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testifying on

**“Denying Safe Havens: Homeland Security’s Efforts to Counter Threats from
Pakistan, Yemen and Somalia”**

before the

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Committee on Homeland Security
Subcommittee on Oversight, Investigations and Management**

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Good Morning, Chairman McCaul, Ranking Member Keating and distinguished Members of the Subcommittee. Thank you for the opportunity to testify on the Department of Homeland Security's (DHS) role in support of the U.S. government's efforts to address the problem of terrorist safe havens. Terrorists operate without regard to national boundaries. Protecting the United States and its people from terrorism is the cornerstone of homeland security, and denying terrorists' safe haven is one of the best ways to undermine their capacity to operate effectively.

As set forth in the Homeland Security Act of 2002, preventing terrorist attacks against the United States and enhancing our nation's security have been and continue to be two of DHS's most important objectives. 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 five primary missions for the homeland security enterprise. DHS also integrates preventing terrorism into the four other missions of the homeland security enterprise—securing and managing our borders, enforcing and administering our customs and immigration laws, safeguarding and securing cyberspace, and ensuring resilience to disasters of all kinds.

The State Department defines terrorist safe havens as ungoverned, under-governed, or ill-governed areas of a country where terrorists that constitute a threat to U.S. national security interests are able to organize, plan, raise funds, communicate, recruit, train, and operate in relative security because of inadequate governance capacity, political will, or both. Safe havens provide security for terrorist leaders, allowing them to plan acts of terrorism around the world.

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 requires the State Department (DOS) to include in its annual *Country Reports on Terrorism* the identification of terrorist safe havens. Further, the 2004 IRTPA and the National Defense Authorization Act (NDAA) for FY 2010 requests that the President submit reports identifying U.S. efforts to deny terrorist safe havens. DOS identifies terrorist safe havens in its *Country Reports on Terrorism*, and in its most recent report, issued in August 2010, DOS identified 13 terrorist safe havens.

To prevent threats and reduce risk, DHS works closely with DOS and other departments and agencies to protect the homeland and U.S. citizens from terrorist attacks, to deny terrorists the ability to travel, to deny them the ability to finance their activities, and to deny them access to areas of the world where they can plot and train for their attacks.

DHS directly supports these efforts – funded by DOS or other government departments – to strengthen the capacity of foreign governments to deny terrorists safe haven.

How DHS Counterterrorism Efforts Affect Terrorist Safe Havens

DHS is concerned about threats from terrorists, foreign or domestic, whether they come from safe havens or not. DHS bases its actions—for example in deciding who should be allowed entry to the United States—on the experience of our officers in the field and on the best available intelligence collected throughout the U.S. government. We take the source and transit countries for terrorist movements into account when making our screening decisions and in all the other work we do. DHS also does its part to support the work of other departments and agencies that are more directly focused in disrupting terrorist safe havens. While we base our screening decisions on intelligence and other factors, DHS does not base screening decisions on whether a particular area is designated a safe haven or not.

DHS carries out significant programs around the world to provide training and technical assistance to build the capacity of foreign governments to confront terrorists and strengthen our own security. DHS generally is not authorized to use its appropriated funds for foreign capacity-building purposes¹; therefore, when our interests and priorities overlap, DHS works with the U.S. agencies that hold authority to fund foreign assistance, including capacity building efforts. These cooperative efforts to work with our international partners, and often to provide training and technical assistance, do not hinge on whether a particular area is a terrorist safe haven, but instead are based on where our assistance can help build a partner's capacity to combat terrorism. Below are several of these key technical assistance programs.

Cross Border Financial Investigations/Money Laundering Training

DHS's U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) conduct training on enforcement efforts and interdiction of bulk cash smuggling, which includes cash courier interdiction training for various nations. The training, conducted in partnership with the Department of State, encourages countries' efforts to comply with international standards, such as those established by the Financial Action Task Force (FATF). Training is scheduled based on a number of factors, including the status of the country's financial reporting laws, available resources, political will to enforce the laws and the current security situation. The training includes such topics as the host country's money laundering reporting requirements and laws, currency smuggling techniques, interviewing, source development, red flag indicators of currency smuggling, conducting investigations and evidence processing.

