



**Statement of Mark Koumans
Deputy Assistant Secretary for International Affairs
Department of Homeland Security**

**Overview of Security Issues in Europe and Eurasia
Before the House Committee on Foreign Affairs
Subcommittee on Europe and Eurasia
May 5, 2011**

Good afternoon, Chairman Burton, Ranking Member Meeks and Distinguished Members of the Subcommittee. Thank you for the opportunity to testify on the Department of Homeland Security's counterterrorism cooperation with Europe, including Russia and the Caucasus.

Since the Department's inception in 2003, as stipulated in the Homeland Security Act, preventing terrorist attacks against the United States and the American people and enhancing security have been and continues to be the foremost missions of the Department of Homeland Security (DHS). The Department's first Quadrennial Homeland Security Review (QHSR), released on February 1, 2010, reiterates that preventing terrorist attacks in the United States is the first of DHS's five primary missions. DHS also integrates preventing terrorism into its four other primary missions—securing and managing our borders, enforcing and administering our immigration laws, safeguarding and securing cyberspace, and ensuring resilience to disasters of all kinds.

In order to prevent threats and reduce risk, we work with our international partners to identify, detect, and ultimately prevent threats from materializing, and to mitigate and respond to them when they do. Both the December 2009 and October 2010 attempted terrorist attacks on international aviation underscore the interdependence of our homeland security and the security of other nations. Even as we improve security at home, terrorists and criminals look for vulnerabilities abroad to carry out their attacks. To this end, we work with foreign partners to respond operationally to this threat and to share knowledge and expertise that will ultimately improve both our capabilities and those of our allies. As set out in the Homeland Security Act of 2002, the DHS Office of International Affairs is charged with “promoting information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies related to homeland security.”

I would like to highlight three points. The first is that DHS is actively working with our European allies strategically and operationally to prevent terrorist attacks on the United States. Second, DHS and its European partners cooperate closely in a variety of ways to try to prevent terrorist travel. Third, the Visa Waiver Program provides incentives for currently designated countries and those desiring designation to maintain high security standards and deepen their cooperation with the United States on security-related issues.

On the first point, DHS works to prevent terrorism by working with our European partners both to secure and to facilitate the flow of travel and trade between Europe and the United States. At present, DHS has nearly 400 employees in Europe working daily with European governments, the traveling public, cargo shippers and others involved in international travel and trade to help make the United States safe, secure, and resilient against terrorism and other hazards. To do this, we engage in robust cooperation with Europe to secure the more than 30,000 passengers arriving daily from Europe at U.S. ports of entry, the more than 3,000 containers arriving daily from Europe, and \$1 billion of investment between our continents every day, not to mention the protection of our shared cyberspace. It is DHS's goal to facilitate legitimate transatlantic travel, trade and exchange, all of which are critical to the U.S. economy, while preventing the flow of illicit goods and people and investigating illegal activity.

All nations have the right to set their own security standards. At the same time, DHS works with foreign partners to improve the overall security of global transportation and exchange systems, including through the development of compatible standards and approaches. Europe is a key partner in this work to establish and enhance standards for global aviation security, global supply chain security, and other security challenges. The United States' shared democratic values with Europe often mean that we can develop strong and effective methods for enhancing security together. When it comes to working within the World Customs Organization (WCO), the International Civil Aviation Organization (ICAO), or other multilateral institutions to strengthen global rules to prevent terrorism, the United States has no more vocal, vital partners than those in Europe.

Every week, there are more than 2,500 flights between the United States and Europe, and DHS statistics show that suspected terrorists on U.S. watch lists have tried to use European airports as a point of departure for the United States. DHS has a multi-layered approach to transatlantic aviation security, many parts of which require cooperation with European governments and the European Union. This cooperation includes agreements to allow Federal Air Marshals on board transatlantic flights, assessments of last point of departure airports, and the implementation of enhanced security screening requirements for last point of departure flights to the United States.

Following the attempted attack on December 25, 2009 on a flight from Amsterdam to Detroit, DHS has worked with European and other governments and with ICAO to enhance aviation security standards around the world. The Toledo Declaration on Aviation Security, released jointly by the European Union and the U.S. on January 21, 2010, was a significant benchmark in efforts to gain international support and commitment to enhanced aviation security standards globally. DHS has worked with European and other partners to come to a common understanding of advanced imaging technology to detect explosives and other dangerous objects. Several European countries are currently either using or pilot testing these machines.

The Customs and Border Protection (CBP) Immigration Advisory Program (IAP) posts CBP officers at foreign airports to work with airlines and foreign officials to identify high-risk and improperly documented travelers before they board aircraft bound for the United States. At the invitation of foreign partners, IAP officers make "no-board" recommendations to airlines on the basis of passenger data analysis, and a review of individual travel documents. The IAP is currently active at seven airports in Europe, and has recommended a total of 1,323 no-boards from European airports so far in fiscal year 2011.

