



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

April 20, 2013

Secretary Janet Napolitano  
Department of Homeland Security  
Washington, DC 20528

Lieutenant General James R. Clapper  
Director of National Intelligence  
Washington, DC 20511

The Honorable Robert S. Mueller III  
Director, Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Dear Secretary Napolitano, Director Clapper and Director Mueller:

I write regarding the fact that one of the terrorists responsible for the April 15, 2013 attack in Boston, Massachusetts was known to the Federal Bureau of Investigation as a suspected Islamist extremist since 2011.

The FBI interviewed Tamerlan Tsarnaev at the request of a foreign liaison service, on the basis of suspicions that Tsarnaev was involved in terrorist activities. Tsarnaev subsequently traveled to and from Russia, and posted jihadist materials on his social media. Yet Tsarnaev remained at liberty in this country to conduct the Boston attack, and it took days to publicly identify him as a suspect.

Tsarnaev appears to be the fifth person since September 11, 2001 to participate in terror attacks despite being under investigation by the FBI, in addition to Anwar al-Awlaki, David Headley, Carlos Bledsoe and Nidal Hasan. In addition, Faruq Abdulmutallab attempted a terror attack despite being identified to the Central Intelligence Agency as a potential terrorist.

Five of these six intelligence failures have taken place since 2009. They raise the most serious questions about the efficacy of federal counterterrorism efforts.

Accordingly we request, pursuant to Rules X(1)(j)(3) and X(3)(g)(1) of the House of Representatives, all information possessed by the U.S. Government related to Tsarnaev prior to April 15, 2013. As Tsarnaev is deceased, any putative concerns related to his privacy or prosecution are unavailing. We request receipt of these documents by April 26<sup>th</sup>.

If you have any questions regarding this letter, please have your staffs contact [REDACTED] Committee staff at 202-226-8417.

Thank you for your immediate and personal attention to this timely and important matter of homeland security.

Sincerely,



MICHAEL T. MCCAUL  
Chairman



PETER T. KING  
Chairman  
Subcommittee on Counterterrorism and Intelligence



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515  
April 27, 2013

Secretary Janet Napolitano  
Department of Homeland Security  
Washington, DC 20528

Dear Madam Secretary:

The United States House of Representatives Committee on Homeland Security has begun an investigation into the recent Boston Marathon bombings. In a letter the Committee sent you last week, we inquired into the events surrounding that incident. We write to you again today with questions specific to the Department of Homeland Security (DHS) that the Committee seeks answers to as we progress with our investigation.

Accordingly, in addition to our call for documents of April 20, 2013, we request, pursuant to Rules X 1(j)(3) and X 3(g)(1) of the House of Representatives, answers to the oversight questions listed below. Unless otherwise specified, all questions relate to the period after the date of the Russian internal security service (FSB) request and prior to the attack of April 15, 2013. Furthermore, these questions pertain only to the deceased Tamerlan Tsarnaev, and not his brother, Dzhokar. We request classified and unclassified responses to the questions. There may be follow-up questions in the future related to Dzhokar.

As you are aware, in liaison memoranda, the FSB advised United States government agency(s) that Tamerlan Tsarnaev (Tsarnaev) planned to travel from Massachusetts to the Caucasus; a trip the FSB feared might accelerate his radicalization and lead to terrorist activities. The Russians therefore requested an investigation of Tsarnaev, which the Federal Bureau of Investigation (FBI) undertook.

This is only one example of an area of concern relating to this incident that the Committee seeks to learn more about. According to testimony you provided to Congress, the FBI closed its investigation of Tsarnaev in 2012, unaware that he was on the trip to Dagestan about which the FSB warned. It appears that the FBI was also unaware of Tsarnaev's return travel to Boston later that year.

These and other issues are of particular interest to the Committee. Over eleven years after the September 11, 2001 terror attacks, in which failures to share information between

intelligence and law enforcement agencies played a role, it is crucial that we know whether the same problems continue to exist today.

The following questions reflect the Committee's interests at the present time:

*Contact(s) from Russia*

1. When was DHS first made aware of the Russian government's liaison memorandum to the FBI regarding Tamerlan Tsarnaev? What action, if any, was taken in response?
2. Did any other United States government agencies or entities receive liaison memoranda from the Russians on the same subject? If so, which individuals and organizations received copies?
3. Did the Customs and Border Protection (CBP), DHS's Office of Intelligence and Analysis (I&A), Immigration and Customs Enforcement (ICE), or Homeland Security Investigations (HSI) receive any tearline version of the FSB memo at any time, either before or after the bombing? Did any State or local law enforcement agencies, such as the Massachusetts State Police (MSP), Boston Police Department (BPD), Cambridge Police Department, the Commonwealth Fusion Center (CFC), or the Boston Regional Intelligence Center (BRIC), receive any tearline version of the FSB memo at any time, or were they informed of the Russian concerns about Tsarnaev in any other way?

*Investigation*

4. What role did DHS personnel play in the Tsarnaev investigation?
5. By name, exactly which databases at which agencies were searched for information regarding Tsarnaev? What queries were entered? What results were returned? Do any trace results appear to be more meaningful in retrospect?
6. Did the Joint Terrorism Task Force (JTTF) issue any national security letters (NSLs) in the Tsarnaev investigation? Did the JTTF request any search warrants or Foreign Intelligence Surveillance Act (FISA) applications during the Tsarnaev investigation? If so, were the applications granted? If not, what were the grounds for denial?
7. What were the interactions, if any, between the JTTF and the Department of Justice's National Security Division (DOJ/NSD), the United States Attorney's Office for the District of Massachusetts, the Massachusetts State Attorney General's Office or the Suffolk or Middlesex County District Attorneys' Offices during the 2011 Tsarnaev investigation?
8. Was the JTTF aware of Tsarnaev's radical postings on publicly-available social media?
9. Was counterterrorism analytical support available to those JTTF personnel investigating the Tsarnaev case, and if so, was it utilized? If not, why not?