ICE Homeland Security Investigations (HSI), coordinated and funded by the State Department, routinely conducts cross-border financial investigations and money laundering enforcement training for key foreign partner nations. HSI's training provides participating countries with the capability to effectively implement relevant FATF 40 Recommendations and Nine Special Recommendations (which provide the international

¹ There are exceptions for training and the sharing of best practices by TSA in locations that have non-stop flights to the United States.

standards for combating money-laundering and terrorism financing), with special emphasis on R8 (New Technologies), R17 (Dissuasive Actions), R26-R32 (Competent Authorities), SR V (International Cooperation), SR VI (Alternative Remittance), and SR IX (Cash Couriers). These recommendations were developed to ensure that terrorist and other criminal organizations cannot easily finance their activities or launder the proceeds of their crimes simply by leaving one jurisdiction and seeking refuge in another.

The HSI-led training and technical assistance workshops cover a range of topics, including money laundering, movement and smuggling of bulk currency, money service businesses, informal value transfer systems, trade-based money laundering, cross-border fraud, investigative techniques, kleptocracy and asset forfeiture. The training includes practical exercises that exhibit how terrorist and/or criminal organizations collect, store and move funds. Here are a few examples of training and technical assistance activities designed to address terrorist safe havens, as identified in the State Department's 2010 report:

- Over the last six years, HSI has conducted cross-border financial investigations training in:
 - Afghanistan
 - The Philippines
 - Indonesia
 - Malaysia
 - Pakistan
 - Algeria
 - Mali
 - Mauritania
 - Iraq
 - Argentina
 - Brazil
 - Paraguay
- ICE Attaché Sana'a has provided training to counter bulk cash smuggling and money laundering to Yemen's Ministry of Interior (MOI) and Financial Information Unit officials.
- ICE Attaché Casablanca has regional responsibility for Algeria, and provided training in Algeria on bulk cash smuggling investigations and interdiction in August 2010.
- In April 2011, ICE Attaché Islamabad and CBP provided bulk cash smuggling and the identification of homemade explosives and bulk explosives training to 53 officers from the following four Pakistan border control agencies: Federal Investigation Agency, Federal Board of Revenue (FBR) Customs, FBR Customs Intelligence and Investigations, and the Airport Security Force.

Fraudulent Document Detection

In February 2011, ICE special agents and CBP officers shared best practices and techniques with their Afghan counterparts on detecting forged documents used by individuals and criminal organizations seeking to circumvent the established immigration process in Kabul, Afghanistan at Kabul International Airport. CBP currently has a fraudulent document expert detailed to Iraq, where he is providing ongoing passport examination training to Iraqi immigration officers and police investigators to enhance their fraudulent document detection skills.

Export Enforcement Investigations and WMD

The Export Control and Related Border Security Program (EXBS) program is funded through agreements with DOS. CBP and ICE are responsible for training foreign law enforcement counterpart agencies in other countries, chiefly customs and border guard officials. Foreign officials are taught to investigate, conduct surveillance, detect, enforce transfer and control laws, and interdict unauthorized transfers of items and technology, including dual-use technologies, which are covered by control lists of the multilateral nonproliferation regimes and arrangements. Items that may contribute to a weapon of mass destruction or missile program are also included.

CBP has recently conducted or will soon conduct EXBS-funded border control and enforcement training for Afghanistan, Iraq, Lebanon, Pakistan and Yemen.

Border, Customs, and Immigration Police Training

CBP builds capacity to implement more effective customs operations, border policing, and immigration inspections through relevant training programs including: Border Patrol Primary, Border Patrol Checkpoint, Weapons of Mass Destruction, Anti-Narcotics, and Border Enforcement; as well as targeting and risk management seminars and short- and long-term advisory assistance.

In addition to the border control and enforcement training that is provided directly to a number of the countries identified as safe havens, CBP also provides this training to neighboring countries not designated as safe havens to increase their capability, including: Kenya, Kuwait, Oman, Saudi Arabia and Turkey. This demonstrates how DHS employs a number of criteria to determine which countries would benefit from the kinds of technical assistance we can offer to help disrupt terrorist groups that threaten the United States and U.S. interests.

In support of the World Customs Organization's Program Global Shield, representatives from ICE and CBP are working with the Afghan Ministry of the Interior (MOI) and Customs Department (ACD) to train and equip border police to detect improvised explosive devices and drug precursors. In addition, ICE Kabul is providing training in investigative techniques and intelligence gathering to further exploit illicit shipments of precursor chemicals.

