THE BOARD OF DIRECTORS AND THE BI-NATIONAL MEMBERSHIP OF THE CANADIAN/AMERICAN BORDER TRADE ALLIANCE (CAN/AM BTA)

WISHES TO THANK THE EXCELLENT SPEAKERS, SUPPORTIVE SPONSORS AND INTERESTED PARTICIPANTS

WE ESPECIALLY ACKNOWLEDGE

CLAUDE CARRIERE
MINISTER ECONOMIC AND
DEPUTY HEAD OF MISSION
AND

THE CANADIAN EMBASSY STAFF FOR HOSTING SUCH A MEMORABLE RECEPTION.

FOR ALL YOUR EFFORTS HELPED MAKE THIS CAN/AM BTA WASHINGTON, D.C. CONFERENCE SUCH A RESOUNDING SUCCESS

Can/Am BTA was especially pleased to have representatives attend the Conference from Parliament, Provincial Governments & U.S. Border States

JIM PHILLIPS
PRESIDENT AND CEO

www.canambta.org canambta@aol.com

CONFERENCE SUMMARY HIGHLIGHTS

CAN/AM BTA SEPT. 12-14, 2004 WASHINGTON, D.C.

CAN/AM BTA is an organization with far-reaching beneficial impact on the important issues of Border Management, Trade, Travel and Business between The World's 2 Largest Trading Partners CANADA and the UNITED STATES.

The next Can/Am BTA Conference April 24-26, 2005 Ottawa, Canada At the Chateau Laurier

The Conference Speakers recognized CAN/AM BTA's leadership role:

Asa Hutchinson, Under Secretary Border and Transport Security, Department of Homeland Security

"The Can/Am Border Trade Alliance provides solutions. Its role is critical."

Ambassador Roger Noriega, Assistant Secretary WHA, State Department "Can/Am BTA is a clear manifest of the U.S./Canada relationship."

<u>Jay Ahern, Assistant Commissioner Office of Field Operations, CBP</u>
"Thanked Can/Am BTA and Jim Phillips, a friend and colleague, for their long history of working together for consistency as an effective proactive force in improving border management."

Senator Jerry Grafstein, Co-Chair, Canada-US Interparliamentary Group (It should be noted that shortly after 9/11 Senator Grafstein formed and led a delegation of 25,000+ Canadians to visit New York City to show solidarity) "Can/Am BTA is a very important and effective organization."

<u>Kurt Nagle, President & CEO, American Association of Port Authorities</u>
"The Canadian/American Border Trade Alliance is the strongest advocate continuously for the US/Canada Border."

Congressman Bart Stupak, Co-chair, Northern Border Caucus - U.S. House Congressman John LaFalce Ret., Founding Chair Northern Border Caucus "Can/Am BTA is the essential organization on the U.S./Canada Border. Its' knowledge and focus delivers results."

CONFERENCE SPEAKERS AND THEIR MESSAGE

Gary MacNew, Vice President, Rich Products, CAN/AM BTA Exec. Board

Welcomed attendees to this conference to discuss new ideas to expedite low-risk Trade and make the Border work better. Expressed appreciation for the speakers sharing their expertise to assist the U.S. & Canada increasingly working together.

Mike Dahm, Dist. Manager, A.N. Deringer, CAN/AM BTA Exec. Board Saturday was the 3rd Anniversary of 9/11. That event changed our lives, our views on how we do business and showcased our old ways i.e. outdated infrastructure and lack of resources. The Smart Border Plan is the critical blueprint to implement bi-national solutions. We must deliver effective cost benefits from facilitation of Trade while insuring required levels of security. We now "must resolve" key issues: frequency of examinations are up, the cost of doing cross Border business is increasing for low-risk goods.

<u>HOMELAND SECURITY</u> - CANADA/U.S. COOPERATION AND BORDER MANAGEMENT ACTIVITIES FOR A SMART BORDER IN THE 21ST CENTURY

<u>Asa Hutchinson, Under Secretary Border & Transport Security,</u> Department of Homeland Security (DHS)

Provided an outstanding overview

Customs and Border Protection (CBP) leadership had just been in Ottawa to discuss Accord Processing Zones (Shared Border Management Zones) (Prescreen in other country) cooperatively discussing how U.S. Officers at Land Borders might operate in Canada and also Canadian Officers in the U.S. performing inspection entering their respective country. Advised he would be going to Ottawa for discussions at the end of that week. He also advised that Deputy Prime Minister McLellan and Secretary Ridge will meet again soon.

