundary disputes, relies on U.S. security and rule of law that is underpinned by the U.S. military presence. President Bush issued a presidential directive on January 9, 2009 to clarify the responsibility and role that the United States would take in the arctic that stressed the importance of enforcing environmental standards as arctic energy resources are developed as well as protecting commercial shipping.

Transitional Concerns:

- U.S. concerns about Canadian immigration policy have been addressed, and cooperation is good with regard to individuals who may have entered Canada under past procedures.

Persisting Problems:

- Unresolved boundary disputes in the Arctic and U.S. assertion of protection of the Arctic environment and shipping are a source of tension with Canada.
- Canada's unwillingness to participate in missile defense of the continent has undermined the value of the NORAD alliance, which could be eliminated in future to save costs.

These four geographic subdivisions of the U.S.-Canadian border are important and useful to keep in mind. Regional differences make the border harder to govern, because solutions for one region are less important for another area. Cooperation between the United States and Canada is good in all of the major border corridors, but notably it is perhaps best at the Perimeter corridor where it is exclusively a federal-to-federal challenge. In the Cascadian, Great Lakes, and Rural corridors, borderlands residents raise concerns and subnational jurisdictions assert local jurisdiction over infrastructure and permitting – sometimes for the better, as with the EDL pilot project in Washington state, but sometimes for the worse, as local disagreements have delayed new bridge construction between Michigan, Ontario, and New York.

U.S. policymakers have tended to view the border as a single entity, and to the extent that border diversity has been acknowledged in policy terms, it has been in the design of policies to address concerns of specific border user groups or types. Five broad categories of border crossers provide a second look at the functional diversity of the border.

Functional Borders – defined by user types

The organization of the Department of Homeland Security provides a clue as to why the functional approach to border policies has predominated since 2001: in a large organization with a large mission, the subdivisions with DHS all reflect functional responsibilities, and for the most part, a global area of responsibility. For the initial challenge of upgrading the security of the United States in the wake of the September 11, 2001 terrorist attacks, this structure was prudent and allowed the extant parts of the U.S. government that had responsibility for U.S. domestic security prior to 2001 to come together as they had been previously constituted: along functional lines. This model has worked well for DHS, despite some problems. This paper argues that as U.S. border policies mature, increased recognition of regional diversity at the border will help to address problems in a more targeted fashion, but at the same time the functional

approach to border users will remain valuable to U.S. security and to an understanding of the operation of the northern border with Canada.

The five main types of border crossers are a mix of goods and people that can be classified as commercial, energy, commuters, amateur, and illicit. Each is served by particular DHS programs, and some experience more frustration with the current state of the U.S.-Canadian border than others.

The Commercial Border

For decades, Canada has been the number one U.S. trading partner, and our largest export market. In 2008, more than \$1.5 billion in goods crossed the border every 24 hours, more than \$1 million dollars per minute. In the 18th and 19th centuries, natural resources and primary products shipped from Canada to the United States, and U.S. manufacturers sent their goods north to compete for market share with British brands. The 20th century saw a dramatic shift toward integrated manufacturing of automobiles, aircraft and other sophisticated products that were made up of subsystems and components that were themselves complex. As an example, consider the way a radio can be put into a car or truck, a subsidiary product whose design and sale is dependent on the manufacture of the vehicle into which it is installed. These interdependent products promote coordinated design and manufacturing between separate firms that specialize in different parts of the production process, but also competition among subsidiary suppliers for contracts from firms making more complex products. Americans and Canadians, sharing for the most part a common language and with similar business cultures, took easily to the myriad deals and negotiations that were necessary across the economies of both countries to initiate and nurture closely coordinated manufacturing sectors. In the years following World War II, this specialization and integration was a major source of U.S. and Canadian competitive advantage over Europe and Asia.

The growth of integrated design and manufacturing, particularly in the auto industry, placed tremendous pressure on the border. The governments of the United States and Canada responded mainly by getting out of the way: allowing private interests to develop needed infrastructure, cutting tariffs, and seeking to streamline regulation and inspection processes. By the late 20th century, new sectors followed the same model of close production integration between U.S. and Canadian firms: cultural industries making films and television programs sought cross-border partners, software firms in both countries wrote applications for equipment producers such as Dell and Blackberry, Internet pioneers exchanged ideas and products as though the border was immaterial—as it often was for their purposes.

Technical services grew to form a major component of cross border trade. Architects and engineers, medical doctors and academics all followed the well-established path of specialization and cross-border collaborations between Americans and Canadians. As services grew to become a larger contributor to U.S. and Canadian economic growth, consulting and trade in expertise led to further growth in bilateral trade between the two countries.

The U.S. Customs – Trade Partnership Against Terrorism (C-TPAT) was one of the first programs put in place after the September 2001 terrorist attacks, launched in November 2001 with seven initial corporate participants. From the beginning, it was a voluntary program through which firms would seek to protect their supply chain relationships from tampering or infiltration by terrorist groups. This included conducting background checks on truck drivers and loading dock operators, fencing plants and loading dock areas, sealing shipments in tamper-proof containers such as sealed trucks, and providing CBP with detailed information on shipment contents and destinations electronically, reducing uncertainty when trucks reached a border crossing. Company efforts were transparent to U.S. Customs, which acknowledged these efforts by firms by granting them status as trusted shippers. In 2005, U.S. Customs and Border Protection set new standards for participation in the program and certification by the

Department of Homeland Security that a firm was C-TPAT compliant. In tandem with the U.S. effort, the C-TPAT firms approached the Government of Canada which established a program named Partners in Protection (PIP) that operated on similar lines.

C-TPAT certified companies undertook considerable expense to participate, and hoped that their trucks would receive fewer random inspections and that in the event of a security incident that necessitated putting border security on high alert, C-TPAT shipments would be allowed to cross the northern border even while other trucks were held for rigorous inspection or denied permission to enter the United States. As the sense of imminent threat of another terrorist attack faded, C-TPAT companies complained that the business case for C-TPAT had changed. Whereas initially, companies invested in the security of their supply chain to gain privileged status at the border, CBP was often unable to deliver speedier inspections as new officers, inspection equipment, computer systems, and border infrastructure construction caused delays.