10. Were any Task Force Officers assigned to the Tsarnaev investigation? Were any CBP officers, ICE or HSI agents, MSP troopers, or BPD detectives, assigned to work on the investigation?
11. What was the highest level within DHS to be aware of the Tsarnaev investigation before April 15, 2013?
12. Did Tsarnaev obtain firearms before April 15, 2013? If so, how?
13. What are the connections, if any, between Tsarnaev and Saudi national Abdul Rahman Ali al-Harbi?

*Investigation Results?*

14. What did the Tsarnaev investigation reveal?
15. Was Tsarnaev placed into the Terrorist Identities Datamart Environment (TIDE) database? If so, when, and on what grounds? Was he removed from the list, and if so, when, and on what grounds?
16. With whom were the results of the Tsarnaev investigation shared, and how?
17. Were any Intelligence Information Reports issued by the FBI about their Tsarnaev investigation? Were any intelligence reports issued by other entities about Tsarnaev?
18. Was the Tsarnaev investigation referenced in any finished intelligence products disseminated to the wider Intelligence Community, or State and local law enforcement?

*Investigation Closure*

19. Did any DHS officials express disagreement with the closure of the Tsarnaev investigation?
20. What Federal, State or local entities were notified of the closure of the Tsarnaev investigation, and how?
21. Did any DHS employee request that the Tsarnaev investigation be re-opened before April 15, 2013? If so, what was that request based on?

*Travel*

22. Was the JTTF or any other FBI element aware of Tsarnaev's 2012 outbound travel to Russia? If not, why not?

23. Where any DHS personnel assigned to the Boston JTTF aware of Tsarnaev's 2012 outbound travel to Russia? If so, what actions, if any, did they take? If not, why not?
24. Did Tsarnaev travel under an alias, or his true name?
25. Did Tsarnaev have a Russian visa?
26. Which United States federal entities were aware of Tsarnaev's 2012 travel to Russia?
27. What actions did DHS take when it was "pinged" when Tsarnaev departed for Russia in 2012?
28. Were any State or local entities made aware of Tsarnaev's 2012 travel to Russia? If not, should they have been?
29. Was the JTTF or any other FBI element aware of Tsarnaev's 2012 inbound travel from Russia to the United States? If not, why not?
30. Absent notification by DHS, did the JTTF have any independent means of finding out about Tsarnaev's travel outside the United States?
31. Was DHS "pinged" or otherwise aware when Tsarnaev returned to the United States? If not, Why not?
32. Were any DHS personnel at the Boston JTTF notified when Tsarnaev returned to the United States? If not, why not? If so, what actions, if any, were taken? Were any other members of the JTTF notified of his return, including the personnel who had conducted the initial investigation?
33. If, as reports suggest, Tsarnaev's name was misspelled on his boarding pass, and did not match his identification, why was Tsarnaev allowed to board his outbound flight from Boston in 2012?
34. Regardless of the FBI investigation's status, was Tsarnaev selected for secondary inspection upon his return to Boston, based on immigration or any other reasons? If not, why not?

*Other questions*

35. Was ICE's Office of the Principal Legal Advisor (ICE-OPLA) consulted about deportation/removal options for Tsarnaev in 2011, for either national security reasons, or due to his arrest on domestic violence charges?
36. Did DHS have any terrorism concerns about Tsarnaev prior to April 15, 2013?

35. Was the JTTF or any other FBI element aware of Tsarnaev's 2012 inbound travel from Russia to the United States? If not, why not?
36. Absent notification by DHS, did the JTTF have any independent means of finding out about Tsarnaev's travel?
37. Was anyone in the Boston JTTF notified of Tsarnaev's return from Russia? If so, what actions were taken? Were others in the JTTF, including the personnel who conducted the initial investigation, notified?
38. What do we know about Tsarnaev's 2012 activities in Russia, and how do we know it? Is there any information which suggests Tsarnaev received terrorist financing, operational guidance, or training in Russia, or elsewhere?

*Retrospect*

39. In retrospect, could additional authorities or resources for the FBI have prevented the April 15, 2013 attack?

Please submit a written response to these questions to the Committee no later than May 20, 2013. If you have any questions regarding this letter, please have your staff contact [REDACTED] our Committee staff at (202) 226-8417.

Thank you for your attention to these important questions regarding homeland security.

Sincerely,



MICHAEL T. McCAUL  
Chairman



PETER T. KING  
Chairman  
Subcommittee on Counterterrorism and  
Intelligence



JEFF DUNCAN  
Chairman  
Subcommittee on Oversight and Management  
Efficiency



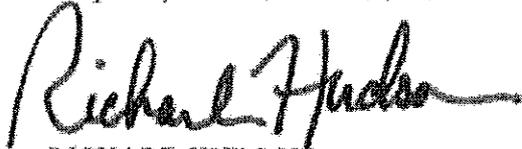
PATRICK MEEHAN  
Chairman  
Subcommittee on Cybersecurity, Infrastructure  
Protection, and Security Technologies



SUSAN W. BROOKS  
Chairman  
Subcommittee on Emergency Preparedness,  
Response, and Communications



CANDICE S. MILLER  
Chairman  
Subcommittee on Border and Maritime  
Security



RICHARD HUDSON  
Chairman  
Subcommittee on Transportation Security



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

April 27, 2013

The Honorable Robert S. Mueller III  
Director, Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Dear Director Mueller:

The United States House of Representatives Committee on Homeland Security has begun an investigation into the recent Boston Marathon bombings. In a letter the Committee sent you last week, we inquired into the events surrounding that incident. We write to you again today with questions specific to the Federal Bureau of Investigation (FBI) that the Committee seeks answers to as we progress with our investigation.

Accordingly, in addition to our call for documents of April 20, 2013, we request, pursuant to Rules X 1(j)(3) and X 3(g)(1) of the House of Representatives, answers to the oversight questions listed below. Unless otherwise specified, all questions relate to the period after the date of the Russian internal security service (FSB) request and prior to the attack of April 15, 2013. Furthermore, these questions pertain only to the deceased Tamerlan Tsarnaev, and not his brother, Dzhokar. We request classified and unclassified responses to the questions. There may be follow-up questions in the future related to Dzhokar.

