



PREVENTING ANOTHER BOSTON MARATHON BOMBING

Reviewing the Lessons Learned from the 2013 Terror Attack

HOUSE HOMELAND SECURITY COMMITTEE [REPORT](#)

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON HOMELAND SECURITY
REP. MICHAEL McCAUL, CHAIRMAN

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EXECUTIVE SUMMARY

In March 2014, the Committee on Homeland Security completed its investigation of the Boston Marathon bombing, which occurred on April 15, 2013, and released a report entitled “The Road to Boston: Counterterrorism Challenges and Lessons from the Marathon Bombings”. The report identified four key areas needing improvement and issued seven recommendations to help strengthen the Federal government’s counterterrorism efforts.

Since the report was released the Committee has continued to monitor the progress of the Federal government in closing the gaps that contributed to the tragic events in Boston. The Committee has actively exercised its oversight responsibility, and engaged with the Executive Branch, State and local officials, and outside experts in a robust dialogue to monitor progress in the four areas identified for improvement, which include:

Key Areas of Improvement

- Cooperation between Federal and local law enforcement can be improved
- Policy surrounding the use of travel records and the screening of international travelers can be refined
- There is room for more thorough information sharing with regard to various terror/travel watch lists at the federal level
- Over the long-term, more sophisticated efforts are required to mitigate terrorist threats

In this report, the Committee will provide our impressions on the interagency’s efforts to address the issues listed above, and will detail what we have learned with respect to progress made toward several of our specific recommendations.

The Committee is pleased to note that since the report was released, the Federal government, particularly the Department of Homeland Security (DHS), Federal Bureau of Investigation (FBI), and the National Counterterrorism Center (NCTC), have taken specific actions to address each of the four areas outlined in the initial report. This report explores some of those changes, but also details areas where further improvements can and should be made. Finally, in this report the Committee offers some additional recommendations based on its discussions with stakeholders at the Federal, State and local level that it hopes will build on the progress already made in addressing the areas of concern identified in the 2014 report.

As part of this review, Committee staff traveled to New York City, Austin and Boston to learn how State and local law enforcement agencies participating on Federal Joint Terrorism Task Forces (JTTF) viewed their relationships with their Federal partners in the aftermath of Boston, and how the Committee’s report recommendations had been implemented.

Staff met with representatives from the following law enforcement agencies and fusion centers:

- New York City Police Department (NYPD)
- Austin Police Department (APD)
- Texas Department of Public Safety (TxDPS)
- University of Texas at Austin Police Department
- Massachusetts State Police (MSP)
- Boston Police Department (BPD)
- Austin Regional Intelligence Center (ARIC)
- Boston Regional Intelligence Center (BRIC)

The feedback provided by State and local agencies pertaining to information sharing within the JTTF and relationships with DHS, the FBI, and other federal agencies following the Boston Marathon bombing indicated that positive progress had been made. The Committee commends the efforts of DHS Secretary Johnson, FBI Director Comey, NCTC Director Rasmussen, and their agencies leadership in the field for the time they have invested to strengthen relationships with State and local partners. This commitment has had a notable effect on making State and local agencies feel that they are trusted, valued partners in the fight against terrorism.

While the progress made since the Boston Marathon bombing appears to have had an effect on enhancing collaboration on counterterrorism investigations, the Committee remains concerned about the continued reliance of personal relationships for information sharing in the field. Throughout the Committee's follow-up, State and local law enforcement articulated their concern about the rate of rotational leadership changes at FBI and DHS field offices, and the effect they could have on cooperation in their region. Several of the Committee's additional recommendations seek to institutionalize structures for facilitating information sharing that can serve as a complement to the personal relationships that exist between organizations.

DHS, NCTC the FBI, and their partners must explore ways to share information with their State and local partners that go beyond traditional briefings, to ensure that pertinent information is disseminated to all the relevant consumers within the State or local organizations. The Committee looks forward to working with DHS, FBI and NCTC to identify ways to make information from closed threat assessments and preliminary investigations accessible to State and local partners for analysis based on their authorities and investigative priorities.¹

When properly trained and informed, State and local law enforcement officers, analysts, and first responders can be a powerful force multiplier to Federal counterterrorism efforts. Now more

¹ Several partners in this Committee's review have acknowledged the utility of this effort, while raising the need for necessary privacy protections with regard to US persons. The Committee agrees, and is committed to helping the interagency build an information sharing system that is both effective and respects the privacy and civil liberties of Americans.

than ever, as the threat from terrorism shifts from sophisticated global plots to small groups of Islamist extremists, radicalized on the internet, the Federal government must find ways to maximize the unique knowledge and relationships that State and local agencies have with their communities, to ensure it has a holistic view of the threat environment.