A second attempt at improving scrutiny of commercial traffic was launched in 2005, and known as the Free And Secure Trade (FAST) program. It differs from C-TPAT in a number of key ways. First, it is a joint program operated by the United States, Canada and Mexico to certify trusted shippers and participants in cross-border supply chains. As a result, the FAST program has engendered greater information sharing among the customs agencies of the three countries on the largest volume shippers. Second, it builds on the C-TPAT and PIP programs by making participation in these voluntary programs a precondition for eligibility for the FAST program. Third, the benefits for FAST participants were made explicit by the governments, and included the designation that FAST shipments were low risk, justifying the diversion of inspection resources to known high-risk and unknown risk shipments. In addition, the expansion of inspection plazas at major border crossings permitted the governments to dedicate lanes to clear FAST program shipments.

FAST and C-TPAT participation is easiest for large firms that have the ability to spread compliance costs across a larger revenue base, and have the staff to keep up with additional paperwork and background checks. On the northern border, according to the Border Policy Research Institute at the University of Western Washington, FAST participants make up 44 percent of all truck shipments at Detroit and Port Huron, but far less elsewhere. Smaller businesses have not found the costs worth the risk of being found to be noncompliant, which can result in penalties and designation as a riskier shipper that could delay future shipments. Additionally, firms with short supply chains, particularly those that ship unprocessed logs or agricultural products have not found that FAST delivers sufficient benefit to them.

Some truck drivers complain that the requirement of 30 to 60 minute advance notification before a FAST shipment arrives at the border puts a strain on logistics, particularly when the point of origin of the shipment where the cargo is loaded is less than 30 to 60 minutes from the border. In such cases, trucks must park or idle while waiting for the notification period to expire. Time spent waiting could be more productively spent in motion.

The SPP Working Group on Border Facilitation has discussed ways to improve the FAST programs and encourage greater participation, but as the Obama administration takes office, there is no resolution. C-TPAT and FAST remain important programs, but do not meet the needs of all commercial users and this may in part be because they have been designed around the needs of manufacturers concentrated in the Great Lakes corridor.

Companies participating the North American Competitiveness Council (NACC), an advisory group set up to respond to the SPP talks, noted in a 2007 message to the leaders of the United States, Canada and Mexico prior to their summit

meeting in Montebello that a growing concern at the border was not the security procedures that had been established after 2001, but the unpredictability of wait and clearance times at border crossings. Businesses trying to manage their logistics and inventory had lost money due to unexpected delays and so had re-established buffer-time and stockpiled inventory of key parts. This was a return to pre-JIT inefficiency, and the NACC companies warned that the cumulative effects of these actions on North American competitiveness would be negative for all three countries. This is especially true for the United States, which benefits from its central position in North America which has allowed it to become the hub of efficient continental supply chains.

Transitional concerns:

- Unpredictable delays in border clearance are in part due to the serial introduction of new personnel, inspection equipment, and computer systems; these problems should ease over time. Infrastructure construction will be a longer term concern particularly at certain crossings, and efforts to mitigate this uncertainty should be undertaken.

Persisting Problems:

- FAST and C-TPAT do not meet the needs of all commercial shippers at the border, and small to medium sized businesses and border crossings outside the Great Lakes corridor are not addressing this concern adequately.
- C-TPAT and FAST each involve high compliance costs, but have not consistently delivered benefits to justify company investments in compliance. The threat of penalties for mistakes and compliance problems is a deterrent to participation for firms, rather than an incentive to keep firms participating.

The Energy Border

Although the largest item in United States – Canada trade has generally been motor vehicles and parts, in recent years energy has been the fastest growing category. And although the automotive trade has been a mutual exchange of imports and exports that attains a stable equilibrium, the energy trade heavily favors Canada, which has become the largest foreign energy supplier to the United States.

In 2008 Canada supplied seventeen percent of all U.S. oil imports, and U.S. refineries process most of this product (sustaining high-paying U.S. jobs). Canada also supplied eighteen percent of overall U.S. natural gas demand. Both oil and natural gas enter the United States from Canada through established pipelines, making this trade different from other goods crossing the border. The pipeline infrastructure must be inspected and secured, but the oil and gas cross the border without interruption. Building new pipelines involves some of the same problems as building other infrastructure that crosses the border, with multiple and overlapping permitting processes that make progress slow.

Canada is also a major supplier of electricity to the United States. In 2006, Canada exported 41.5 billion kilowatt hours (Bkwh) of electricity to U.S. markets, and imported 23.4 Bkwh that same year due to seasonal variations in domestic energy demand for electricity in Canada and the proximity of some U.S. supplies to Canadian consumers. Canada is the second largest generator of hydroelectricity in the world (after China, which leapt ahead with the completion of the Three Gorges Dam project). The Obama administration's plans to build a national Smart Grid for electricity transmission is intended to help alternative electricity generators to reach larger markets, but has the ancillary benefit of allowing Canada to export electricity across more states and sell to markets further away from the northern border. Although there are environmental concerns related to the flooding of land associated with hydroelectric dams, the carbon content of hydroelectricity once a dam is built compares favorably with other modes of electricity generation and imports from Canada will be attractive to many states and metropolitan regions seeking to replace coal-fired plants.

Canada is also the largest generator of nuclear power in North America, and the source of one-third of worldwide uranium production. This has led to support in Canada for the establishment of one or more nuclear waste reprocessing and storage facilities as a gesture of responsible environmental stewardship: as an exporter of uranium, some in Canada argue that it should become an importer of the waste byproduct of its use for energy production. The Canadian Shield, an 800,000 square kilometer bedrock formation that stretches across most of the Canadian land mass provides ideal geology for safe storage of nuclear waste material.

The largest source of Canadian energy potential is the oil sands deposits located principally in the western provinces of Alberta and Saskatchewan. The carbon expenditure involved extracting bitumen from oil sands is high, and has led the Alberta provincial government to invest \$2 billion in oil tax revenues in researching methods for effective carbon capture and sequestration (CCS). The Obama administration pressed Congress for \$3.4 billion for CCS research with a view to addressing the carbon emissions from coal-fired plants in the United States which was subsequently approved as part of the stimulus legislation in February 2009. The Canadian federal government has promised to invest an additional \$1 billion in CCS research as well in 2009. The research challenge is to develop ways to capture carbon emissions, after which storage is relatively simple. However, the same vast expanses of Canadian geography that provides locations for the safe storage of nuclear waste could also provide safe storage for captured carbon if CCS research bears fruit.