As you are aware, in liaison memoranda, the FSB warned that Tamerlan Tsarnaev planned to travel from Massachusetts to the Caucasus; a trip the FSB feared might accelerate his radicalization and lead to terrorist activities. The Russians therefore requested an investigation of Tsarnaev, which the FBI undertook.

This is only one example of an area of concern relating to this incident that the Committee seeks to learn more about. According to testimony Secretary of Homeland Security Janet Napolitano provided to Congress, the FBI closed its investigation of Tsarnaev in 2012, unaware that he was on the trip to Dagestan about which the FSB warned. It appears that the FBI was also unaware of Tsarnaev's return travel to Boston later that year.

These and other issues are of particular interest to the Committee. Over eleven years after the September 11, 2001 terror attacks, in which failures to share information between

intelligence and law enforcement agencies played a role, it is crucial that we know whether the same problems arose in relation to this horrible attack.

The following questions reflect the Committee's interests at the present time:

*Contact(s) from Russia*

1. When did the Russian government first submit a memorandum to the FBI regarding Tsarnaev? What were the contents of that memorandum? What action was taken in response? Were there any other communications by the Russian government regarding Tsarnaev? What were the contents of those communications?
2. Did any other agencies receive liaison memoranda from the Russians on Tamerlan Tsarnaev? If so, which individuals and organizations received those memoranda?
3. Did the Office of the Director of National Intelligence (ODNI), National Counterterrorism Center (NCTC), Customs and Border Protection (CBP), DHS's Office of Intelligence and Analysis (I&A), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), State and local law enforcement agencies such as the Massachusetts State Police (MSP), Boston Police Department (BPD), Cambridge Police Department, or the Commonwealth Fusion Center (CFC) or Boston Regional Intelligence Center (BRIC), receive any tearline version of the FSB memo at any time, or were they informed in any other way?
4. Were any of the entities mentioned above made aware of the FSB's interest in Tsarnaev at any time before April 15, 2013? If so, how, and when?

*Investigation*

5. What actions were taken to follow up on the Tsarnaev lead?
6. Did the FBI or any other United States government agency conduct any interviews with members of Tsarnaev's madrassa or mosque, or of any local Massachusetts based Muslim Student Associations?
7. By name, exactly which databases at which agencies were searched for information regarding Tsarnaev? What queries were entered? What results were returned? Do any trace results appear to be more meaningful in retrospect?
8. Did the Joint Terrorism Task Force JTTF issue any national security letters (NSLs) in the Tsarnaev investigation? Did the JTTF request any search warrants or Foreign Intelligence Surveillance Act (FISA) applications during the Tsarnaev investigation? If so, were the applications granted? If not, what were the grounds for denial?
9. What were the interactions, if any, between the JTTF and the Department of Justice's National Security Division (DOJ/NSD), the United States Attorney's Office for the

District of Massachusetts, the Massachusetts State Attorney General's Office or the Suffolk or Middlesex County District Attorneys' Offices during the 2011 Tsarnaev investigation?

10. Was the JTTF aware of Tsarnaev's radical postings on publicly-available social media?
11. Was counterterrorism analytical support available to those JTTF personnel investigating the Tsarnaev case, and if so, was it utilized? If not, why not?
12. Were any Task Force Officers (TFO) assigned to the Tsarnaev investigation? Were any CBP officers, ICE or HSI agents, Massachusetts State Police troopers, or Boston Police Department detectives, assigned to work on the investigation?
13. What background and training did the FBI Special Agent (S/A) assigned as the case agent for the Tsarnaev investigation have in national security investigations generally, and counterterrorism specifically? What background and training did his or her supervisory special agent have in national security and counterterrorism investigations?
14. How many FBI personnel and how many TFOs, by originating agency, are assigned to the Boston JTTF?
15. What was the highest level within the FBI to be aware of the Tsarnaev investigation before April 15, 2013?

#### *Investigation Conclusion*

16. What did the FBI's Tsarnaev investigation reveal?
17. Was Tsarnaev placed into the Terrorist Identities Datamart Environment (TIDE) database? If so, when, and on what grounds? Was he removed from the list, and if so, when, and on what grounds?
18. Who were the results of the Tsarnaev investigation shared with, and how were they shared?
19. Were any Intelligence Information Reports issued by the FBI about the Tsarnaev investigation? Were any intelligence reports issued by other United States government entities about Tsarnaev?
20. Was the Tsarnaev investigation referenced in any finished intelligence products disseminated to the wider Intelligence Community, or to State and local law enforcement?
21. Were any U.S. Government entities aware of Tsarnaev's on-line perusal of radical propaganda? If so, who, if anyone, did that agency or entity notify?

22. Did Tsarnaev obtain firearms before April 15, 2013? If so, how?
23. What are the connections, if any, between Tsarnaev and Saudi national Abdul Rahman Ali al-Harbi?

*Investigation Closure*

24. When, and on what basis, was the Tsarnaev investigation closed? What are the standards for closing such an investigation? At what level was the decision made to close the investigation?
25. Did any DHS, ODNI, NCTC, or DOJ/NSD officials, or other agent or supervisor in the FBI or on the JTTF, express disagreement with the closure of the Tsarnaev investigation?
26. What Federal, State or local entities were notified of the closure of the Tsarnaev investigation, and how?
27. Did any other Federal, State or local entity, or employee of the same, request that the Tsarnaev investigation be re-opened before April 15, 2013? If so, what was that request based on?
28. Did any procedures in the FBI Domestic Investigations and Operations Guide (DIOG) prevent the FBI from reviewing open-source material, such as Tsarnaev's radical postings on social media, after the FBI closed the initial investigation into Tsarnaev?
29. Are there procedures for reopening an investigation based on new information surfacing? If so, were those procedures followed in this case? Did any FBI personnel, or any other personnel at the JTTF ever consider reopening the Tsarnaev investigation prior to the Boston bombings? If they were not aware of Tsarnaev's travel to Russia in 2012, would they have considered reopening the investigation had they know of that travel?