Both the United States and Europe continue to face a variety of terrorist threats from groups outside our regions, lone offenders, and homegrown violent extremists. Recent attacks or attempted terrorist attacks in Europe—most recently in Denmark, Germany, and Sweden—demonstrate the reality of the threat to Europe. Because terrorists target travel and trade between Europe and the United States, it is critical that we continue to work closely with our European allies. In many cases, sharing information between governments is the best way to protect the American people and to help our allies protect themselves. DHS continues to work with our partners in the U.S. government to improve information sharing with European governments in

order to curtail terrorist travel and disrupt terrorist funding, while simultaneously protecting the privacy and civil liberties of the millions of legitimate travelers between our countries each year.

DHS has pioneered international screening programs to improve the ability of DHS and its foreign partners to identify terrorist and illicit activity. Successful partnerships include:

- After the 2006 terrorist plot to destroy aircraft flying from the United Kingdom (UK) to the United States, DHS's National Targeting Center now works regularly with its British equivalent, the National Border Targeting Centre, to collaborate and exchange information on high-risk flights between the two countries.
- Since September 2009, DHS and the UK have cooperated to screen visa applications jointly for persons in the United States seeking to travel to the UK, already identifying nearly 40 suspect applications.
- DHS worked with Canada and the UK to compare the fingerprints of a sample of asylum seekers and identified over 200 cases of fraud. These three countries, joined by Australia and New Zealand, intend to adopt compatible practices through an initiative called the Five Country Conference, which my office coordinates for DHS.

Through these efforts, DHS seeks to innovate and raise the standards for international cooperation to prevent terrorism and transnational crime.

In another effort to prevent terrorist exploitation of the global system to move cargo by land, sea, and air, DHS and the WCO announced new collaboration to strengthen the security and resiliency of the global supply chain earlier this year. The initiative will enlist sovereign nations, including our European allies, international organizations, and the private sector. Our focus throughout 2011 will be on working collaboratively to outline new measures that will make the system stronger, smarter, and better able to recover from the shocks of any disruptions. It is vital that as an international community with shared values and mutual interests, we act together to strengthen supply chain security. DHS is now working with the WCO, as well as ICAO, the International Maritime Organization, and the Universal Postal Union, to enhance international security standards to protect the global supply chain.

For some of these efforts, modern technology will be vital. Like the United States, Europe is at the forefront of technological innovation and has the capacity to develop solutions for homeland security challenges cooperatively with the United States. This is why the DHS Science and Technology Directorate (S&T) has engaged in several joint research and development projects with European partners to develop homeland security technologies whose real-world applications could enhance our ability to detect, mitigate, and respond to terrorist threats. S&T has so far concluded research and technology sharing agreements with the European Union, France, Germany, the Netherlands, Sweden, and the UK, and has engaged in a number of successful homeland security research projects with European partners, including efforts to improve the detection of explosives and the identification of biological and chemical threats.

Now let me address the second point. The travel of terrorists and potential terrorists represents one of the greatest threats to European and U.S. security. Disrupting terrorist travel is therefore a key goal in our overall efforts against terrorism. The United States and European countries,

along with other partners around the world, continue to work together to limit terrorists' ability to carry out their plots by exploiting the international aviation system. This cooperation has underscored the value of analyzing travel data and sharing information with our European partners in order to identify both known and unknown individuals traveling for purposes of terrorist training or committing acts of terrorism. Quite simply, we cannot always know who the terrorists are, so we and our European allies must work together to identify those who pose a risk but have not, until now, come to the attention of law enforcement or intelligence agencies. Every month, CBP refuses entry to individuals arriving in the United States from Europe on terrorism-related grounds.

To illustrate two particularly close partnerships, DHS works with our counterparts in Germany and the UK on how to prevent and respond to terrorist attacks. DHS's Joint Contact Group with the UK and the Security Cooperation Group with Germany are bilateral dialogues that have enabled DHS and our partners to exchange threat assessments, best practices on both the detection of violent extremism and on transportation security, information about terrorist travel trends, risk assessment methodologies, and emergency management best practices.

DHS also keeps in close touch with our allies, in particular our European allies, on the problems of radicalization and countering violent extremism. Europe's experience with violent extremism may be different from ours, but we have both noticed the efforts by terrorist groups to try to recruit operatives who are previously unknown, do not have to travel, or who can potentially blend in more easily before carrying out terrorist attacks.