This suggests the potential for U.S. exports of nuclear waste and even captured carbon for storage in Canada. Although currently there are significant shipments of ordinary garbage from Metro Toronto to landfills in border states such as Michigan, energy-related waste shipments would create new challenges at the northern border.

At DHS, energy trade across the U.S.-Canadian border has been addressed most directly as a challenge of critical infrastructure protection and preparation for emergency response. Since this is an area where DHS collaborates well with state and local government, first responders including police and fire services have learned about current cross-border infrastructure and its vulnerabilities and energy firms that own this infrastructure or the energy that utilizes it have been in close contact with public sector officials at all levels in both countries. Participation in tabletop exercises and drills has deepened the mutual awareness of capabilities and knowledge of procedures and contingencies across the public and private sector alike. This is an area of border security management and trade facilitation between the United States and Canada that has worked remarkably well.

Transitional Concerns:

- Canadian energy supplies cross the northern border into the United States more easily than other imports, and energy companies have largely avoided debates about the management of the U.S.-Canadian border where their input might be helpful.

Persisting Problems:

- Energy trade between the United States and Canada is likely to outgrow current infrastructure, and place new strain on overlapping jurisdictions at the border to expedite review and permitting of new infrastructure.

The Commuter Border

There is a developed community of regular commuters who cross the U.S.-Canadian border more frequently than other border users. Some are on assignment for their firm or with a major client and need to cross the border repeatedly, whether to

come home on weekends or only when work pressures allow. Others have found work on the other side of the border, but do not wish to change their country of residence, as with Canadian nurses who live in Windsor and commute to jobs at Detroit hospitals. And there are some who have close relatives or friends in the other country who they visit several times each year.

There are established migratory patterns for some commuters, such as Canadian retirees who winter in Florida, or Canadians visiting U.S. hospitals for medical treatment. A significant number of students cross the border to attend university in both directions, and some even commute daily to attend classes. Still others cross less predictably, when business requires. What links border commuters as a group is the frequency with which they encounter customs inspections, which provides an incentive to master requirements and obtain necessary documents for easy travel.

Just as with cargo, if inspectors at the border have more information in advance about who is crossing, it is possible to make better judgments about the risk associated with allowing the individual to enter. The United States and Canada have recognized this by creating a series of “trusted traveler” programs that promise quicker clearance at the border for low-risk individuals willing to voluntarily provide additional personal information in advance that can be stored in a database and accessed by border officials.

In 1992, an experimental effort was launched in the Cascadian corridor known as PACE (for Peace Arch Crossing Entry) by the U.S. Immigration and Naturalization Service. A dedicated commuter lane was established at the Blaine-Peace Arch crossing for use by PACE participants. The PACE pilot program was developed locally with the support of the Whatcom Council of Governments, a regional transportation planning organization that includes many of the U.S. local governments in

the Cascadian corridor. Canada established a similar program called CANPASS that was available at several border crossings. On the U.S.-Mexican border, the similar SENTRI (for Secure Electronic Network for Travelers Rapid Inspection) trusted traveler program was launched in 1995 as a pilot program at the Otay Mesa crossing in California. The growing experience with trusted traveler programs led the U.S. Immigration and Naturalization Service to begin developing an expanded program for the northern border based on lessons learned from both PACE and SENTRI, and introduced NEXUS (a name that means “connection” but not an acronym) at the Port Huron, Michigan border crossing in 2000. After September 11, 2001, the United States cancelled the PACE program and replaced it with a planned expansion of NEXUS, which took place gradually, opening in 2002 (at Blaine-Peace Arch and Point Roberts crossings in Washington) and 2003 (at Buffalo and Detroit). Unlike PACE or SENTRI, NEXUS was a joint U.S.-Canadian program, with both governments enrolling traveler data into a single database.

Users complained that applying for NEXUS was a time-consuming process, and mistakes by NEXUS members were treated harshly. At points of entry where lines were not long, many commuters chose to cross without enrolling in the program. Violations such as using the NEXUS lane in a vehicle that was not enrolled in the NEXUS program, or failing to declare a purchase, or having a passenger who is either not enrolled in NEXUS or does not have his or her NEXUS card at the time of crossing all could lead to revocation of NEXUS membership.

Nonetheless, the NEXUS program expanded and border agencies in the United States and Canada responded to concerns with refinements. In January 2009, NEXUS was the primary trusted traveler program in use at the U.S.-Canadian border with 265,000 members (of which roughly 30 percent at U.S. citizens, and 70 percent are Canadian) and 16 border crossing locations with NEXUS lanes. The NEXUS program was expanded for air travelers in 2008, and the Air NEXUS program had self-clearance

kiosks at the eight Canadian airports with U.S. Customs pre-clearance. NEXUS use by boaters was encouraged with 33 marine reporting locations.

The evolution of U.S. trusted traveler programs has continued with the introduction of Global Entry as a pilot program in 2009. Global Entry operates in a manner similar to Air NEXUS, with self-clearance kiosks at selected international airports. Unlike NEXUS, the Global Entry program is operated by the United States alone, and only U.S. citizens and lawful permanent residents are eligible to participate in the program. However a major benefit of Global Entry is that it can be used when returning to the United States from any foreign destination, not just Canada or Mexico, and this may make the Global Entry program the preferred option for regular U.S. travelers, including those who commute across the U.S.-Canadian border.

There is a risk that this will undermine the NEXUS program over time, as Americans migrate to Global Entry and NEXUS becomes a program mainly for Canadians. U.S. Customs and Border Protection is showing sensitivity to this possibility with the introduction of the Global Online Enrollment System (GOES) which allows U.S. citizens to apply for and access their record under NEXUS, SENTRI, FAST and Global Entry and linking these programs in a way that promotes the full range of options available to U.S. trusted travelers.