*Travel*

30. Was the JTTF or any other FBI element aware of Tsarnaev's 2012 outbound travel to Russia? If not, why not?
31. Did Tsarnaev travel under an alias, or his true name?
32. Did Tsarnaev have a Russian visa?
33. Which United States Federal entities were aware of Tsarnaev's 2012 travel to Russia?
34. Were any State or local entities made aware of Tsarnaev's 2012 travel to Russia?

37. If so, did DHS relate its terrorism concerns about Tsarnaev, if any, to the JTTF or other FBI entity? If so, how? If not, why not?
38. Were any DHS agencies aware of Tsarnaev's on-line perusal of radical propaganda? If so, who if anyone did that agency or agencies notify?
39. Please explain, in detail, DHS' processing of Tsarnaev's applications for asylum, legal permanent residency, and citizenship from 2003 to 2013.
40. What specific immigration status and benefits were awarded to Tsarnaev and were all U.S. Citizenship and Immigration Services (USCIS) processes adhered to during adjudication of that status and benefits?
41. To what extent did USCIS conduct all relevant background and other national security checks when deciding to award immigration status and benefits to Tsarnaev?
42. In retrospect, could additional authorities or resources for DHS and the FBI have prevented the April 15, 2013 attack?

Please submit a written response to these questions to the Committee no later than May 20, 2013. If you have any questions regarding this letter, please have your staff contact [REDACTED] our Committee staff at (202) 226-8417.

Thank you for your attention to these important questions regarding homeland security.

Sincerely,



MICHAEL T. McCAUL  
Chairman



PETER T. KING  
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Subcommittee on Counterterrorism and  
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Efficiency



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Subcommittee on Border and Maritime  
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RICHARD HUDSON  
Chairman  
Subcommittee on Transportation Security



One Hundred Thirtieth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

April 27, 2013

Lieutenant General James R. Clapper  
Director of National Intelligence  
Washington, DC 20511

Dear Director Clapper:

The United States House of Representatives Committee on Homeland Security has begun an investigation into the recent Boston Marathon bombings. In a letter the Committee sent you last week, we inquired into the events surrounding those attacks. We write to you again with questions specific to the Intelligence Community (IC) that the Committee seeks answers to as we progress with our investigation.

Accordingly, in addition to our call for documents of April 20, 2013, we request, pursuant to Rules X 1(j)(3) and X 3(g)(1) of the House of Representatives, answers to the oversight questions listed below. Unless otherwise specified, all questions relate to the period after the date of the Russian internal security service (FSB) request and prior to the attack of April 15, 2013. Furthermore, these questions pertain only to the deceased Tamerlan Tsarnaev, and not his brother, Dzhokar. We request classified and unclassified responses to the questions. There may be follow-up questions in the future related to Dzhokar.

As you are aware, in liaison memoranda, the FSB warned United States agencies that Tamerlan Tsarnaev planned to travel from Massachusetts to the Caucasus; a trip the FSB feared might accelerate his radicalization and lead to terrorist activities. The Russians therefore requested an investigation of Tsarnaev, which the Federal Bureau of Investigation (FBI) undertook.

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intelligence and law enforcement agencies played a role, it is crucial that we know whether the same problems continue to exist today.

The following questions reflect the Committee's interests at the present time:

*Contact(s) from Russia*

1. When was the IC first made aware of the Russian government's memorandum to the FBI regarding Tsarnaev? What action, if any, was taken in response? Were there any other communications by the Russian government regarding Tsarnaev? What were the contents of those communications?
2. Did any other IC agencies receive liaison memoranda from the Russians on the same subject? Which individuals and organizations received copies?
3. Did the Office of the Director of National Intelligence (ODNI), National Counterterrorism Center (NCTC), or DHS's Office of Intelligence and Analysis (I&A), receive any version of the FSB memo at any time, either before or after the bombing?
4. Were any of the entities mentioned above made aware of the FSB's interest in Tsarnaev at any time before April 15, 2013? How, and when?

*Investigation*

5. What actions were taken to follow up on the Tsarnaev lead?
6. By name, exactly which databases at which agencies were searched for information regarding Tsarnaev? What queries were entered? What results were returned? Do any trace results appear to be more meaningful in retrospect?
7. Was the IC aware of Tsarnaev's radical postings on publicly-available social media?
8. Were any IC agencies aware of Tsarnaev's on-line perusal of radical propaganda? If so, who if anyone did that agency or agencies notify?
9. What was the highest level within the IC aware of the Tsarnaev investigation before April 15, 2013?

*Investigation Results?*

10. What did the Tsarnaev investigation reveal?
11. Was Tsarnaev placed into the Terrorist Identities Datamart Environment (TIDE) database? If so, when, and on what grounds? Was he removed from the list, and if so, when, and on what grounds?

12. With whom were the results of the Tsarnaev investigation shared, and how?
13. Were any intelligence reports issued by IC entities about Tsarnaev?
14. Was the Tsarnaev investigation referenced in any finished intelligence products disseminated to the wider Intelligence Community, or State and local law enforcement?
15. What are the connections, if any, between Tsarnaev and Saudi national Abdul Rahman Ali al-Harbi?

#### *Investigation Closure*

16. Did any ODNI, NCTC, or other IC agency, or official, express disagreement with the closure of the Tsarnaev investigation?
17. Did any other Federal, State or local entity, or employee of the same, request that the Tsarnaev investigation be re-opened before April 15, 2013? If so, what was that request based on?
18. Did any IC agency request to add Tsarnaev to TIDE separate from the FBI's request? If so, what was the basis for their request?

