

Congress of the United States
House of Representatives
Washington, DC 20515

August 17, 2007

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Chertoff:

As co-chairmen of the Northern Border Caucus, who have the honor of representing Congressional Districts which border the United States and Canada, we are deeply disappointed with the Department of Homeland Security's irresponsible decision to unilaterally withdraw from negotiations with Canada regarding implementation of the Shared Border Management Initiative. In light of the President's upcoming trip to Canada, we strongly urge that the United States use this opportunity to return to the negotiating table.

Safe and secure border crossings are critical to our national security needs. We understand the importance for Customs and Border Patrol agents to have the necessary tools to effectively carry out this mission. However, protecting the border must be balanced with the need to safely and securely transport people and goods across the border with our largest trading partner. The Shared Border Management Initiative will reduce regulation, red tape, and allow efficient movement of commerce, trade, and tourism between the United States and Canada. This program is critical to further encourage economic development in northern border communities.

We understand that a serious point of contention between the United States and Canada is the Department of Homeland Security's position that the United States should have the authority to collect biometric information, including fingerprints, from individuals who approach the border but then decides not to cross. We respectfully request that the Department provide us with justification for collecting this information when such an individual would not be crossing into our country. Furthermore, we ask you to clarify the legal and constitutional authority to collect fingerprints and biometric information from individuals not charged with a crime.

In the past two and a half years, the United States was able to negotiate important agreements with the Canadians concerning Customs and Border Patrol agents' ability to carry firearms and exercise arrest authorities when Shared Border Management Stations are located on Canadian soil. In light of these agreements, we strongly urge that the Department of Homeland Security take this opportunity to return to the negotiating table.

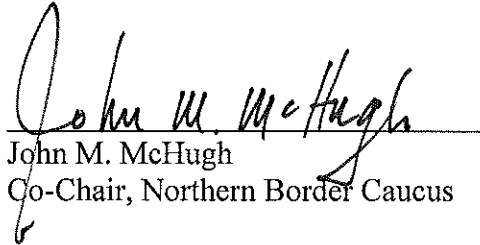
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Thank you for your consideration of this request. Please feel free to contact us or Josephine Eckert (Rep. Stupak) and Mira Lezell (Rep. McHugh) of our staffs with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Bart Stupak". The signature is written in a cursive style with a horizontal line underneath it.

Bart Stupak
Co-Chair, Northern Border Caucus

A handwritten signature in black ink that reads "John M. McHugh". The signature is written in a cursive style with a horizontal line underneath it.

John M. McHugh
Co-Chair, Northern Border Caucus