Another issue for regular border crossers in particular professions in the recognition of professional credentials and training qualifications. Although not a condition for entry into either the United States or Canada, recognition of degrees and licenses issued in another jurisdiction is necessary for individuals to work even temporarily. This concern was recognized in NAFTA, which led to the establishment of the TN Visa Program for nonimmigrant professional workers.

NAFTA listed certain categories of professionals for which nonimmigrant professional work visa would be issued based on specific minimum credentials such as university degrees and/or work experience as agreed by the governments of the United States, Canada, and Mexico. Where associations of professionals in the three countries came to agreement on such standards for specialists in their area, they could petition the governments to add their profession to the NAFTA list.

The difficulty for many professionals however is that licensure and other regulation is largely a state and provincial responsibility in the United States and Canada, and so the TN Visa represents only permission for entry rather than an acceptance of qualifications. In the United States, many professional associations operate accreditation programs for schools so that degrees granted by an institution that receives appropriate accreditation will be recognized in other U.S. jurisdictions. In Canada, provincial governments set such standards for schools, and degrees and credentials do not automatically receive recognition outside the province.

For those U.S. and Canadian professionals who do receive recognition of their credentials and appropriate visas and have the chance to work for an extended period of time outside their own country, there is a further problem: neither country grants a spousal right to work to the married partners of a permitted foreign worker. What this means is that for couples, particularly those with children, labor mobility is limited unless the spouse is willing and able to afford to stop working for a period of time when their partner is working legally in Canada or the United States. In contrast, there would be no question that children of such a couple would have the right to be enrolled in local schools; the restriction is only on the right to work.

Without a spousal right to work, many professionals structure their work in the other country on the basis of regular commuting back and forth. In addition to the

inefficiency generated by the additional costs associated with travel, this places a significant strain on family life for professionals and specialists in Canada and the United States, and adds to the number of low-risk border crossers who must be processed at the border. There are no reliable figures for the number of individuals affected by this dilemma, but the anecdotal evidence suggests that it is a growing problem for professional couples and a hindrance to continued collaboration among Americans and Canadians.

Transitional Concerns:

- Existing trusted traveler programs have a limited enrollment, and can be onerous to apply to join. Competition between NEXUS and Global Entry for U.S. citizens could undermine the rationale for maintaining two programs.

Persisting Problems:

- Mutual recognition of professional credentials and qualifications applies currently to only certain professions, and more could be done to expand the list if states and provinces were empowered to take the lead in this area.
- Neither the United States nor Canada extends an automatic spousal right to work for the partners of permitted workers from the other country. Addressing this issue would improve labor mobility and workforce flexibility in both countries

The Amateur Border

Of the roughly 300,000 individuals who cross the U.S.-Canadian border daily, the majority are not regular commuters in trusted traveler programs. They cross the border for tourism, lunch with a friend, or a rare trip to connect with relatives or business contacts. In some cases, they are part of an organized group crossing the border to

attend a convention or conference, or as part of a senior citizen or school-sponsored tour.

These individuals are amateur border crossers: they have less familiarity with inspection procedures and documentation required for crossing, and may be nervous or wary of authorities at the border for reasons unrelated to any risk they pose to security, but out of inexperience. In some cases, amateur crossers rely on anecdotal horror stories about border inspections for their information, and approach border inspections accordingly.

The amateur border poses a challenge for the systems put in place at the U.S.-Canadian border since 2001. As commercial and commuter users of the border place pressure on DHS to provide faster processing and facilitation of legitimate goods and travelers, amateurs take a disproportionate share of time and energy to process – think of challenge for an inspector when the family with small children arrives in a minivan at a border inspection booth without passports for all the children after a long wait in traffic on a hot summer day, needing bathroom breaks and naps. Behind the minivan are trucks and regular commuters familiar with procedures, but they must wait their turn. Trusted traveler programs help to divert some of the more experienced travelers into special lanes, but at many land borders, backups begin to form before such travelers can access designated lanes for NEXUS or FAST.

The most significant change in border procedures for amateur travelers since 2001 has been the introduction of a passport requirement for U.S. citizens to re-enter the United States from Canada. In the wake of the September 11, 2001 terrorist attacks on the United States, Congress created *The National Commission on Terrorist Attacks Upon the United States* (also known as the 9-11 Commission), an independent, bipartisan commission of inquiry that began meeting in late 2002 and issued a report

and recommendations to Congress in July 2004. One of the Commissions' specific recommendations was that an exemption from passport use by U.S. citizens when re-entering the United States from a small number of countries including Canada be ended. Congress subsequently passed the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), which mandated an end to this exemption by January 2007 and funded a Western Hemisphere Travel Initiative (WHTI) that was designed to add resources to speed up passport issuance by the Department of State in anticipation of increased demand for passports, promote public awareness of the rule change among U.S. citizens, and explore the development of "secure travel documents" that would satisfy the passport requirement as an alternative, for the convenience of regular travelers. Congress subsequently revised the implementation deadlines, moving the mandated end of the passport exemption to June 2009.

Passports have become more secure travel documents—harder to falsify and counterfeit—in the United States and many allied countries due to an international effort to incorporate biometric identifiers and machine-readable information into a new, international standard for passports. The United States worked with other countries to develop a consensus on which biometric elements (such as fingerprints, or photographs compatible with facial recognition) would be included in a new International Civil Aviation Organization (ICAO) standard. The United States then worked with major trading partners and allies, including Canada, to implement the ICAO standard and a machine-readability standard by 2004. Although many countries took longer to reach the new standard, U.S. and Canadian passports are now significantly upgraded.

Applications for U.S. passports are increasing in response to the new requirement. In 2006, the Department of State estimated that 27 percent of U.S. citizens held valid passports, but applications were coming in at 18 million per year, a 52 percent increase on the average for previous years. U.S. passports are valid for ten

years for adults (over 17), but only for five years for minors. The requirements for minors include an in-person interview with parents and guardians present. In addition to the cost of each passport (\$97.00), some in the travel industry worry that the passport requirement will prove too burdensome for families, who will vacation in their home country instead of traveling abroad. In the U.S.-Canadian border region, this is a particular concern since short trips have been a mainstay of local tourism for many years.