9/11 made a lasting difference in Border relations and processes. The U.S. and Canada are demonstrating their long-standing friendship by developing a binational approach. Both countries must protect against terrorist infiltration. National Security encompasses Border processes and immigration to counter the ongoing threat to try to disrupt political stability and economic vitality. (Just recently 9 illegals were intercepted at Detroit in a railcar: Albania, South Korea and Mexico were their home countries.) Canada is an excellent neighbor and by acting bi-laterally with the U.S. has made Integrated Border Enforcement Teams (IBET's) a huge success.

Stated: NEXUS is expanding; targeting Border resources and processes to focus on unknown and high-risk; harmonizing with Canada to prevent maritime "Port Shopping". US-VISIT has efficiently processed 7 million individuals and identified 700 serious criminals (who otherwise may have been "undetected") through biometrically confirming the identity of visitors with "Visas". Noted that the US-VISIT fingerprint process has actually decreased processing times.

Reiterated the critical importance of finding solutions. Recognized Can/Am BTA for its critical role and track record.

CAN/AM BORDER TRADE ALLIANCE CONFERENCE SUMMARY SEPT. 2004 CUSTOMS & BORDER PROTECTION - "PUSHING THE BORDERS OUT"

Jay Ahern, Assistant Commissioner, Office of Field Operations, CBP

DHS and CBP are organizations less than 18 months old, yet have made much progress. Thanked Can/Am BTA for its long history of consistent effective work with U.S. Customs and now CBP. Stated Infrastructure improvements are KEY. Infrastructure initiatives need aggressive dialogue. Infrastructure lack inhibits low-risk facilitation.

Reviewed CBP personnel levels currently at 18,000 CBP Officers and 11,000 Border Patrol Officers. Cited currently on the US/Canada Border there are 3,400 CBP personnel and 1,000 Border Patrol using latest technology. This head count up from 9/11/01 level of 1,000 Customs, 500 Immigration and 380 Border Patrol.

Provided an excellent overview of initiatives "pushing the borders out" – layered approach / earliest point in the international supply chain / targeting initiative / mandatory pre-arrival notification / Customs and Trade Partnership Against Terrorism (CTPAT) / Container Security Initiative (CSI).

We must facilitate legitimate Trade. CTPAT is the new approach to Supply Chain Security utilizing CBP CTPAT Specialists. Developing Smart Box and Sealing Standards for containers is a priority. The World Customs Organization (WCO) involves 161 countries introducing CTPAT. CSI is currently operational at 24 Ports worldwide and will be so at 30 Ports by 1/1/05. WE MUST KEEP GLOBAL SUPPLY OPEN. CBP does not want to over-regulate or over-burden. CBP desires open and constructive communication.

Cited Can/Am BTA's keen interest in improving Border Management.

<u>DEPARTMENT OF HOMELAND SECURITY (DHS)</u> – Private Sector Connection <u>AI Martinez-Fonts Jr., Special Assistant Private Sector to Tom Ridge, DHS</u>

Provided specifics for the DHS perspective on Trade:

- Advocates for the Private Sector wants to hear problems and complaints.
- 2. Coordinates sharing of information / best practices / threats / vulnerabilities. Examples: Highway Watch, Retail Watch, Maritime Watch.
- 3. Communications Link
- 4. Focal point for communicating economic consequences of regulations.

Homeland Security is a National Issue "not" a Federal Issue. To make the "business case" for Homeland Security initiatives and costs being viewed as an investment (FAST, CTPAT, NEXUS) is a "must need".

He stressed INFRASTRUCTURE AS A HUGE ISSUE.

THE CANADIAN PERSPECTIVE

Jon Allen, Minister Political Affairs, Canadian Embassy

The shared Border is a top priority for both Canadian and U.S. Governments. The essential priority is to get the "right facts" and "right messages" to decision makers. Abolishing International Terrorism is a long task.

