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Federal Bureau of Investigation
Washington, D.C. 20535

September 13, 2016

MR. JOHN GREENEWALD JR.



FOIPA Request No.: 1325572-001
Subject: All correspondence between FBI and
Senators John McCain and Carl Levin

Dear Mr. Greenwald:

The enclosed documents were reviewed under the Freedom of Information Act (FOIA), Title 5, United States Code, Section 552. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Explanation of Exemptions:

Section 552		Section 552a	
<input type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)	
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)	
<input type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)	
_____	<input checked="" type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)	
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)	
_____	<input type="checkbox"/> (b)(7)(F)	<input type="checkbox"/> (k)(4)	
<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)	
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)	
<input checked="" type="checkbox"/> (b)(6)		<input type="checkbox"/> (k)(7)	

4 pages were reviewed and 4 pages are being released.

Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

This information has been referred to the OGA(s) for review and direct response to you.

We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request. Your patience is appreciated.

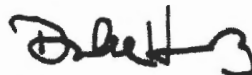
You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within sixty (60) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so that it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing ogis@nara.gov. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@ic.fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Records Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of responsive FBI Correspondence Letters.

It is unnecessary to adjudicate your fee waiver request as there are no accessible fees. This material is being provided to you at no charge.

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

HOWARD J. KESSLER, STAFF DIRECTOR
FRANK RASHBORN, MINORITY STAFF DIRECTOR

July 12, 2013

VIA U.S. MAIL & EMAIL [redacted]@IC.FBI.gov)

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The Honorable Robert S. Mueller III
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Mueller:

We are writing to request more information on the data and associated intelligence the Federal Bureau of Investigation (FBI) collected and shared with other law enforcement agencies in relation to Boston bomber suspect Tamerlan Tsarnaev before the April 15, 2013 Boston bombings. According to the FBI's April 19, 2013 press release, in 2011 it was asked by a "foreign government" agency, later revealed to be [redacted] to investigate Mr. Tsarnaev's activities and possible terrorist connections. At the time, according to the FBI press release, the FBI could not find any evidence to link Mr. Tsarnaev to terrorism and, when it reached out [redacted] for more information, its requests allegedly went unanswered.

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Since this exchange of counterterrorism information between the FBI [redacted] took place two years before the tragic events in Boston, the FBI would have had sufficient time to share it and any associated intelligence with other domestic law enforcement agencies through joint intelligence or fusion centers. As you know, these centers were specifically designed in the aftermath of 9/11 to integrate intelligence gathered by domestic agencies to develop counterterrorism investigations. To address concerns regarding the FBI's sharing of information [redacted] and any associated intelligence regarding Tamerlan Tsarnaev, please provide detailed written responses to the following information by August 2, 2013. Please provide only nonclassified information in response.

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1. Please explain the extent to which the FBI [redacted] share information or intelligence regarding potential terrorist activities, whether this information sharing is routine or unusual, and how often it typically occurs.
2. Please describe what information or intelligence was shared between the FBI [redacted] regarding Tamerlan Tsarnaev prior to April 15, 2013. Please provide a timeline of when this information or intelligence was exchanged.
3. What FBI requests for information or intelligence went unanswered [redacted] [redacted] When were these requests made? What reasons, if any, did [redacted] cite as a basis for declining these requests? Did the FBI make attempts to follow-up [redacted] to continue information-sharing with regard to

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intelligence on Mr. Tsarnaev? If so, please provide specific information as to what the FBI did to follow up.