In response to the specific concerns of school groups and traveling youth sports teams, in February 2007 the Department of Homeland Security amended the passport requirement to allow U.S. and Canadian citizens ages 15 or younger with parental consent to cross the borders at land and sea entry points with certified copies of their birth certificates rather than passports. U.S. and Canadian citizens ages 16 through 18 traveling with school, religious, cultural, or athletic groups and under adult supervision will also be allowed to travel with only their birth certificates. The risk posed by such groups of amateur travelers is low, and yet they have the potential to delay processing of other travelers and to draw resources away from the inspection of higher risk and unknown risk shipments and travelers.

Initial efforts to develop a passport alternative card at the State Department established a standard for RFID chips that would be embedded in each card and point to an individual's computerized record at the border. The passport card is linked to the issuance of a passport, and so the application process is similar. The Washington state pilot program to issue enhanced driver licenses (EDLs) was based on this standard. Washington residents can go the local branch office of the Washington State Department of Licensing and apply for an EDL, submitting the same documentation and biometric identification that would be required for the State Department to verify citizenship and issue a passport. This information is then sent to

the State Department for verification and processing, and the documents are returned with a chip that Washington state can incorporate into an EDL. The pilot program was judged to be a success by the Department of Homeland Security in 2007. New York now offers EDLs, and other states are in talks with the U.S. federal government to join the program as well.

The advantages of an EDL over other passport alternatives include the convenience of applying locally (especially with children), and the similarity between using a new EDL to cross the border with the former common practice of presenting a driver license at the border when re-entering the United States.

In addition to EDLs and passport cards issued by the Department of State, other secure travel documents are now permitted for use at the U.S.-Canadian border, including trusted traveler cards such as NEXUS, SENTRI, or FAST, U.S. Military Identification with Military Travel Orders, U.S. Merchant Mariner Document when traveling in conjunction with official maritime business, Native American Tribal Photo Identification cards, enhanced tribal I.D. cards, and the Form I-872 American Indian Card.

As the passport requirement is implemented, U.S. Customs and Border Protection inspectors will have latitude to issue warnings for a period of time to Americans seeking to return home without a passport or acceptable alternative. For many amateur travelers, and despite efforts to educate them about the new rule, such warnings may be necessary. The benefit of such warnings will be to introduce anecdotal stories, without the horror, that encourage more travelers to obtain a passport or alternative.

Transitional concerns:

- The passport requirement takes full effect at the land border in June 2009, and amateur travelers will encounter some delays and hassles, in turn affecting other traffic.

Persistent problems:

- As rules and procedures change frequently at the land border, the slowest group of border crossers to adjust will be the amateur travelers, requiring policymakers to find ways to reach them with public information.

The Illicit Border

The reason for the investments the United States has made to improve border security is ultimately to prevent the transit of harmful people and things across U.S. borders, and so no discussion of border user types would be complete without acknowledgement of Illicit border users: smugglers of drugs and weapons, human traffickers, and potential terrorists. The northern border is large and poses particular challenges for law enforcement. In some areas, it is remote and difficult to monitor; in other areas, the number of cars, trucks and people flowing across the border provides opportunities to “hide in a crowd” and attempt illicit entry to the United States at busy ports of entry.

Canada is a source of drugs smuggled into the United States, mainly locally-grown marijuana, methamphetamines, and MDMA (Ecstasy). Asian drug trafficking organizations have developed sophisticated networks in the Vancouver and Seattle areas. In 2005, a major tunnel used for drug smuggling was uncovered in the

Cascadian corridor, running between British Columbia and Washington. Given the more restrictive gun ownership laws in Canada, the United States is a source of handguns and other weapons smuggled into Canadian cities. Human trafficking includes the smuggling of people from outside North America, particularly Asia and Africa, who come in search of a better life but at the hands of abusive criminal organizations that secure entry for illegal migrants for a fee, and often then exploit them under the threat of exposing their immigration status to authorities.

One source of concern for the United States and Canada has been smuggling through Native Indian lands along the border. The Jay Treaty signed by the United States and Great Britain in 1794 guaranteed the Mohawk a reservation of land that straddles the U.S. border with Canada in northern New York, and smugglers have used this territory as a route for smuggling everything from alcohol during Prohibition to cigarettes (to evade higher Canadian excise taxes) to drugs, weapons, and people. Since 2001, the United States and Canada have increased their surveillance of adjacent territories and have made several arrests related to the use of native lands for smuggling.

Mexico is a potential contributor to smuggling problems at the U.S.-Canadian border as U.S.-Mexican border controls tighten against illegal immigration and as violent drug trafficking organizations seek the routes of least resistance for entering the U.S. market. Flights from Monterrey or Mexico City to Montreal or Toronto can cost as little as \$500 and Mexicans do not require a visa to visit Canada. Canada could become a tempting route to the United States for some Mexicans seeking work. Unlike the United States, Canada has not become a partner with Mexico in the Merida Initiative to combat drug trafficking violence; to plug a potential back-channel for smuggling, the United States should encourage Canada to more closely cooperate with U.S. and Mexican law enforcement and monitor the progress of the Merida Initiative.

The most significant program to address the illicit use of the northern border has been the establishment of Integrated Border Enforcement Teams (IBETs) at the recommendation of the first U.S.-Canada Cross Border Crime Forum meeting in 1997. The Cross Border Crime Forum was created to encourage law enforcement agencies in both countries to work together more effectively to combat transnational crime, including smuggling, telemarketing fraud, money laundering, child pornography and child sex tourism, and cybercrime, as well as to coordinate the search for fugitives and missing persons. The first IBETs were tested along the Washington-British-Columbia border, and brought together federal, state, and local law enforcement officers from the United States and Canada in a joint task force that could conduct investigations and enforcement operations, as well as joint training exercises. The IBET model allowed resources and intelligence information to be shared, and overcame in a pragmatic way a number of the jurisdictional issues that impede close cooperation.