With the entry into force of the Lisbon Treaty in 2009, the European Union is becoming an increasingly important actor in homeland security, and DHS engages with the EU in a variety of exchanges that support DHS's counterterrorism mission. At the U.S.-EU Summit in November 2010, President Obama and his EU counterparts established a U.S.-EU cybersecurity working group to counter the growing threat of cybercrime. Secretary Napolitano participated in the Summit, which focused on discussion regarding cybersecurity and terrorist travel. Working under guidance of the White House and with other departments and agencies, DHS provides subject matter leadership to this effort and we intend to hold a joint cybersecurity exercise with the EU to test our abilities to work together during a major incident. The work of the working group augments collaboration already underway with many member states.

The U.S. and the EU also maintain regular dialogues on more tactical matters regarding the prevention of terrorism. DHS is involved in a series of exchanges with the EU and its member states on explosives security, including most recently an exchange on best practices to limit the misuse of explosives precursors and the detection of explosives and threats to air cargo. In 2009, DHS concluded a Cooperative Work Arrangement with FRONTEX, the EU's border management agency, to share best practices on integrated border management, information sharing, risk analysis, training, and research and development. We also reciprocally observe operations and exchange professional experts. TSA regularly engages with the European Commission on transportation security through the Transportation Security Cooperation Group, along with the U.S. Coast Guard on maritime security issues. In addition, CBP engages on customs issues with the European Commission through the Joint Customs Coordination Council.

These exchanges allow for interaction on the operational immigration, transportation security, and customs measures DHS and EU member states implement to prevent terrorist attacks.

As I have made clear today, DHS and its European partners maintain an effective partnership. However, that partnership is increasingly facing challenges stemming from growing concern in Europe about the sharing of personal data, and continued misconceptions concerning the strong U.S. commitment to individual privacy and civil liberties. Fighting terrorism and crime in the modern world requires robust information sharing, which was one of the recommendations of *The 9/11 Commission Report*. However, various European entities, including the European Union, have increasingly asserted that data collected by DHS relating to flights to and from Europe must adhere to EU –style privacy protections. Let me be clear that both DHS and the United States government as a whole share a strong commitment to protecting individual privacy and civil liberties, including in the context of homeland security programs. Both U.S. and European privacy law are in fact based on the Fair Information Practice Principles which were originally developed in the United States in the 1970s. In the intervening years, the laws, regulations, and systems that exist to implement these principles have developed differently on the two sides of the Atlantic, but the two systems have much in common. Since 2006, the Department of Justice, the State Department, and DHS have been working together to demonstrate that the U.S. system of privacy and civil liberties protections, while different, is nonetheless very strong and the equal of protections in place in the EU, and to come to an agreement with the EU on common data privacy principles for information sharing in the law enforcement and public security context.

Presently, we are in negotiations with the EU on a new agreement governing DHS's use of passenger name records (PNR) for flights between the United States and the EU, to avoid a potential conflict between European privacy law and U.S. aviation security law. The United States and many of our European allies agree that PNR is vital to fight terrorism and serious transnational crime effectively. I should emphasize that DHS is not negotiating for the collection of PNR, which is required by U.S. law, but to ensure a stable and secure legal environment under which it is transferred. PNR is critical to the United States' ability to identify both known and as yet unknown threats for further examination either before the departure of aircraft to the United States or at a U.S. port of entry. In fiscal year 2010, approximately one quarter of those individuals denied entry to the United States for having ties to terrorism were initially identified through the analysis of PNR. Because of the vital importance of this program, DHS has entered these negotiations with the goal of improving security while reassuring our allies about our ability and commitment to protect individual privacy. To date, we have held negotiating sessions, and hope to conclude these talks in the coming weeks or months.

I will now turn to my third topic, the Visa Waiver Program (VWP). Since 1986, the VWP has allowed eligible citizens of member countries to travel to the United States for business or tourism without first obtaining a visa. The 36 countries currently participating in the VWP are among our closest international partners in the fight against terrorism. Thirty VWP countries are European countries, and include 23 of the 27 Member States of the European Union. By Congressional mandate, DHS conducts a detailed review on at least a biennial basis of each VWP country. These reviews focus on the effects of continuing designation on the law enforcement, national security, immigration and enforcement interests of the United States.

The *Implementing Recommendations of the 9/11 Commission Act* of 2007 made even more explicit the connection between security cooperation and the VWP. Designation as a VWP member country provides tremendous incentives for countries to maintain high security standards and deepen their cooperation with the United States on security-related issues. The cooperation that the VWP engenders—entry into agreements to share lost and stolen passport data with the United States through INTERPOL; sharing security and law enforcement information with the United States; cooperation on repatriation matters; the strengthening of document security standards; and airport and aviation security—helps secure the United States and prevent terrorist and criminal activities within VWP member nations.