#### *Travel*

19. Was the IC aware of Tsarnaev's 2012 outbound travel to Russia?
20. Did Tsarnaev travel under an alias, or his true name?
21. Did Tsarnaev have a Russian visa?
22. Which Federal entities were aware of Tsarnaev's 2012 travel to Russia?
23. Were any State or local entities made aware of Tsarnaev's 2012 travel to Russia?
24. Was the IC aware of Tsarnaev's 2012 inbound travel from Russia to the United States? If not, why not?
25. Absent notification by DHS, did the IC have any independent means of finding out about Tsarnaev's travel?

#### *In Russia*

26. What do we know about Tsarnaev's 2012 activities in Russia, and how do we know it? Is there any information which suggests Tsarnaev received terrorist financing, operational guidance, or training in Russia, or elsewhere?

*In retrospect*

27. In retrospect, could additional authorities or resources for the IC have prevented the April 15, 2013 attack?

Please submit a written response to these questions to the Committee no later than May 20, 2013. If you have any questions regarding this letter, please have your staff contact [REDACTED] our Committee staff at (202) 226-8417.

Thank you for your attention to these important questions regarding homeland security.

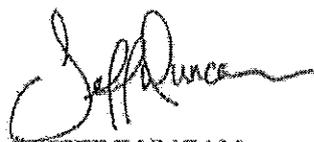
Sincerely,



MICHAEL T. McCAUL  
Chairman



PETER T. KING  
Chairman  
Subcommittee on Counterterrorism and  
Intelligence



JEFF DUNCAN  
Chairman  
Subcommittee on Oversight and Management  
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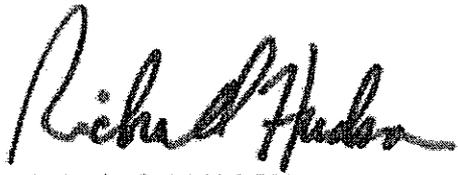
PATRICK MEEHAN  
Chairman  
Subcommittee on Cybersecurity, Infrastructure  
Protection, and Security Technologies



SUSAN W. BROOKS  
Chairman  
Subcommittee on Emergency Preparedness,  
Response, and Communications



CANDICE S. MILLER  
Chairman  
Subcommittee on Border and Maritime  
Security

A handwritten signature in black ink, reading "Richard Hudson". The signature is written in a cursive style with a large initial "R".

RICHARD HUDSON  
Chairman  
Subcommittee on Transportation Security

UNCLASSIFIED

May 3, 2013

The Honorable Michael T. McCaul  
Chairman  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Peter T. King  
Chairman  
Subcommittee on Counterterrorism and Intelligence  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman McCaul and Chairman King:

This responds to your letters dated April 20<sup>th</sup> and April 27<sup>th</sup> to Department of Homeland Security Secretary Napolitano, Director of National Intelligence Clapper, and Federal Bureau of Investigation Director Mueller seeking answers to specific questions as well as all materials possessed by the U.S. Government related to Tamerlan Tsarnaev prior to April 15<sup>th</sup>.

During the week of April 22<sup>nd</sup>, our agencies provided four classified briefings to Congress discussing the substantial information that federal agencies and Massachusetts state authorities have obtained since the identification of Tamerlan and Dzhokhar Tsarnaev as the persons allegedly responsible for the Boston Marathon bombings. Specifically, much of the information requested in your letters relating to Tamerlan Tsarnaev was briefed to Members of the House of Representatives on April 23<sup>rd</sup> and 24<sup>th</sup> including his travel to and from Russia, the FBI's previous assessment of Tamerlan Tsarnaev, and the information that was provided to the U.S. Government by a foreign government prior to April 15<sup>th</sup>.

This is an active, ongoing investigation to understand and successfully prosecute those responsible for this attack. We will continue to keep Congress informed consistent with our responsibility to protect the integrity of the ongoing investigation. We anticipate providing a briefing update to Congress and will continue to work with staff to schedule it.

Extraordinary collaborative efforts by law enforcement, intelligence, and public safety agencies with the help and cooperation of the public resulted in the identification of Tamerlan and Dzhokhar Tsarnaev and the capture and charging of Dzhokhar Tsarnaev. This exhaustive investigation will continue in order to seek answers and justice for those affected by this tragedy.

Sincerely,

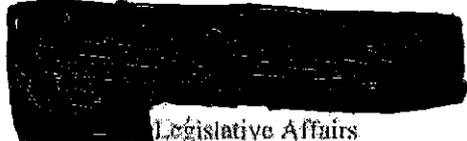
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Office of Legislative Affairs  
United States Department of Homeland Security

UNCLASSIFIED

UNCLASSIFIED

SUBJECT: Letter to Honorable Michael T. McCaul and Honorable Peter T. King



Legislative Affairs  
Office of the Director of National Intelligence



Office of Congressional Affairs  
Federal Bureau of Investigation

UNCLASSIFIED



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515  
May 15, 2013

The Honorable Janet Napolitano  
Secretary, Department of Homeland Security  
Washington, DC 20528

Lieutenant General James R. Clapper  
Director of National Intelligence  
Washington, DC 20511

The Honorable Robert S. Mueller III  
Director, Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Dear Secretary Napolitano, Director Clapper, and Director Mueller:

We write in regards to your May 3, 2013 response to our requests for information and documents relating to Tamerlan Tsarnaev and the Boston Bombings that claimed four lives and wounded hundreds of innocent victims. Your letter fails to respond in a meaningful way to our repeated requests for information related to the attacks.

It is the duty of the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI) and the National Counterterrorism Center (NCTC) to prevent terrorist attacks in the United States.

It is this Committee's Constitutional responsibility to oversee the Executive Branch in the performance of its domestic counterterrorism efforts. In light of the three domestic terrorist attacks that the nation has suffered since 2009, and the specific alerts received from the Russian government regarding the Tsarnaevs, it is our duty to examine the events leading to the Boston Bombing. Our goal is not to determine culpability for the attack itself. While the Committee is aware that there is an ongoing investigation of Dzhokhar Tsarnaev's role in the attack, recent experience demonstrates that this effort may last for several years. We cannot wait to carry out our oversight duties on behalf of the American people. It is our Constitutional obligation to examine any specific or systemic failures that need to be addressed to prevent potential future attacks upon the Homeland.