Since 1997, the IBET model has spread to cover most of the northern border with more than 30 IBETs fostering regional law enforcement coordination. IBETs also train for emergency response and critical infrastructure protection, and have increased the awareness of U.S. law enforcement concerning risks, assets, and liabilities in neighboring areas of Canada. The IBET model is a particularly good example of cooperation between city, county, state/provincial, and federal cooperation related to the border. Rather than assume the full burden of securing the border, the IBETs allow the U.S. federal government to gain leverage from local knowledge and taxpayer expenditures for public safety at other levels of government.

Transitional concerns:

- SBI-net raises local concerns over surveillance of legitimate activity that should be addressed by IBETs
- Success against drug traffickers and human smugglers in Mexico may lead to a shift of smuggling routes through Canada, putting new pressure on the northern border

Persisting problems:

- Lucrative smuggling has attracted new interest from international organized crime in the U.S.-Canadian border that only concerted and coordinated efforts by all law enforcement organizations in the two countries will be able to confront.

Building a New Frontier: Precision, Decentralization, and Consensus

The challenge that the Obama administration and the Harper government face at the U.S.-Canadian border is to improve upon the post-2001 changes to border management at a time when both national economies are weakening, fiscal resources will be limited for the near term, and global challenges from climate change to terrorism compete for leadership attention. This paper has outlined another central problem: Progress toward improving the U.S.-Canadian border has been held back by the misconception that the border is a single and uniform line with problems and opportunities equally distributed along its length. In fact, the U.S.-Canadian border is diverse, and requires policy responses to accommodate this diversity.

The U.S.-Canadian border has four major regions, each with different geographic characteristics: the Cascadian corridor in the Pacific Northwest; the Great Lakes corridor in the Midwest; the vast expanses encompassing the Rural corridors;

and the Perimeter approaches to North America from the Atlantic, Pacific, and Arctic Oceans.

The U.S.-Canadian border has five important types of users, and many programs put in place since 2001 by both U.S. and Canadian governments have aimed to meet the challenges associated with one or more of these: the Commercial users, the regular Commuters, vital Energy shipments, the numerous Amateur border crossers, and Illicit border users.

Table 1 gives an impressionistic sense of the intersection between U.S.-Canadian border regions and border user groups. The relationship between user types and border regions is not uniform. While all regions have concerns about Illicit users, the Great Lakes border crossings face the greatest concentration of commercial users and commuters. The Cascadian border has a less intense concentration of any one type of user, which may explain a willingness to experiment across a range of areas to assist commuters, amateur tourists, and commercial border users. The Rural border plays host to considerable energy infrastructure, and a large number of occasional and amateur users at the border. At the Perimeter, airline passengers are the most likely amateur users, but the typical user is relatively more sophisticated due to the additional complexity and more advanced systems for conveying information to overseas travelers and shippers.

Table 1: Presence of User Types by Region

(darker color indicates greater intensity)

	Cascadian	Great Lakes	Rural	Perimeter
Commercial	Dark Gray	Black	Light Gray	Medium Gray
Energy	Light Gray	Medium Gray	Black	Light Gray
Commuter	Dark Gray	Black	Light Gray	Medium Gray
Amateur	Dark Gray	Medium Gray	Black	Light Gray
Illicit	Dark Gray	Medium Gray	Dark Gray	Dark Gray

The significance of the diversity of the border is that it has had a direct impact on the ability of the United States to make effective border policy.

The U.S. federal government sees a national security as an essential element of border security, and the national aspect of national security inclines federal policymakers naturally toward strategies that are uniform across U.S. borders (linking the land borders with Canada and Mexico, and the perimeter on a continental or even global basis) and along the border (to ensure consistency from one end of the border to the other, with no weak points).

Confronted with the “one border” policy approach often taken by the U.S. federal government, regional and border user types just as naturally register objections that their local or user-specific circumstances warrant exemption or special

consideration. Sometimes, these conflicts can be resolved to the satisfaction of both federal and border regions and users. At other times, they lead to a feeling that the federal government is not listening, or trampling insensitively over local concerns.

In the United States, federalism allows numerous avenues for dissatisfied interests to pursue: protesting to state governments, or to congressional representatives; forming coalitions and NGOs to articulate the concerns that are not being addressed; and taking defensive and often obstructionist actions in order to block or delay implementation of federal initiatives. This feedback loop complicates the implementation of federal initiatives, and consumes the time and energy of federal policymakers. If an administrative fix seems prudent, officials at the U.S. Department of Homeland Security take the lead in brokering a resolution with dissatisfied groups, often under pressure from Members of Congress, state governors, or mayors. If a legislative or fiscal fix is preferred, Congress must broker the regional or user type interests involved, and build an issue specific consensus for a policy change to accommodate the affected group, a negotiation process that can be time-consuming as well as difficult.

The September 11, 2001 terrorist attacks provided a catalyst for U.S. federal policymaking to upgrade border security that temporarily allowed regional and user-specific interests to be overcome, but the willingness of local and sectoral interests to defer to Washington has declined as the consensus about the manner in which the border should be managed has weakened. And the dissolution of the consensus occurred along fault lines that reflected the unaccommodated diversity of border regions and users, as well as tensions between the needs of users and regions along the northern and southern land borders of the United States.

This dynamic has made border policymaking increasingly difficult since 2001, and yet it is nested within another set of conflicts between continental and global

perspectives. Many commercial, energy and commuter users are cognizant of the global competitive challenge for their firms, especially in a weakening economy. For them, the marginal costs associated with border problems are a source of concern, and the answer may well appear to be to relocate operations and investments to avoid border-related risk. If the policy process for fixing a particular border's concerns becomes too intractable or unresponsive, some firms among these border user types could opt out of border debates, taking their lobbying clout with them, and making it much harder to successfully address problems.

At the same time, nested within the northern border is a series of local conflicts and political dynamics. These can and do provide user types and the governments of the border regions with alternative coalitions, leveraging contact with Canadian counterparts in an attempt to press the Canadian government to press Washington on an issue bilaterally. PNWER, the Great Lakes Governors Association, the Western Governors Association, and the New England Governors Association all regularly meet with neighboring Canadian provincial premiers in attendance. In addition, hundreds of meetings taking place every month connect local government officials in the three countries. Building coalitions at the regional level can permit the border regions to join forces in opposition to U.S. federal actions, or to press for changes.