Current conditions cited at the land border: falling volume of auto traffic; longer queues; longer inspection times; infrastructure improvements and additions are "key immediate needs" that collectively hamper facilitation of low-risk and negatively impact costs of doing business. The real desire is to "work hard on solutions together" for common problems.

He posed very insightful questions:

- Why do two Customs Organizations have to face each other along our Border?
- Why can't the U.S. and Canada have shared facilities located on either side of the Border as physical conditions dictate at each appropriate Border Crossing?
- Why don't we have cross accreditation (cross designation) between the Agencies of our two countries?

Went on to say that the answers and ultimate solutions were compelling, simple yet very complex involving legal regimes. Courts might have a say. Suggested creative minds adapt the Air Pre-Clearance outcome to serve the needs of inspection at the Land Ports. While very different security needs are present between Air and Land, the need and benefits are the same to be efficient yet effective. DHS and the Privy Council hopefully will find a way.

Urged "the need for unity" between the affected parties in both countries for the full implementation and enforcement of the Bio-Terrorism Act, Trade Act 2002, Mandatory Electronic Pre-arrival notification and US-VISIT.

Stated American Trucking Association says it needs 180,000 drivers to meet current needs, U.S./China growth planned at 5% is growing 10-14% per year, 5.2 million U.S. jobs are dependent on U.S./Canada Trade. In closing Jon reiterated "Border Policies Must Be Sound."

Senator Jerry Grafstein, Co-Chair Canada-US Interparliamentary Group

Accompanied by 6 Members of the Canadian Parliament and Senators and staff of the Canada-U.S. Parliamentary Group thanked Can/Am BTA for being a "very important and effective organization."

Provided a very impactive statement of "Truth or Consequences" i.e.

- U.S./Canada Trade is our biggest business.
- Canada is the largest supplier of energy to the U.S.

- Forty five percent (45%) of Canadian jobs depend on U.S. Trade.
- Canada out sources 6 million jobs to the U.S.
- Canada and the U.S. share the Great Lakes water resource. Infrastructure improvements are lagging very badly due to fragmented decision making and authority. There is a need to coordinate at Federal, State/Provincial and Municipal/County/City levels.

Proposed a new BI-Lateral Canada/U.S. Border Modernization Joint Commission (by Treaty) to involve Federal, Provincial, State, County, Municipal and the Private Sector.

PORT SECURITY

Kurt Nagle, President & CEO, American Association of Port

Provided an effective and comprehensive slide presentation describing Port Security and the factors and effects surrounding initiatives "to prevent terror in a box."

The American Association of Port Authorities includes Canadian and Caribbean Ports in its membership. The Association strives to successfully balance the needs for investment / free flow of commerce / prosperous future for the Authorities.

Discussed the International Ship and Port Facility Security Code (ISPS) and the Maritime Transportation Security Act. Regulations need to be performance based. Highlighted to date that 90% of Government Security Funding has been allocated to Air. Cited that Ports currently require \$1 billion and received a budget of \$46 million (5% of needs). The "good news" is that 2005 is the first year Security for Ports have achieved line item status thus increases in subsequent years are easier to be initiated. In the past 3 years, Ports have received Federal funding at13%, 25% and 17% respectively for their stated Security related funds. Required Security related expenses paid by Port Authorities have increased from 7% to 25% of their Annual Budgets and are being funded by Authorities allocating revenue funds from infrastructure needs. 95% of U.S. overseas cargo goes through American Ports (\$1.3 billion/day), 318 billion gallons of petroleum are handled yearly, Cruise Ports handle 7 million passengers/year generating \$25.4 billion to the economy and creating 295,000 jobs.

CUSTOMS & BORDER PROTECTION (CBP) -

William Heffelfinger, Deputy Assistant Commissioner, Office of Field Ops.

Keith Fleming, Director-Cargo Verification

Robert Watt, Director FAST/NEXUS

Tom Fitzgerald, Automated Customs Environment (ACE)

Conducted an innovative 2 hour "Interactive Session" with Conference attendees. It was a highlight of the Conference. Rules for the session were that all problems, issues, concerns, ideas, recommendations articulated to the panel would be

noted. The panel would not be expected to answer all items posed but would respond wherever possible or appropriate.

Bill Heffelfinger's opening remarks stated CBP finds the Can/Am BTA Conferences very valuable and serve the U.S./Canada Border well.