The longer this Committee is prevented from performing its oversight duties, the longer Americans must wait for revelations that could improve our counterterrorism efforts. Therefore, timely consideration of the details surrounding these events is absolutely paramount.

Accordingly, pursuant Clause 1(j)(3) and Clause 3(g)(1) of Rule X of the House of Representatives we repeat our call for documents of April 20, 2013, and our questions sent to your respective agencies sent on April 27, 2013. We require written answers to all of our questions, and all of the requested documents no later than May 20, 2013.

We note, again, that these questions relate to the period prior to the attack of April 15, 2013. Furthermore, these pertain only to the deceased Tamerlan Tsarnaev, and not his brother Dzhokhar, therefore our reviewing them will pose no threat to the ongoing investigation.

Finally, in your May 3, 2013 letter you indicate "much of the information requested" in our previous letters was briefed to Members of the House of Representatives on April 23<sup>rd</sup> and 24<sup>th</sup>, 2013. Such briefings, including the one provided to Committee staff, while informative, did not address many of our written questions and do not constitute the full and complete answers we expect from each from each agency.

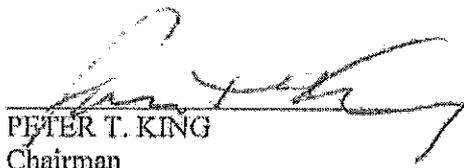
We request all briefing materials, including notes and transcripts, from these meetings. As this information has already been shared with Members of Congress and staff, it should be available to this Committee as it carries out its investigation.

We expect your full and complete cooperation with our investigation as we seek to identify solutions to any specific or systemic issues that will help all of us in our efforts to prevent future attacks upon the homeland. We owe the American people nothing less. As we continue our investigation, please be advised the Committee intends to invite you or your designated representatives to testify under oath in a closed hearing to further examine these matters.

If you have any questions regarding this letter, please have your staffs contact [REDACTED] our Committee staff at 202-226-8417.

Sincerely,

  
MICHAEL T. McCAUL,  
Chairman



PETER T. KING

Chairman

Subcommittee on Counterterrorism  
and Intelligence



CANDICE MILLER

Chairman

Subcommittee on Border  
and Maritime Security



PATRICK L. MEEHAN

Chairman

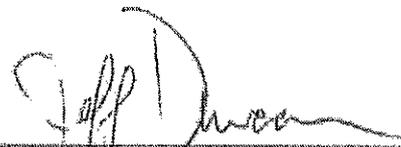
Subcommittee on Cybersecurity, Infrastructure  
Protection, and Security Technologies



SUSAN W. BROOKS

Chairman

Subcommittee on Emergency  
Preparedness, Response and  
Communications



JEFF DUNCAN

Chairman

Subcommittee on Oversight and Management  
Efficiency



RICHARD HUDSON

Chairman

Subcommittee on Transportation Security



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515  
June 12, 2013

Lieutenant General James R. Clapper  
Director of National Intelligence  
Washington, DC 20511

Dear Director Clapper:

The House Committee on Homeland Security will hold a hearing entitled "Assessing Attacks on the Homeland: From Fort Hood to Boston," on Wednesday, July 10, 2013, at 9:00 a.m. in room 311, Cannon House Office Building. Pursuant to Rule X, clause 1, and Rule X, clause 3 of the Rules of the House of Representatives, I write to confirm an invitation for you, or your designee, to testify at this hearing.

Under Committee Rule VIII(D), each witness shall submit a written statement of proposed testimony, which must be filed with the Clerk of the Committee no less than 48 hours in advance of your appearance before the Committee. Additionally, it is the policy of the Committee any accompanying documents to be displayed during the hearing must be filed with the Clerk of the Committee no less than 48 hours prior to the hearing. Accompanying materials intended for display must be provided electronically. Only those accompanying materials appropriate for display on the Committee monitors will be permitted. Please submit a copy of your testimony electronically to the Clerk of the Committee at [mike.twinchek@mail.house.gov](mailto:mike.twinchek@mail.house.gov), no later than 9:00 a.m. on Monday, July 8, 2013. Pursuant to Committee Rule VIII(D) failure to provide testimony to the Committee by the deadline may result in your oral and/or written testimony being excluded from the record. Pursuant to Committee policy, failure to provide accompanying materials intended for display by the deadline may exclude such accompanying materials from being displayed. Oral testimony should not exceed five minutes and should summarize the witness' written remarks. The witness may, in addition, introduce into the record any other supporting documentation, in accordance with the enclosed guidelines.

Under clause 2(k)(3) of Rule XI of the Rules of the House of Representatives, witnesses at hearings may be accompanied by their own counsel to advise them concerning their constitutional rights. Witness counsels are not permitted to sit at the table, unless authorized by the Committee. I reserve the right to place any witness under oath. Please be advised that pursuant to 18 U.S.C. §1001, and regardless of whether an oath is administered, it is a violation of Federal criminal law to knowingly and willfully give a false statement to any committee, subcommittee, commission or office of the Congress. A witness may obtain a transcript copy of their testimony given in open, public sessions, or in a closed session only when authorized by the Committee.

Director Clapper  
Page 2

The Rules of the Committee, adopted January 23, 2013, are available on the website at <http://homeland.house.gov/legislation/committee-rules> and the Rules of the House of Representatives are available at the House of Representatives' website at <http://www.house.gov/rules/113rules.pdf>. Space in the Committee's hearing room is limited. The Committee will only reserve two seats for counsel or staff accompanying you during your appearance.

Accommodations for individuals with disabilities, including assistive listening systems, interpreters and materials in alternate formats, may be arranged by contacting the Chief Clerk

[REDACTED]  
[REDACTED]  
[REDACTED] at (202) 226-8417.