It is these pressures that have made it difficult to successfully implement a common border strategy for all U.S. land borders even since September 2001, and many important initiatives have faced delays and U.S. federal officials have been forced to make changes, however reluctantly, as a result of local pressure. Delays in building bridges at Detroit and Buffalo and the delay in implementing the passport requirement had their origin at the local level.

Making distinctions among these regions and user groups is now more necessary than ever, as the Obama administration and the Harper government seek to

refine post 2001 border policies rather than to return to the pre-2001 border policies. With limited resources and political energy for major change, efforts to improve the operation of the border must be targeted and make use of all available tools and ideas.

The northern border between the United States and Canada is not in crisis. Conditions at the border and with border policies and programs managed by the U.S. federal government are tolerable, though imperfect and the source of significant frustration for specific regions and user groups. Without a crisis atmosphere, and given the major challenges facing the Obama administration, the U.S.-Canadian border will not garner extensive presidential and congressional attention in the coming years. The political capital and energy of U.S. federal leaders will be expended elsewhere to address more pressing priorities.

The diversion of presidential and congressional attention away from problems at the U.S.-Canadian border is a reflection of the fact that the problems at the border are either transitional (making them easier to dismiss) or persisting but focused, so that relatively few Americans are directly affected by them. The diversity of the northern border in its distinctive regions and border user types means that it is not possible to identify a single action or investment or reform that will generate wide support.

The diversity of the northern border also works against the development of a northern border consensus that would allow Americans and Canadians to advance a vision of a New Frontier that would go beyond immediate fixes to present problems and begin to shape a post-2001, post-2009 border paradigm. Proposals to shift activity away from the U.S.-Canadian border by harmonizing various policies and regulations between the United States and Canada are all dependent on the broader consensus for action that is absent today. That consensus is absent because borderlands residents, state and metropolitan community leaders, and major border user groups are preoccupied by the problems that they experience today, in a weakening economy where every added cost hurts the bottom line. Focused on their own concerns, which

too often are not widely shared, border stakeholders fragment and any hope of a consensus is stymied.

Canadian border stakeholders are in a different position. With more than 85 percent of the Canadian population living within 200 miles of the United States border, and with more than 80 percent of Canadian exports and imports flowing across the U.S.-Canadian border, Canadians find it easier to agree on the importance of a better-managed border. To be sure, diversity along regional and user-type lines exists among Canadian border stakeholders as well, but the Canadian federal government has been able to bridge these differences to form a common front in many cases when it comes to dealing with border issues and with the United States federal government in particular. As a series of border studies produced in Canada attest, there is widespread frustration and confusion in Canada over the difficulty of bringing Americans to their “common sense” view of the future of the border. Yet what is common sense in Canada is hardly even common knowledge in many U.S. borderlands communities.

In order to make significant improvements to the northern border, the U.S. federal government and northern border stakeholder in the United States will need to first address current problems; second look to a new mode of managing border policy to reduce miscommunication and improve information flow between Washington, D.C. and the border itself. The U.S.-Canadian border could and should be a source of opportunity for experimentation and innovation to improve the way in which all U.S. land borders are managed, as it has been in the past; yet to attain this result, the critical requirement is for a northern border consensus to move forward.

This is a preliminary draft of a larger report, and as such, the recommendations in this paper are preliminary as well. They address process, more than specifics. However, it is the hope of the author that they will begin a fruitful discussion that can further populate the agenda of border improvements at the U.S.-Canadian

border and help map a route to a New Frontier that may be achieved by the Obama administration in partnership with Canadian officials.

To this end, this paper offers three process requirements to contextualize policy recommendations:

Precision: The more precisely problems at the border can be defined; the more targeted and efficient the policy response can be made. Parsimony is necessary because of limited resources for response, but also because of the tendency to conflate problems in the design of programs – such as FAST – that work well in one region or for one sector, but fail to meet needs elsewhere. Similarly, new problems are created when the response to one problem – the need for more APHIS inspectors in the Rural corridors – is financed by citizens in other areas – such as airline passengers paying hidden APHIS fees. Precision has also helped to improve existing programs, such as when DHS created a special exemption to the passport requirement for school groups, or when FAST provided a greater degree of clarity concerning the benefits from participation in the program.

Decentralization: Some of the best solutions to past border problems came when local stakeholders were engaged in the policy process. The development of EDLs, the creation of IBETs, and other innovations trace their origins to borderland community leadership. One reason for this is time: state and provincial leaders, county and metropolitan neighbors have more time for one another, build trust and even friendships, and can develop working relationships that national leaders cannot. For many federal programs, allowing greater flexibility and latitude to regional representatives – “local feds”, such as CBP port directors and their deputies at border crossings – to work out procedures and outreach efforts that make sense locally without

diminishing security standards would go a long way toward improving the support for border policies in borderland areas.

Decentralization is not delegation. This is particularly true for some of the major infrastructure projects along the border, where the interaction of federal, state, provincial, metropolitan governments with companies and NGOs has led to slow progress in building new infrastructure. Even where federal policy is clear, it is a mistake to underestimate the capacity of local resistance to block federal initiatives. Better coordination will be easiest to achieve if empowered federal officials working in the community are empowered by Washington and Ottawa.

This follows the concept developed in Europe of policymaking subsidiarity, whereby the lowest level of government capable of addressing a problem is empowered to take the lead on that issue. U.S. and Canadian systems of federalism distribute authority between federal and local governments differently, according to their constitutions. However both countries' founders recognized that some issues needed to be addressed locally. Rediscovering this idea through decentralization of more border decision making was a recommendation of several previous border studies, including most notably *Caught in the Middle: Border Communities in an Era of Globalization* by Demetrios Papademetriou and Deborah Meyers, which was published in 2001 and captured the best thinking on how to address the needs of the U.S.-Canadian border prior to the September 11, 2001 terrorist attacks. A return to the wisdom of decentralization would be particularly timely now, as federal leaders grapple with economic and other concerns.