To begin the session Jim Phillips articulated the following specifics:

- Canada Landed Immigrant truck drivers w/Visa FAST approved should be exempt from US-VISIT since they have already completed a background check & biometrics.
- 2. NEXUS complete the universal database so the NEXUS card can be used at all NEXUS land ports (Response- Use will be Global Dec 04/Jan 05).

Asked CBP to review the NEXUS PLUS proposal write-up in the Can/Am BTA Conference book.

Develop NEXUS Outreach/Marketing/User Friendly Access to geometrically increase numbers of participants in NEXUS and FAST (Gov't, Trade and Tourism jointly)

Suggested a NEXUS Application Process Site be opened in the Niagara Falls area (Canada or U.S.). The Niagara Falls Bridge Commission offered to provide space at no cost. Many thousands were enrolled in CANPASS at their bridges but have not yet joined NEXUS since they do not use the Peace Bridge and have not gone to their to sign up for NEXUS. Suggested that CBSA be asked to provide the contact for the 75 % of PACE participants who have "not applied" for NEXUS. Applications for NEXUS should be sent to those who have not yet joined NEXUS.

- 3. Accessibility be improved for "FAST drivers" to complete their final process.
- 4. Push Border out to "origin or first point of arrival" into Canada or the U.S. for all, so that low-risk can be facilitated at the interior US/Canada Border.
- Expedite finalizing resolution of U.S. Officers at Land Border on Canadian soil and Canadian Officers on U.S. soil (Accord Processing Zones) for all modes. This also "achieves" effective construction of true Joint Facilities.
- 6. With the coming of mandatory pre-arrival information for trucks, immediately institute "Traffic Streaming" and Controlled Access Traffic Management techniques at the Border approaches that we have recommended.
- 7. Institute "Cross Designation" (CBSA and CBP) at remote/small ports so that each country's Officers could then clear traffic in both directions on alternating days or shifts.

- 8. Institute "Cross Designation" (CBP and FDA) for the regular inspection process to be performed by CBP when FDA staff "are not" on-site. Allows 24/7 service at ports. This takes one step further from the very successful initial Cross Designation on Bio-Terrorism Act goods by FDA to CBP announced last November and has since been successfully implemented.
- CBP should internally cross-train CBP and Ag Officers to again insure 24/7 service.
- 10. Integrate Maritime Enforcement Teams by placing one Officer on each other country's patrol boat, so for instance, in the Puget Sound either Country's boat could "hot pursue" across border waters in either direction and the home Country Officer on the boat would then make any arrests.
- 11. Harmonize FDA two hour notice for trucks to the CBP one hour (How can we make that happen?)
- 12.CBP should initiate a policy to accept NEXUS cards as proof of identity at "primary" entering the U.S. at all Ports. This is a picture ID backed up by biometrics and background check. This ID is far more effective than a Birth Certificate. This needs to be a policy issued to all Ports.
- 13. Investigate with Canada how U.S. CBP "outbound needs" could be met by Canadian "inbound" processes and vice versa, since all vehicles are queried at the PIL. The intent is to avoid construction and use of "exit booths" for CBP purposes by using an alternative approach.
- 14. CBP has not yet achieved the objective of staffing "all" existing Primary Lanes at peak periods to maximize the in-place Plaza infrastructure.

Jim Phillips showed helicopter and security camera pictures of the four Bridges in Western New York, on July 4th and Labor Day weekends. July 4th weekend waits of 3 to 4 hours were experienced at 3 of the Bridges. (The Whirlpool Bridge is dedicated to "NEXUS only" and had "no waits" at any time). There were "no appreciable waits" on Labor Day weekend "at the same" 3 Bridges although they processed a much larger number of cars vs. the July 4th weekend. The lesson learned is that scheduling, supervision, experience of the Officers and effective timing of lane-opening can dramatically improve the process thus maximizing the use of existing infrastructure until critically needed infrastructure is added.

Specific points articulated by participants:

- Analysis of number of CBP lanes operating and timing of booth openings at peak periods at the Blue Water Bridge should be made. Look at car/truck alternatives.
- Increase Marketing Outreach and accessibility for truck drivers to become FAST approved.