Since its creation more than a decade ago, the Committee on Homeland Security has worked to oversee and strengthen the nation's counterterrorism programs and policies. It is the Committee's duty to continually assess the government's strengths and weaknesses in counterterrorism – measuring both success and failure. The Committee aims to provide the necessary oversight and guidance to address any deficiencies, and to work with those agencies to ensure the United States homeland is secure. We owe that cooperation and commitment to the victims of the Boston Marathon bombing and their families. The Committee will continue to emphasize information sharing between Federal, State and local agencies, and will monitor DHS and the FBI's progress during the 114th Congress. We stand ready to partner with DHS and the FBI to further strengthen their counterterrorism and homeland security missions to ensure that Americans remain safe.

MICHAEL T. McCAUL
Chairman
Committee on Homeland Security

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SECTION I: COOPERATION BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT CAN BE IMPROVED

Recommendation 1:

Greater information sharing with local law enforcement, and expanded access to the classified Guardian system at State and local fusion centers

The Committee's first recommendation addressed a troubling gap exposed by the Boston Marathon bombing in the relationship between State and local law enforcement, and their Federal law enforcement and intelligence partners on counterterrorism investigations. The Committee's report identified areas where Boston and Massachusetts State law enforcement agencies should have been better informed by the Boston JTTF and other Federal agencies about information collected on the Tsarnaev brothers. The Committee is also aware of the perception that Federal agencies do not always share pertinent investigative information with their State and local partners. While there are justifiable legal guidelines that limit the distribution of sensitive and classified information in some cases, the Federal government's lack of transparency, and poor communication with its partners, has contributed to this perception, and degraded the level of trust between organizations crucial to successfully conducting complex joint investigations.

Based on its discussions with State and local agencies, the Committee believes that work is being done to actively close this gap. Officials in Boston and Austin reported that the current Federal leadership in both cities, particularly at the JTTF and the FBI, had increased their level of engagement with State and local agencies since the Boston Marathon bombing, as exhibited by two recent developments:

1. *Quarterly Executive Briefings:* FBI Field Office JTTF leadership brief priority counterterrorism cases to executives from State and local law enforcement agencies participating on the JTTF.
2. *Weekly Case Scrubs:* State and local agencies also provided positive feedback about weekly "scrubs" of active counterterrorism investigations conducted by JTTF supervisors with JTTF personnel. Agency leadership indicated that all open cases were discussed at this meeting.

Recommendation 1-1:

The Quarterly Executive Briefings and Weekly Case Scrubs should be institutionalized at all JTTFs nationwide. The Committee urges the FBI to brief closed investigations and

assessments at these meetings so that State and local partners are fully aware of the status of all JTTF investigations within their jurisdiction.

Throughout this review, the Committee found that both law enforcement officials and outside experts shared our view that these improvements need to be institutionalized. State and local leaders consistently registered their concern that due to leadership turnover, future FBI and JTTF executives may have different views about working with State and local law enforcement, which could lead to a degradation of information sharing.

A recently published report by Business Executives for National Security (BENS) titled, “Domestic Security: Confronting a Changing Threat to Ensure Public Safety and Civil Liberties” further confirmed the Committee’s findings on improving cooperation, and recommended that JTTF’s should be directed by the FBI to “Notify in real time their State and local partners of the status of current terrorism cases within the jurisdiction of those partners.”² The Committee agrees that this thoughtful recommendation should be further explored with the FBI.

Recommendation 1-2:

DHS and the FBI should continue to evaluate structures to formalize the methods and protocols for disseminating intelligence to relevant consumers up and downstream.

Guardian Access and Training

In the 2014 report, the Committee recommended expanding access to the Guardian system, which “serves as the primary database for setting leads to other Field Offices and JTTFs to open new terrorism related assessments of investigations”³.