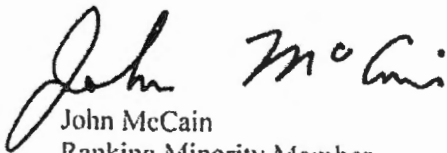
4. What information did the FBI receive about Mr. Tsarnaev's visit to Russia in 2012, and when did the FBI receive it? If the FBI did receive information on the trip before the Boston bombings, with what agencies, if any, did the FBI share that information?
5. When provided with foreign intelligence on possible terrorist activities, please explain to what extent the FBI typically shares this information with other domestic security agencies, how it typically shares the information, and how often this type of information sharing typically occurs.
6. From 2011 to 2013, prior to the Boston bombings, what intelligence did the FBI share with domestic law enforcement offices, including through interagency, state or local fusion centers, regarding information gathered on Mr. Tsarnaev? What information, if any, did the FBI receive on Mr. Tsarnaev from other domestic law enforcement agencies, including through the fusion centers, during that time period? Please identify the agencies that provided information on Mr. Tsarnaev to the FBI.
7. From 2011 to 2013, prior to the Boston bombings, what specific intelligence information did the FBI share with the Commonwealth Fusion Center (CFC) and the Boston Regional Intelligence Center (BRIC) regarding intelligence gathered on Mr. Tsarnaev? What specific intelligence information, if any, did the FBI receive on Mr. Tsarnaev through the CFC and the BRIC?
8. Please describe any shortfalls, missteps, or complaints received by the FBI with respect to how the FBI did, or did not, share information or intelligence [redacted] about Mr. Tsarnaev with other domestic law enforcement agencies in connection with the Boston bombing. Please describe any steps the FBI plans to take to strengthen its counterterrorism information sharing with other domestic law enforcement agencies.

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If you or any of your staff have any questions, please contact [redacted]
 [redacted] Permanent Subcommittee on Investigations, at [redacted] Thank you for your
 cooperation and attention to this important matter.

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Sincerely,



John McCain
 Ranking Minority Member
 Permanent Subcommittee on Investigations



Carl Levin
 Chairman
 Permanent Subcommittee on Investigations



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

October 29, 2013

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-17-2016 BY F22M45K35 NSICG

Honorable Carl Levin
Chairman
Permanent Subcommittee on Investigations
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Honorable John McCain
Ranking Member
Permanent Subcommittee on Investigations
Committee on Homeland Security and
Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Levin and Ranking Member McCain:

This is in response to your letter dated July 12, 2013 and in furtherance of conversations with Subcommittee staff. We appreciate the Subcommittee's interest in information sharing between the FBI and our foreign and domestic partners.

[redacted] we provided the Committee with copies of [redacted]
[redacted] regarding Tamerlan [redacted] Tsarnaev that predate the April 15, 2013 Boston Marathon bombing. In addition, we provided the [redacted] documenting the FBI's response to the information provided [redacted] We have confirmed with your staff that they have been provided access to these documents. We note that your letter seeks only nonclassified information. We are limited in our ability to provide an unclassified response given that the questions go directly to the nature of our relationship and interaction with a foreign intelligence service in addition to our interactions with our domestic partners. Further dissemination restrictions placed on these documents are determined by the originator of the information which in this instance [redacted]

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Consistent with prior public statements, in early 2011 [redacted]
[redacted] The request stated that it was based on information that he was a follower of radical Islam and a strong believer, and that he had changed drastically since 2010 as he prepared to leave the United States for travel to join unspecified underground groups. In response to this request, the FBI checked U.S.

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Honorable Carl Levin and Honorable John McCain

Government databases and other information to look for such things as derogatory telephone communications, possible use of online sites associated with the promotion of radical activity, associations with other persons of interest, travel history and plans and education history. The FBI also interviewed Tamerlan Tsarnaev and family members. The FBI did not find any terrorism activity, domestic or foreign, and those results were provided to [redacted] in the summer of 2011. The FBI requested, but did not receive, more specific or additional information [redacted]. Many state and local departments have representatives who are full-time members of the Joint Terrorism Task Force squad that conducted the assessment of Tamerlan Tsarnaev and had access to the information described above through [redacted].

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We appreciate your continued support of the FBI and its mission. If you have questions concerning this or another matter, please contact our office at [redacted].

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Sincerely,


Stephen D. Kelly
Assistant Director
Office of Congressional Affairs