- NEXUS AIR is being piloted as the "next leg of low-risk traveler designation". For this and ultimately "NEXUS PLUS" at all modes, the NEXUS programs should be integrated into having "ONE CARD" to be used by an individual in "any mode" where they are approved to utilize to travel.
- Harmonize the application forms for NEXUS and FAST.

At the Can/Am BTA/PNWER meeting in CALGARY last July, it was agreed that NEXUS enrollment completion capability "would be opened" for scheduled periods in Vancouver and Seattle so that some 3,000 applicants who have not gotten their photo and card, could do so without having to go to the actual location at the border. This has not yet been implemented (Response – Vancouver and Seattle locations will be scheduled by Feb./Mar. 05).

Have just become aware that CBP will shortly require that all BRASS shipments must be transported by a FAST approved driver. The "timing" to get a driver FAST approved, if started today, "is beyond the start date of the mandatory policy". Thus, a large number of BRASS shipments will then have to revert to PAPS until driver registration catches up.

THE IMPORTANCE OF U.S./CANADA RELATIONS

Roger Noriega, Assistant Secretary Western Hem., U.S. State Department

The state of relations between the U.S. and Canada is as friends, neighbors, partners and allies. We are the closest of friends, friendliest of competitors, share common goals and cooperate around the Globe.

Provided excellent insight with a review of topics including: cattle and beef restoration; softwood lumber status; Afghanistan and Haiti cooperation; 45 year success of NORAD shared defense; Border Security cooperation to prevent Terrorism and facilitation of legal commerce; cooperation on Methane emission reduction; importance of the Great Lakes water quality agreement / invasive species prevention. Highlighted the need to cooperate on new border crossing expansions and get solutions right!

"We must continue to work together to achieve results and resolve differences."

CAN/AM BTA TECHNOLOGY MONITORING

Brian Bowen, President, Bowen Enterprises Inc.

Presented summary of developments he is monitoring for Can/Am BTA for which we express our appreciation.

• Plan by CBP to combine the Annual User Fee with the transponder decal function. There is a plan to use a smart decal (transponder) to record the entry of a

conveyance under the User Fee system. Within this scenario, \$5.00 will be debited from the \$100.00 annual fee paid for the decal, allowing CBP to issue refunds for un-used trips, to a maximum of 20 per year per vehicle. This same decal could then be linked with ACE at the shipment level to trigger the automatic presentation of shipments details to the CBP Officer, when the conveyance arrives at the port of entry for release.

This functionality would equal that which the FAST decal currently performs for release purposes, but also support the conveyance level accounting of User Fees which is currently capped at \$100.00 per year per conveyance.

- ACE electronic submission options include:
 - o Web Portal (low volume) via internet browser to access ACE.
 - VPN connection via internet dial or broadband connection requiring CISCO VPN hardware solution. CBP Provided MQSeries Client Software (Fee), Carrier must interface their data to the client software, transmission through the internet (low to medium volume and facilitates updating carrier backend software with status messages). Supports all CBP mission critical applications (ABI, AES, AMS, etc.) including <u>ACE</u>
 - CBP MQ Series Frame Relay connection, Carrier must interface their data to standard EDI format pay for their own Frame Relay service, (medium to high volume users who require high quality of service for extremely time sensitive filing, including most service providers who file on carriers behalf). Carrier must also invest in Cylink Encryption device and use Sprint T1 connections. Supports all CBP mission critical applications (ABI, AES, AMS, etc.) including <u>ACE</u>
 - Trade participants also have the option of working with commercial for profit Value Added Network (VAN) providers, Application Service Providers (ASP) and Service Centers.
- The Design of ACE was to include the ability of a secondary carrier to add "supplemental" data. This feature was to allow a primary carrier to submit manifest information, and then the secondary carrier add equipment and/or conveyance, and/or crew (driver) information. There is some question of whether this functionality will be available in Release 4, when mandatory electronic filing of manifest data is initially implemented. CBP has been notified that the lack of this functionality could have a significant impact on some highway carriers.
- Carriers will need a Standard Carrier Alpha Code (SCAC) issued and renewed through the National Motor Freight Transport Association (<u>www.NMFTA.org</u>) to participate in the importation of commercial goods into the United States. This includes the SCAC being a mandatory requirement to participate in the PreArrival Processing System (PAPS) and

FOOD & DRUG ADMIN. - BIOTERRORISM ACT / INSPECTION OPERATIONS

<u>Deborah Ralston, Director Regional Operations, Regulatory Affairs, FDA</u>

Provided an extensive and insightful slide presentation with in depth explanation of the 4 Bioterrorism Act Regulations: Administrative Detention; Record Keeping Rule; Registration and Prior Notice.