As the Committee recommended, the BENS report also endorses expanding access to counterterrorism databases, adding that the “FBI and DHS should encourage access to classified counterterrorism information systems by appropriate security-cleared State and local personnel without the need for on-site presence of FBI or DHS personnel.”⁴

While it is not the FBI’s responsibility to search databases for State and local law enforcement, it is the Bureau’s responsibility to ensure that Task Force Officers (TFOs)⁵ are adequately trained

² Business Executives for National Security (BENS) “Domestic Security: Confronting a Changing Threat to Ensure Public Safety and Civil Liberties”, January 2015

³ Hon. William H. Webster, Douglas E. Winter, Adrian L. Steel, Jr. William M. Baker, Russell J. Bruemmer, and Kenneth L. Wainstein, “Final Report of the William H. Webster Commission of the Federal Bureau of Investigation, Counterterrorism Intelligence, and the Events at Fort Hood, Texas, on November 5, 2009,” *the William H. Webster Commission*, July 19, 2012. (Available at: <http://www.fbi.gov/news/pressrel/press-releases/judge-webster-delivers-webster-commission-report-on-fort-hood>)

⁴ Business Executives for National Security (BENS) “Domestic Security: Confronting a Changing Threat to Ensure Public Safety and Civil Liberties”, January 2015

⁵ A Task Force is a collaborative effort between federal, State and local law enforcement, designed to target a particular criminal activity including terrorism, and often in a particular geographical area.

to leverage the Guardian database. The Committee understands that JTTF TFOs undergo two weeks of training at the FBI Academy where they receive Guardian training.

Recommendation 1-3:

Survey TFOs after the training, and annually conduct a brief check of their proficiency and level of confidence using Guardian. The FBI and its JTTF partners should also examine how TFOs use Guardian compared to FBI Agents assigned to the JTTF.

While the FBI has correctly pointed out that TFOs have full access to the classified Guardian system, and are free to search the database at anytime, the Committee believes that performing Guardian queries on behalf of his or her agency is at best a secondary priority for a TFO, whose job is to conduct multiple active, open investigations in a case agent or co-case agent capacity. Analysts are far better suited and trained for this work. Providing analysts assigned to a Fusion Center, or to the State or local agency, access to limited, unclassified information on pending and closed JTTF investigations through eGuardian or a separate system would significantly reduce the risk that potentially pertinent information from open and closed cases, or assessments are reviewed by a State or local agency, and do not slip through the cracks.

The FBI told the Committee that no information regarding the 2011 assessment of Tamerlan Tsarnaev was ever placed into eGuardian.⁶ The FBI stated that current authorities prevented it from doing so.

Most terrorism related information that is presently shared between State and locals and the JTTF flows upstream to the federal partners. The Suspicious Activity Report (SAR) program is primarily designed to inform the JTTF and federal terrorism investigations. As we have learned from the Boston Marathon bombing there is value to having information from Federal terrorism assessments and investigations available for analysis at the State and local level. Using the Tsarnaev case as a model, the Committee believes that derogatory information provided by a foreign partner would constitute information that should be populated into eGuardian.

Recommendation 1-4:

The Committee believes that an enterprise tool, such as eGuardian, or another database that contains limited information on closed JTTF cases and assessments, should be accessible for analysis by State and local law enforcement, and fusion centers. The benefits could be numerous:

- It improves State and local officials' knowledge of the threat picture within their jurisdictions;
- Decision makers have more information to determine whether to open investigations, consistent with their authorities and priorities; and

⁶ FBI Brief to Committee on Homeland Security Staff, March 17, 2015

- The quality of information flowing to federal partners is enhanced by further connecting derogatory information obtained at the local level to a terrorism investigation or assessment.

Measuring Information Sharing

In a briefing to Committee staff, the FBI explained that its Performance Appraisal Reports (PARs) for senior leadership at its Field Offices includes a rating for information sharing with partners. The FBI explained that much of the information used to evaluate senior leadership and grade them in this area is obtained through its Office of Partner Engagement.⁷

Recommendation 1-5:

The fact that the FBI is rating its Assistant Directors in Charge (ADICs), Special Agents-in-Charge (SACs) and Assistant Special Agents-in-Charge (ASACs) on information sharing with State and local partners indicates the serious level of attention this matter is receiving at the FBI. The Committee recommends that the FBI ask its partners to complete brief surveys that capture the partner’s views of the current information sharing relationship in a quantitative format that can be statistically analyzed and compared across the entire FBI. The Office of Partner Engagement could then conduct outreach to agencies where surveys returned low scores, and develop best practices where the relationship is found to be mutually advantageous to both sides.

Homeland Security Information Network (HSIN)

In follow up sessions with State and local fusion centers in Austin and Boston, Committee staff heard a number of comments about the user-friendliness, and the lack of information posted to HSIN⁸ by DHS Component agencies. A number of agencies attributed the lack of information on the HSIN-Intel network to over-classification issues. Since many law enforcement agencies and fusion centers have limited personnel with Top-Secret level clearances, they are not able to view potentially relevant products.