ICE introduced the Kabul International Airport Action Plan (KIAAP) in response to U.S. Embassy interest in enhancing the capacity of the ACD, Afghan Border Police and MOI officials to increase revenue collection and security at Kabul International Airport (KBL). KIAAP focuses on capacity building while simultaneously allowing ICE access to KBL, which is believed to be the conduit for much of the bulk cash smuggling. The April 2011 approval of the Bulk Cash Flow (BCF) Action Plan at KBL will be the centerpiece for the successful implementation of KIAAP, which will improve security and revenue collection. ICE Attaché Kabul, in conjunction with other law enforcement components, was instrumental in drafting the BCF Action Plan. ICE Attaché Kabul personnel have also completed formal document fraud and bulk cash smuggling training for KBL Customs officers.

In June 2011, ICE and CBP, with funding provided by the Department of Defense, are providing counternarcotics training tailored to the needs of Afghan law enforcement agencies with counternarcotics responsibilities. This training will highlight Program Global Shield initiatives, and is designed to improve Afghan and U.S. capacity to track shipping routes and compile and share targeting information about legal shipments. There will be two one-week courses provided to students from the ACD, Afghan Customs Police, Border Police and Counter Narcotics Police.

In July 2011, ICE Attaché Casablanca plans to provide training in Algeria focusing on inspectional techniques and methodologies providing foreign counterparts the skills and knowledge necessary to carry out the effective inspection, detection and interdiction of contraband and/or illegal aliens.

Biometric Data Collection and Information Sharing

DHS's US-VISIT and Science and Technology Directorate together build and leverage international partnerships to develop and promote the use of biometrics using standards that allow for interoperability with other countries' border and immigration biometric systems in order to share actionable data. This sharing reinforces the security and integrity of immigration and international travel between the United States and our key international partners.

One of US-VISIT's notable projects is the Five Country Conference (FCC) High Value Data Sharing Protocol (HVDSP). The HVDSP allows for biometrically based information sharing between the United States and the four other FCC member countries: Australia, Canada, New Zealand and the United Kingdom. Separate bilateral memoranda of understanding were developed between the partner countries to facilitate the matching of immigration and nationality cases against each other's biometric databases, and to exchange relevant information on cases where biometric matches are made. All participating countries are using this biometric information exchange to aid immigration decisions. There have been cases where immigration or law enforcement officials of participating countries have received new case information or taken direct action as a

result of sharing this biometric information. All information exchanges are undertaken in full compliance with all U.S. laws and regulations related to privacy and civil liberties.

In 2008, the U.S. began signing Preventing and Combating Serious Crime (PCSC) agreements primarily with countries that participate in the Visa Waiver Program (VWP). The agreements—which in part satisfy a statutory information-sharing requirement to obtain or maintain VWP designation—formalize the sharing of biometric and biographic data for the purposes of preventing and combating serious crime and terrorism. US-VISIT is currently working with the Federal Bureau of Investigation’s Criminal Justice Information Services Division to begin implementing PCSC agreements with Germany and Spain.

Maritime Security and Seaport Interdiction

The U.S. Coast Guard (USCG) assists partner nations in the development of maritime security. USCG advocates Global Maritime Domain Awareness as the foundation of these efforts, to enable collective protection of the region’s maritime transportation system. USCG also assesses the effectiveness of anti-terrorism measures in foreign ports using a country’s implementation of the International Ship and Port Facility Security (ISPS) Code as a benchmark. The USCG shares the results of its findings with other federal agencies, including DOS. In the countries where port security is inadequate, the USCG imposes conditions of entry, including additional security measures, on vessels arriving to the United States from those countries. Conditions of entry are currently imposed on 16 countries. Among the USCG’s most important capacity-building activities is the International Port Security Program country visit, where they work collaboratively with foreign partners to fully implement the ISPS Code and related requirements in their ports and waterways. The USCG also works Asia Pacific Economic Cooperation Forum and the Organization of American States in the development and execution of capacity building activities in Asia and the Americas, respectively.