Sincerely,



MICHAEL T. McCAUL  
Chairman

Enclosure:  
Testimony Format Requirements



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515  
June 12, 2013

The Honorable Robert S. Mueller, III  
Director, Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

Dear Director Mueller:

The House Committee on Homeland Security will hold a hearing entitled "Assessing Attacks on the Homeland: From Fort Hood to Boston," on Wednesday, July 10, 2013, at 9:00 a.m. in room 311, Cannon House Office Building. Pursuant to Rule X, clause 1, and Rule X, clause 3 of the Rules of the House of Representatives, I write to confirm an invitation for you, or your designee, to testify at this hearing.

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Director Mueller

Page 2

their testimony given in open, public sessions, or in a closed session only when authorized by the Committee.

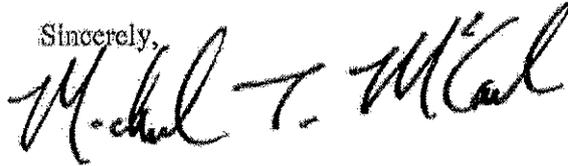
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[REDACTED]

[REDACTED] at (202) 226-8417.

Sincerely,



MICHAEL T. McCAUL  
Chairman

Enclosure:  
Testimony Format Requirements



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

June 12, 2013

The Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

The House Committee on Homeland Security will hold a hearing entitled "Assessing Attacks on the Homeland: From Fort Hood to Boston," on Wednesday, July 10, 2013, at 9:00 a.m. in room 311, Cannon House Office Building. Pursuant to Rule X, clause 1, and Rule X, clause 3 of the Rules of the House of Representatives, I write to confirm an invitation for you, or your designee, to testify at this hearing.

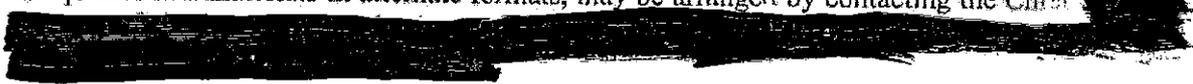
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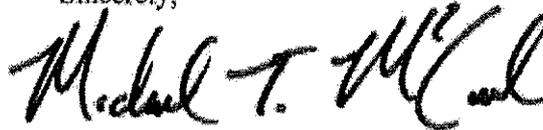
Secretary Napolitano  
Page 2

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Sincerely,



MICHAEL T. McCAUL  
Chairman

Enclosure:  
Testimony Format Requirements



U.S. Department of Justice  
Federal Bureau of Investigation

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Washington, D.C. 20535

July 3, 2013

The Honorable Michael T. McCaul  
Chairman  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

This responds to your letter dated June 12, 2013, requesting FBI participation in a hearing on July 10, 2013, entitled "Assessing Attacks on the Homeland: From Fort Hood to Boston," and to your letter dated May 15, 2013, concerning the Committee's requests for additional information and all documents in our possession concerning Tamerlan Tsarnaev and the bombing at the Boston Marathon on April 15, 2013.

We appreciate the Committee's responsibility to conduct oversight over certain Executive Branch agencies, notably the Department of Homeland Security, as set forth in the House Rules cited in your correspondence. In response to the Committee's non-oversight requests to the FBI, we have provided information and responded to the Committee's questions through interagency briefings on April 23; May 13; and June 6, 2013, and in telephone briefings and meetings with senior FBI officials on April 22; May 9; and June 12, 2013. We continue to schedule briefings for your staff concerning non-investigative matters.

In responding to requests from Congress related to ongoing criminal matters, the Department of Justice is required to balance congressional requests for information with its own constitutional and statutory obligations to preserve the integrity of active criminal investigations, particularly during an ongoing prosecution in federal court. The Department's longstanding policy is to decline to provide Congressional committees with access to materials related to active, ongoing law enforcement investigations. This policy ensures the greatest possible success for the investigation and any resulting prosecution consistent with the constitutional and legal requirements for any criminal proceeding. Consistent with this policy, we are unable to provide the Committee "all information possessed by the U.S. government" related to Tamerlan Tsarnaev and the ongoing investigation. Similarly, we decline the Committee's request to provide a witness for the noticed hearing while the investigation and prosecution are ongoing.

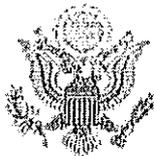
We appreciate your support for our efforts to ensure justice for the victims of these tragic attacks.

Sincerely,



Office of Congressional Affairs

1 - The Honorable Bennie Thompson  
Ranking Member  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515



One Hundred Thirteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

August 6, 2013

The Honorable Eric H. Holder, Jr.  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

The Honorable Robert S. Mueller, III  
Director, Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535

Dear Attorney General Holder and Director Mueller:

The House Committee on Homeland Security ("Committee") is currently investigating the lethal Boston Marathon bombings of April 15, 2013 in order to understand how our Nation's counterterror efforts may be improved. Specifically, the Committee hopes to identify whether the Boston Marathon bombing was the result of systemic communication failures among various intelligence entities, and, if so, whether particular legislation might improve coordination and effectiveness among those federal entities charged with protecting the United States from acts of terror.

To date, the Committee repeatedly has requested documents and briefings from your Bureau to discuss the specifics of Tamerlan Tsarnaev's travel history, among other matters, and information held by the various Executive Branch entities about the threat he posed. The Committee has offered to accommodate any security concerns that the Department or Bureau might have regarding confidential or law-enforcement sensitive information. Nevertheless, the Committee's requests have been denied or largely ignored based on the Bureau's assessment that the Committee's inquiries in this area constitute "non-oversight activities."

This assessment is wrong, and the Committee is troubled and concerned the Bureau would invoke such an interpretation resulting in obstruction of the Committee's work. The Rules of the House of Representatives specifically vest the Committee with broad jurisdiction in the area of "[o]verall homeland security policy," Rule X.1(j)(1), Rules of the House of Representatives, 113th Cong. (2013), in addition to issues relating to functions of the Department of Homeland Security, including: "Border and post security;" "Customs;" "Integration, analysis, and dissemination of homeland security information;" "Domestic preparedness for and collective response to terrorism;"

“Research and development;” and “Transportation security.” *Id.* Rule X.1(j)(3). Accordingly, the Committee has jurisdiction over all homeland security policy issues and specifically is entitled to the information it seeks from the Department and Bureau.