DHS responded to this feedback in a letter to the Committee where it stated that it continues to increase information sharing through the Intelligence Community of Interest, to include: “targeted outreach to build DHS Component-specific Network webpages, identifying DHS Component points of contact responsible for managing these webpages and posting products,

⁷ Ibid

⁸ The Homeland Security Information Network (HSIN) is the trusted network for homeland security mission operations to share Sensitive But Unclassified information. Federal, State, Local, Territorial, Tribal, International and Private Sector homeland security partners use HSIN to manage operations, analyze data, send alerts and notices, and in general, share the information they need to do their jobs

and providing tutorials on how to use and upload products. Recent platform improvements, including the creation of ‘partner product pages’, along with single sign-on relationships with key State and location information systems like the Regional Information Sharing System (RISS), have enhanced our ability to share information.”⁹

While this is encouraging, the Committee is concerned, by the following statement in the letter: “While the Community of Interest represents an important means to share products and information with fusion centers, it is important to recognize that some DHS Components also leverage other platforms or mechanisms to share this information in accordance with their product handling and dissemination policies.”¹⁰

Recommendation 1-6:

DHS needs to develop the proper incentives and hold all Components accountable for ensuring that the HSIN network is the primary DHS portal for sharing relevant sensitive but unclassified information with State and local authorities.

The Committee will remain engaged with DHS to ensure that HSIN is fully leveraged by the Department and its Components, and matures into the trusted network that State, local, tribal and territorial (SLTT) partners can rely on to manage homeland security related operations. The Committee will also conduct oversight going forward to ensure the Department is doing its best to de-classify information through the use of tear-lines and other methods so that action can be taken at the State and local level.

Recommendation 2:

The Memoranda of Understandings (MOU) between the Joint Terrorism Task Forces (JTTF) and State and local entities should be amended to allow for sharing information with State and local law enforcement without seeking supervisor approval. Equally important, leadership of all law agencies on the JTTFs should constantly encourage collaboration and sharing between members

In our initial report, the Committee identified the MOU between the FBI and partner agencies with personnel assigned to JTTFs as contributing to Boston JTTF TFO’s reluctance to share information with their parent agencies. The Committee recommended amending the MOU to encourage information sharing with State and local law enforcement by clarifying the supervisory approval process. The BENS report contained a similar recommendation further confirming the Committee’s recommendation to amend the FBI’s MOU with State, local, tribal and territorial agencies governing information sharing.¹¹

⁹ Department of Homeland Security letter to U.S. House of Representatives Committee on Homeland Security, December 12, 2014

¹⁰ Ibid

¹¹ Ibid

In a June 29, 2014 letter to the Committee, the FBI stated that, “in response to input from our partners, we revised the language in the MOU and reiterated to each of our Assistant Directors and Special Agents in Charge (SACs) that the provision of the MOU that requires a supervisor’s approval for the dissemination of information is not meant to discourage the sharing of information.”¹² In a footnote to that statement, the FBI wrote, “The revised MOU language makes clear that Supervisory Special Agent approval to share FBI held information applies to both FBI Agents and TFOs. This requirement exists to ensure compliance with requirements including FISA minimization rules, protection of sources and methods, and the need to prevent inappropriate disclosure of information originating and controlled by other intelligence services.”¹³ Many agencies that the Committee spoke with in Boston and Austin were unaware of any changes to the MOU, and some reported to the Committee as of August 2014 that no change to the MOU had been made. As the FBI recently clarified, these changes are reflected in new MOUs being executed going forward, but that they were not revising or re-executing existing MOUs with partners unless it was requested by the partner agency. Representatives of the FBI insisted that the Bureau is fully prepared and willing to re-execute existing MOUs with any agency interested in doing so to reflect these changes.¹⁴

Recommendation 2-1:

The Committee strongly encourages all State and local law enforcement agencies and Federal agencies with personnel assigned to FBI JTTFs to consider re-executing their MOUs in order to institutionalize the progress it has made enhancing and standardizing information sharing with State and local partners across all the JTTFs.

Additionally, the FBI also sent an Electronic Communication (EC) to its Field Offices articulating as it reported to the Committee, that the spirit of the MOU is not meant to discourage sharing. In a brief to Committee staff, the FBI explained to the Committee that Director Comey and Deputy Director Giuliano have repeatedly instructed ADICs and SACs to ensure that this message is conveyed to their State and local partners at every Field Office.