In another example of maritime cooperation, the CBP National Marine Training Center is planning to conduct Maritime Law Enforcement Officer training for the Ecuadorian Navy during late summer 2011. Ecuador is a neighbor of Colombia, which has been identified as a safe haven country.

USCG international training partners include Indonesia, Pakistan, the Philippines, and Yemen. USCG engagement in Yemen dates back to 2002, and the creation of the Yemeni Coast Guard was under the guidance of the USCG. Several maritime capacity-building initiatives are planned for Yemen pending the resolution of the current political crisis and an improvement in the internal security situation. In 2011, the USCG has facilitated the delivery of two new coastal patrol boats to Yemen, one legacy high endurance cutter to the Philippines, and another high endurance cutter to Nigeria. Once in service, these vessels will substantially increase the maritime law enforcement capabilities of these nations.

Civil Aviation Security

The Transportation Security Administration (TSA) supports the efforts of other governments to prevent their territories from being used by terrorists, organized crime groups, or others who pose a threat to U.S. security by assisting with the development of transportation security systems, programs and facilities. Specific assistance includes technical and managerial expertise to assist with developing, improving, and operating the civilian aviation security infrastructure, standards, procedures, policies, training and equipment. The tools TSA uses to provide this assistance include tailored training, personnel exchanges, information sharing and lessons learned/best practices. TSA works closely with its foreign government counterparts in these locations to determine the exact tools used to meet the needs of the host government.

TSA's authority for assessing security standards at foreign airports is codified in 49 USC 44907. Specifically, the TSA shall conduct an assessment of each foreign airport that serves as a last point of departure to the United States. TSA uses the standards and recommended practices contained in Annex 17 to the Convention on International Civil Aviation as the baseline for these security assessments. Additionally, TSA has the authority conduct aircraft operator inspections of both U.S. Aircraft Operators and Foreign Air Carriers at foreign locations that serve as the last point of departure to the United States. This authority is codified in 49 CFR 1544.3 and 49 CFR 1546.3 respectively. Further, the authorities vested to TSA by the Aviation and Transportation Security Act of 2001 (P.L. 107-71, 115 Stat. 587 (2001)), include the authority to issue, rescind, and revise TSA regulations, orders, and Security Directives/Emergency Authorities that effect both domestic and foreign transportation providers, and to enforce these authorities through civil penalties and denials of authorization to operate in U.S. transportation venues.

In fiscal year (FY) 2010, 45 TSA assistance and training sessions were provided to 28 countries. In FY 2011, TSA is scheduled to provide 51 sessions in 35 countries. For example, following the attempted terrorist attacks on cargo operations this past October, TSA immediately deployed a team to Yemen to assess cargo security programs. Subsequently, TSA provided training to mitigate threats to the cargo security network emanating from Yemen. TSA also works closely with the International Civil Aviation Organization and other foreign partners to eliminate duplicative efforts by coordinating training given by various countries to nations in need of technical assistance.

In addition, CBP's Carrier Liaison Program (CLP) enhances border security by increasing commercial carrier effectiveness in identifying improperly documented passengers destined to the United States. In 2010, CLP provided training to carrier and airport security personnel in Argentina, Venezuela, and Brazil on fraudulent document identification, passenger assessment, impostor identification, and travel document verification.

Reconstruction and Stabilization

National Security Presidential Directive 44 on Reconstruction and Stabilization tasks DOS with coordinating a unified, whole-of-government approach to help fragile and failing foreign governments exercise sovereignty over their own territories and prevent those territories from being used as a base of operations or safe haven for extremists, terrorists, organized crime groups, or others who pose a threat to U.S. security, foreign policy or economic interests.

Under this initiative, DHS participates by training and deploying ICE special agents and CBP officers to Afghanistan and other locations worldwide to help nations secure their borders and disrupt illicit travel and trade.

In Afghanistan, CBP's primary mission is to oversee the Border Management Task Force (BMTF), a mixed civilian and military task force whose primary goal is to assist the Afghan government by providing subject matter expertise relating to customs and border operations. The BMTF initiatives are a critical part of U.S. efforts to assist the Afghan government to gain control over its borders, defeat the insurgency by attacking links to narco-trafficking, and promote economic growth and stability.