FDA has received 5.6 million submissions to date and only issued 16 holds.

STRESSED 3 KEY SUMMARY POINTS:

- FDA has a great relationship with CBP.
- FDA does not intend to impede trade.
- FDA wants to hear about problems.

 (The Director provided her business card to the many interested participants to assist in dialogue to solve problems).

HOUSE OF REPRESENTATIVES NORTHERN BORDER CAUCUS

Congressman Bart Stupak, Michigan, Co-chair

Acknowledged the presence of John LaFalce, the NY Congressman who formed the Northern Border Caucus in 1994 in conjunction with the Can/Am BTA. John attended the entire Conference as a participant.

The Northern Border Caucus is an active Caucus; meeting with Administration officials, DHS, members of Parliament, the Can/Am BTA etc. and is active on pertinent issues. The Caucus is a strong team representing the Northern Border. It supports commerce, tourism, economic development and job creation related to bi-national activities and enhanced relations with Canada.

Stated his concern that certain required resources for DHS had not yet been provided. Cited the 9/11 Commission finding for the need for a National Transportation Plan. Reiterated Port Security is key with the need to identify, observe, track and board if necessary approaching ships. Concerned with funding levels for the U.S. Coast Guard. Cited the critical importance of the Great Lakes water resource.

Honorable John LaFalce, Founding Chair, Northern Border Caucus

Noted Can/Am BTA's involvement in countless Border issues. It has extensive knowledge, experience and focus. Can/Am BTA gets into the "nitty gritty" when necessary to make things work. We have lots to do to truly achieve facilitation of low-risk at the Border while providing the required levels of security.

VIEW FROM THE SENATE

Senator Burns was introduced by Bob Frazier, Chair Can/Am BTA Executive Board, stating "Conrad is a U.S. Marine veteran / originally from the "show me" state of Missouri / He gets things done / is a "good guy" and is in Government "for the Good Of The People."

Senator Conrad Burns, Montana

Welcomed all to the "sometimes logic free zone" of 17 square miles known as Washington, D.C. Being from the West, he always enjoys the fact that if you give a problem "cowboy to cowboy" to handle on Monday it will be solved by Friday.

Provided exceptional insight on some very essential points:

U.S./Canada

- -Must have open communications to solve problems.
- The way we do it now can create more problems.
- -Should set policy to try to avoid "advantage taking".
- -Must insure equal playing field for "two way" Free Trade.
- -"BSE" overblown and over reaction by U.S. The Border should be re-opened.
- -Must insure trust in inspection process and not put an inspector in every plant.
- -Should harmonize rolling and grading of meat (not yet done).
- -Be objective and determine how we work BSE out.
- -Wheat Board-make it work.
- -Need to move petroleum equipment easily back & forth between the 2 countries.
- -Must work out pipelines at the Provincial level.
- -Need "street smarts result" to go from "point A to point B
- -Must pay attention to the Trade relationship every day.
- -Relations mean a lot.
- -Farm chemicals and machinery need to move easily back and forth.

The Senator shared some of his humor:

- -Beware of smart people educated beyond their capacity.
- -Beware of those who don't know the difference between "sic em and come here".
- -Beware of those who if they had to work for a living would be bear bait.
- -Beware of those who want to get a "self interest" edge rather than make a living.

In closing he cautioned that "Terror is now a part of our lives. We are in a different world". It is critical that the people of both the U.S. and Canada's have the freedom to move about, protect their economies and stamp out fear. Cited an old and true football adage"NOT IN OUR HOUSE!!!!!"

SUMMARY AND CLOSING REMARKS

Bruce Agnew, CAN/AM BTA Executive Board

Thanked the speakers and participants for coming and for making this a most successful Conference. Summarized the highlights and key points.

FUTURE CAN/AM BTA CONFERENCES

APRIL 24-26, 2005 OTTAWA, CANADA – Chateau Laurier

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Jim Phillips, President & CEO