Consensus: Finally, in all regions, among all user types, and in the long history of the shared border between the United States and Canada, the greatest progress has been made when there is a consensus about the future of the border and how it should be managed. The clearest example of this was the Smart Border Declaration and Action Plan that followed September 11, 2001. Rather than propose bold new ideas, the Smart

Border agenda incorporated ideas that had been discussed and debated in stakeholder meetings along the border during the previous six years, prompted by the 1996 U.S. immigration reforms. As this paper has shown, the changes to the U.S.-Canadian border since 2001 have been remarkable and rapid, and while they are in need of a second look and a number of specific refinements, this progress would not have been possible without the prior consensus.

The Security and Prosperity Partnership that replaced the Smart Border Declaration and Action Plan was a sincere and creative effort, but struggled to address border concerns. Some observers have argued that this was because of the inclusion of Mexico in the SPP, given the different nature of the problems on the U.S.-Mexican border. Yet it was the absence of any role for the majority of border community stakeholders in the SPP process that had a greater impact.

It will not be easy to build a consensus on the future of the U.S.-Canadian border that will satisfy stakeholders in all four regional corridors, and all five categories of border crossers. It will take time, resources are limited, and the stakes are indeed high. President Obama is the first “community organizer” to occupy the White House: he is uniquely well-suited to undertake the task of revitalizing the North American neighborhood in which the United States resides. The first step will be to initiate meetings with community leaders, and stakeholder groups.

¹ For an excellent account of boundary disputes before the American Revolution, see Max Savelle, *The Diplomatic History of the Canadian Boundary, 1749 -1763* Yale University Press (1940); for later years, see Edgar W. McInnis, *The Unguarded Frontier: A History of American-Canadian Relations* Doubleday (1942).

² U.S. Census Bureau, *Foreign Trade Statistics: Historical Series* available at <http://www.census.gov/foreign-trade/statistics/historical/index.html>

³ U.S. Department of Transportation, Bureau of Transportation Statistics, *North American Trade and Travel Trends* BTS01-07 (2007) Available at http://www.bts.gov/publications/north_american_trade_and_travel_trends/travel_us_can_mex.html

⁴ For a more detailed version of the historical overview here and in subsequent paragraphs, see Christopher Sands “Fading Power or Rising Power: September 11 and Lessons from the Section 110 Experience” in *A Fading Power: Canada Among Nations 2002* edited by Norman Hillmer and Maureen Appel Molot, Oxford university Press (2002) pp. 49-73

⁵ Government of Canada and United States Government. *U.S. –Canada Action Plan for Creating a Secure and Smart Border* (December 2001) Available at: <http://www.whitehouse.gov/news/releases/2002/01/20020107.html>

⁶ For a more detailed history, see Greg Anderson and Christopher Sands, *Negotiating North America: The Security and Prosperity Partnership* Hudson Institute White Paper (Fall 2007) Available at: <http://www.hudson.org/files/publications/Hudson%20Negotiating%20North%20America%20FINAL.pdf>

⁷ *Finding the Balance: Reducing Border Costs While Strengthening Security* U.S. and Canadian Chambers of Commerce (February 2008) Available at http://www.uschamber.com/publications/reports/0802_finding_balance.htm

⁸ John Austin, Elaine Dezenski, and Britany Affolter-Caine *The Vital Connection: Reclaiming Great Lakes Economic Leadership in the Bi-National U.S- Canadian Region* Brookings Institution, Metropolitan Policy Program (March 2008) Available at www.brookings.edu/reports/2008/0324_greatlakes_canada_austin.aspx

⁹ Michael Kergin and Birgit Matthiesen *A New Bridge for Old Allies* Canadian international Council, Border Issues Report (November 2008) Available at <http://www.thetbwg.org/downloads/A%20New%20Bridge%20for%20Old%20Allies.pdf>

¹⁰ Port of Seattle data, available at: <http://www.portseattle.org/seaport/statistics/pos10yearhistory.shtml>

¹¹ Port of Vancouver data, available at http://www.portvancouver.com/statistics/2007_statistical.html

¹² “Trade and Travel patterns at the Canada-U.S. Border: Policy Implications” *Border Policy Brief* Volume 4, Number 1 Border Policy Research Institute, Western Washington University (2009) Available at www.wvu.edu/bpri/files/2009_Winter_Border_Brief.pdf

¹³ Pacific North West Economic Region *Annual Report 2007-2008* Available at <http://www.pnwer.org/LinkClick.aspx?fileticket=xwtSyL0JM2U%3D&tabid=269&mid=2430>

¹⁴ Government of Canada and United States Government. *United States - Canada Border Drug Threat Assessment 2007* Available at http://www.publicsafety.gc.ca/prg/le/oc/_fl/us-canadian-report-drugs-eng.pdf

¹⁵ Danielle Goldfarb *Reaching a Tipping Point? Effects of Post-9/11 Border Security on Canada's Trade and Investment* Conference Board of Canada report (June 2007) Available at www.internationaltransportforum.org/2009/pdf/CDN_TippingPoint.pdf

¹⁶ "Trade and Travel patterns at the Canada-U.S. Border: Policy Implications" *Border Policy Brief* Volume 4, Number 1 Border Policy Research Institute, Western Washington University (2009) Available at www.wvu.edu/bpri/files/2009_Winter_Border_Brief.pdf

¹⁷ "History of the Blue Water Bridge" Michigan Department of Transportation Available at: http://www.michigan.gov/mdot/0,1607,7-151-9618_11070-22062--,00.html

¹⁸ For more on the Detroit River Tunnel Partnership, see http://www.detroitchamber.com/index.php?option=com_content&view=article&id=232%3Adetroit-river-tunnel-partnership&catid=13%3Apolicy-and-legislation&Itemid=178

¹⁹ *Connecting Neighbors: The Ambassador Bridge Gateway Project* Michigan Department of Transportation (August 2007) Available at http://www.michigan.gov/documents/mdot/MDOT_Amb_Bridge_gateway_newsletter_0807_206463_7.pdf

²⁰ U.S. Department of Transportation press release "USDOT Signs 'Record of Decision' for Detroit River International Crossing" Available at <http://www.partnershipborderstudy.com/pdf/2009-01-14USDOTDRICRODPRESSRELEASE.pdf>

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