Due to these security requirements, all VWP countries now report lost and stolen passports to INTERPOL. This achievement, which contributes to the decreasing use of fraudulently-obtained passports, is a milestone and has contributed to the overall decline of fraudulent document intercepts at the border from VWP countries, from 712 in FY2004 to 36 in FY2010. In addition, 17 European countries have signed Preventing and Combating Serious Crime Agreements with the United States to share information about serious crime and terrorism, and negotiations with several other countries are in the final stages. These agreements enable each side to query the fingerprint databases of the other side for law enforcement purposes and otherwise enable each side voluntarily to provide data about criminals and terrorists. Also, VWP countries are required to enter into agreements under Homeland Security Presidential Directive/HSPD-6 with the United States regarding the systematic exchange of identifying information on known or suspected terrorists and encounter management procedures. The Department of State and the Terrorist Screening Center have negotiated 15 of these agreements with European countries, and others are currently being negotiated.

As an additional security measure under the VWP, visitors to the United States must also have an approved Electronic System for Travel Authorization application in advance of travel by air or sea to the United States.

Before concluding, I would also like to mention some of the work DHS does elsewhere in Europe.

Turkey is a source and transit point of high volumes of international travel and trade, and so it is an important partner in building trade and travel security. Turkey faces a variety of terrorist threats from the Kurdistan Workers' Party, more commonly known as the PKK, and Sunni extremists, including al-Qa'ida affiliated individuals. DHS is exploring further opportunities for increased cooperation with Turkey, including training and technical assistance programs. CBP has also engaged with Turkish authorities on the use of new tools for Turkish border management and to prevent the use of fraudulent documents. As we look to the future, DHS would like to extend and broaden our counterterrorism cooperation with the Government of Turkey.

DHS is actively engaged in training and technical assistance efforts to strengthen border security and law enforcement institutions in Southern and Eastern Europe in coordination and consultation with the Department of State. CBP and ICE officers provide training in the Western

Balkans under the State Department's Export Control and Border Security Assistance program, which aims to control the movement of dangerous materials across borders. Moreover, the U.S. Coast Guard has provided maritime law enforcement training and equipment to its counterparts in Albania, Georgia, and Montenegro. Several DHS components provide support to the International Law Enforcement Academies – for regional law enforcement officers – in Hungary as part of a broader effort to empower local authorities to tackle criminal activity. TSA, in partnership with the European Civil Aviation Conference, provided technical assistance to Georgia under its Aviation Security Sustainable International Standards Team project. In addition, DHS's Federal Law Enforcement Training Center (FLETC) assists the Ukraine State Border Guard with developing its training program and will provide critical infrastructure protection and other training for Poland and Ukraine to support their preparations for the Euro 2012 championships.

I would also like to describe some of DHS's work with Russia. Russia has been a victim of numerous terrorist acts over the past decade, most recently the attack on Moscow's Domodedovo Airport in January. Like the United States, Russia faces threats from a number of terrorist organizations. To expand U.S.-Russia cooperation in diverse areas, DHS supports the U.S.-Russia Bilateral Presidential Commission, established by Presidents Obama and Medvedev in July 2009. DHS participates in working groups which focus on issues related to emergency management and to migration, and is currently working with Russia to conclude arrangements on aviation security and multi-modal transportation security. DHS has also engaged Russia in discussions on deterring to threats to aviation and mass transit.

DHS has 394 employees posted across Europe, including 296 U.S. government direct hires, and 98 locally employed staff. Of the 394, CBP has 133 employees, ICE has 82, TSA has 25, USSS has 57, USCG has 45 and USCIS has 43. In addition, the DHS Office of Policy has four employees, FEMA has two, and FLETC, NPPD, and S&T each have one employee posted in Europe. Most of these personnel serve under the authority of our Ambassadors and Chiefs of Mission in Europe, and in general, they work within U.S. embassies, although some report for duty at ports and airports in Europe.

Among their various responsibilities, DHS personnel support the operation of the Container Security Initiative, which screens U.S.-bound maritime containers for high-risk cargo at 23 ports in Europe. DHS personnel investigate transnational crimes, including cybercrime; combat human and drug trafficking; conduct maritime port assessments, assess airports and air carriers; advise airlines through IAP; work with host governments, passengers, and the trade industry to comply with U.S. customs and immigration regulations; and oversee the deployment of Federal Air Marshals among many other essential tasks.

Chairman Burton, Ranking Member Meeks, and Distinguished Members of the Subcommittee, I look forward to working with you as we explore opportunities to advance our cooperation with European partners to counter terrorism. Thank you again for this opportunity to testify. I would be happy to answer your questions.