Iraq and Afghanistan

Following the outbreak of war in Iraq in 2003, the Department of Defense requested CBP assistance in developing Iraq's border control agencies. In 2004-2005, CBP teams trained more than 3,700 Iraqi border officers in the areas of border patrol and customs and immigration operations at the Jordanian International Police Training Center outside Amman, Jordan. Since January 2005, CBP has deployed personnel to Iraq to provide training and advisory assistance to Iraqi border control officials. More recently, DHS personnel provided advanced mentoring in Baghdad to senior Iraqi border control officials with the Department of Border Enforcement and the Port of Entry Directorate within the Ministry of Interior.

DHS efforts have helped strengthen the capacity of the Iraqi government to control its borders. While there is more to do, the Iraqi Ministry of Interior directorates dealing with Border Enforcement and Ports of Entry have improved their capabilities from what they were only a few years ago.

The current Department of Defense-funded CBP assistance project in Iraq will terminate at the end of FY 2011. Following negotiations between the State Department and DHS to determine the appropriate level of future support, DHS has committed to provide an eight-person advisory team to support the U.S. mission in Iraq beginning in FY 2012. Funding for the CBP presence in Iraq will be provided by State Department Bureau of International Narcotics and Law Enforcement Affairs.

In Afghanistan, DHS efforts have significantly improved the ability of the Afghan government to control its borders, increase customs revenue collection, and facilitate legal trade, while increasingly preventing the movement of illegal goods, including components for improvised explosive devices.

For example:

- Working together, ICE and CBP personnel have been successful in facilitating numerous changes at Kabul International Airport to enhance security. Terminal controls of employees, passengers, cargo, baggage, and currency have been implemented in FY 2011.
- CBP officials assisted in the development of the Afghan Customs Academy. The ACD and BMTF will collaborate to expand the Academy, which graduated its first class of 48 in March 2010. The Afghan Government and CBP have also broken ground on a new Afghan Customs Academy in Kabul.
- In December 2010, ICE officials established the Afghan Vetted Investigative Unit, composed of 12 investigators from the Afghanistan MOI Criminal Investigations Division.
- CBP officials are assisting the Afghan government with infrastructure improvements at a number of border locations, as well as four international airports, which include baggage and cargo scanners in addition to life support facilities for civilian contract mentors and Afghan government border officials.
- CBP officials continue to provide training and mentorship to the Ministry of Finance (Customs Officials), Ministry of Interior (Afghan Border Police), and Afghan National Security Directorate on the use of ammonium nitrate detection kits.
- CBP officials continue to provide training and mentorship to Afghan Airport Authorities on cargo/passenger enforcement operations, and assist the Airport Interdiction Task Force with bulk cash/capital flight operations at Kabul International Airport.
- CBP officials continue to assist senior Ministry of Finance and Ministry of Interior officials in the crafting of a unified Afghan national border strategy.
- By the end of FY2011, CBP will increase its presence in Afghanistan to a total of 11 permanent CBP representatives utilizing DOS funding.
- The BMTF will expand the border/customs mentoring program to more than 50 contract mentors by the end of FY2011. CBP representatives will manage and oversee the continued operation and deployment of BMTF civilian contract mentors at various border crossing points, inland customs depots and international airports.
- By the end of FY2011, CBP representatives will identify requirements and oversee infrastructure improvements to 14 Afghan border crossing points.

Conclusion

DHS is continuing to strengthen coordination and cooperation across all of its relevant components involved in the activities described above. For example, efforts to establish agreed upon international priorities across all of DHS in key thematic engagement areas are well advanced. At the same time, significant achievements have been made in creating a departmental information-sharing architecture to consolidate information about all DHS training and technical assistance activities worldwide. We are now working to assemble this information and ensure that DHS activities are closely aligned with our priorities. These advances will allow us to work more effectively with those who help fund our efforts, mainly the State and Defense Departments.

At the same time, we are also strengthening our outreach to DOS and to embassies around the world, with more frequent and robust interaction and information sharing efforts to expand our partners' understanding of the tools and capabilities that DHS brings to the fight against terrorism. We are increasingly seeing the fruits of these efforts as our programs are sought out by other departments and by international partners.

Chairman McCaul, Ranking Member Keating, and distinguished Members of the Subcommittee, I look forward to working with you as we explore opportunities to advance our efforts and our cooperation with international partners to deny safe haven to terrorists. Thank you again for the opportunity to testify. I am happy to answer any questions.