The Committee – as a congressional body – has a constitutionally rooted right of access to the information it needs to perform its Article I legislative and oversight functions. The Supreme Court has made clear that the scope of Congress’ power to inquire through its committees is as penetrating and far-reaching as the potential power to enact and appropriate under the Constitution, *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 504 n.15 (1975); *see also Watkins v. United States*, 354 U.S. 178, 187 (1957) (“The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad. It encompasses inquiries concerning the administration of existing laws as well as proposed or possibly needed statutes. It includes surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them.”), and that “where the legislative body does not itself possess the requisite information – which is not infrequently true – recourse must be had to others who do possess it.” *McGrain v. Daugherty*, 273 U.S. 135, 175 (1927); *accord Eastland*, 421 U.S. at 504-05. Any suggestion that the Department or Bureau may challenge the Committee’s authority in an area specifically committed to it by the Rules of the House is wrong. *See Barenblatt v. United States*, 360 U.S. 109, 124 (1959) (“[T]he scope of the Committee’s authority was for the House, not a witness, to determine, subject to the ultimate reviewing responsibility of [the Supreme Court].”) Accordingly, the Committee has the constitutional right and obligation to obtain information about matters within its jurisdiction from any relevant source – including, particularly, Executive Branch entities.

Failure to provide the requested information to the Committee will obstruct the ability of the Committee to conduct its legislative and oversight duties to help ensure that our Nation is adequately prepared to prevent future acts of domestic terror. Just as the Department and the Bureau are committed to bringing Dzhokhar Tsarnaev – and any others responsible for the horrific Boston Marathon bombings – to justice, this Committee is equally committed to ensuring that our Nation’s counterterrorism efforts are as effective as they can, and need, to be. The Committee stands ready to work with the Department and Bureau, and the entire federal, state, and local intelligence and law enforcement community to prevent future terrorist attacks.

To that end, the Committee once again requests prompt answers to the questions contained in our April 27, 2013 letter (attached as Exhibit A), and access to the documents described in our April 20, 2013 letter (attached as Exhibit B). For your reference, we are enclosing a complete record of the correspondence between the Committee and the Bureau on this topic. The Committee recognizes the important work that the Department and Bureau routinely undertake to improve our Nation’s security, and hope that you will be willing partners going forward in the Committee’s investigation.

Should you or your staff have any questions or need additional information, please contact [REDACTED] (202) 226-8417.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McCaul". The signature is fluid and cursive, with the first name "Michael" and last name "McCaul" clearly distinguishable.

MICHAEL T. MCCAUL  
Chairman

Enclosures

cc:

The Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

The Honorable Robert Goodlatte  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515



U.S. Department of Justice

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

November 22, 2013

The Honorable Michael T. McCaul  
Chairman  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter dated August 6, 2013 to the Attorney General and then FBI Director Mueller concerning the Committee's interest in investigating the Boston Marathon bombings and supplements ongoing discussions with Committee staff. We appreciate the Committee's interests in understanding how the Nation's counterterrorism efforts may be improved and we have made significant efforts to provide the Committee with information responsive to your questions.

Information responsive to the questions contained in the Committee's letter dated April 27, 2013 has been briefed to both Members and staff. On April 23 and 24, 2013, officials from the FBI joined with interagency partners and provided a substantive briefing concerning Tamerlan Tsarnaev's travel to and from Russia (Questions 30 - 42), the FBI's assessment of Tamerlan Tsarnaev (Questions 5 - 29) and the information that was provided to the U.S. Government by a foreign government prior to April 15, 2013 (Questions 1 - 4). Representatives from the interagency answered additional questions during a classified briefing for staff on May 10, 2013. On June 21, 2013, the Boston Special Agent in Charge joined officials from the Massachusetts State Police, Boston and Watertown Police Departments in Boston to discuss information sharing and other ways to maximize resources with Committee staff. We have also provided Congress with copies of communications between the FBI and the Russian Security Service (FSB) regarding Tamerlan Tsarnaev that predate the April 15, 2013 bombing, as well as the Guardian incident report documenting the FBI's response to the information provided by the FSB. We understand that you and your staff have reviewed this material. Most recently, Committee staff met with the FBI's Legal Attache in Moscow on November 6, 2013 and discussed the FBI's relationship with our foreign partners.

In addition to participating in interagency briefings related to the Boston Marathon bombing, the FBI provided briefings to Committee Members and staff related to the information sharing and other coordination mechanisms among federal, state and local entities involved in the homeland security mission. On June 19, 2013, FBI and DHS provided a briefing concerning efforts to monitor extremist forums and websites. On July 15, 2013, the FBI and DOJ briefed

The Honorable Michael T. McCaul  
Page Two

staff on the Guardian, E-Guardian and I-Guardian processes to include access to Suspicious Activity Reports. On July 17, 2013, the FBI provided a briefing for Committee staff concerning Joint Terrorism Task Forces, on September 3, 2013, the FBI met with Committee staff in Boston, Massachusetts, and discussed the mechanics of sharing information on the JTTF and Guardian accessibility for task force officers, on November 6, 2013, the FBI's Moscow LEGAT met with staff to discuss the case and the FBI's relationship with the FSB, and on November 21, 2013, the FBI provided a briefing and tour of the Boston JTTF.

We believe that our cooperation with the Committee in this matter strikes the appropriate balance between the needs of congressional oversight and our responsibility to preserve the integrity of our ongoing law enforcement efforts. We will continue our dialogue with Committee staff as you work to complete your review of this matter. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A large, dark, irregular redacted area covering the signature of the sender.

cc: The Honorable Bennie Thompson  
Ranking Member

Acting Secretary Rand Beers  
Department of Homeland Security

The Honorable Bob Goodlatte  
Chairman  
House Judiciary Committee

The Honorable John Conyers  
Ranking Member  
House Judiciary Committee