Recommendation 2-2:

While the Committee notes the progress the FBI has made in collaborating with State and local agencies, and appreciates its willingness to re-execute the MOU, the FBI should take proactive steps to communicate to all its partners about the opportunity to re-execute the MOU. The Committee will continue to survey State and local agencies to obtain their views on the state of their information sharing relationship with the JTTF as part of its oversight responsibilities – and encourage them to re-execute their MOU if it is useful and feasible from a resource perspective.

¹² Stephen Kelly, Assistant Director, FBI Office of Congressional Affairs, letter to U.S. House of Representatives Committee on Homeland Security, June 29, 2014

¹³ Ibid

¹⁴ FBI Brief to Committee on Homeland Security Staff, March 17, 2015

SECTION II: POLICY SURROUNDING THE USE OF TRAVEL RECORDS AND THE SCREENING OF INTERNATIONAL TRAVELERS CAN BE REFINED

As noted in the Committee's Report, Customs and Border Protection's (CBP) failed to place Tamerlan Tsarnaev into secondary screening upon exiting and re-entering the United States. Additionally, it is unclear as to whether a CBP JTTF Task Force Officer notified the FBI Agent who had conducted the Tamerlan Tsarnaev assessment regarding his travel. These incidents are frustrating examples of unclear policies regarding travel records potentially contributing to catastrophe. Related to these policy concerns, the Committee also expressed concern with the vacancies in leadership positions at CBP, as an impediment to CBP's ability to evolve into a more agile and effective agency. The Committee notes that since the report was issued, R. Gil Kerlikowske was confirmed by the Senate on March 6, 2014 to be the new Commissioner of U.S. Customs and Border Protection.

Recommendation 3:

The records of each traveler of concern should be properly screened

In a letter to the Committee dated July 18, 2014 Secretary Johnson addressed the Report's third recommendation, "Secondary Examinations", stating that, "in April 2013 DHS' U.S. Customs and Border Protection (CBP) had updated its policy and corresponding guidance to stress the importance of continual monitoring and review to ensure prompt identification of high risk travelers departing the United States to promote timely coordination of examinations. Additionally, in June 2013, CBP implemented system enhancements to refine the identification of potential high risk travelers and facilitate review of the associated derogatory information."¹⁵

With regards to notifications of travel, DHS informed the Committee that it had implemented a policy requiring CBP JTTF officers to pass notifications to JTTF Case Agents via federal email systems.¹⁶ This is an improvement to the previous process. However, many agencies the Committee met with recommended further enhancing the system to fully automate the process, and mitigate the possibility of human error to ensure important data does not fall through the cracks.

The Committee is pleased to note that DHS has reported that CBP and the FBI are in the process of concluding an interagency agreement to automatically correlate FBI-provided subject data with CBP travel records, and that the correlation will generate an automated notification to both

¹⁵ Secretary Jeh Charles Johnson, Letter to the Honorable Michael T. McCaul, Chairman, U.S. House of Representatives Committee on Homeland Security, July 18, 2014

¹⁶ Secretary Jeh Charles Johnson, Letter to the Honorable Michael T. McCaul, Chairman, U.S. House of Representatives Committee on Homeland Security, December 12, 2014

the FBI and CBP when international travel into or out of the country is identified for these subjects.¹⁷ The Committee has requested that DHS notifies the Committee when this agreement is completed, and provide details on how it will be implemented.

Recommendation 4:

The sharing of alerts and notifications should be documented electronically among members of the JTTFs and within member agencies

A number of State and local agencies asked for greater access to TECs, the law enforcement system used by CBP, so they would not be dependent on a single CBP point of contact to pass relevant inbound and outbound traveler data. DHS addressed this feedback and stated that, “State and local law enforcement agencies can receive relevant information from federal agencies that have access to the TECS system, such as U.S. Immigration and Customs Enforcement (ICE). Direct access to TECS is limited to ensure system integrity is maintained.”¹⁸ The Committee will continue to solicit feedback from State, local, tribal and territorial (SLTT) agencies on the need for direct access to TECS, and work with DHS as it completes its TECS modernization project, to ensure that a process exists for agencies to log requests for alerts and receive notifications in a timely manner when necessary.

SECTION III: THERE IS ROOM FOR INFORMATION SHARING WITH REGARD TO VARIOUS TERROR TRAVEL WATCH LISTS AT THE FEDERAL LEVEL

Recommendation 5:

The Committee recommends agencies provide all the information available to them in their nominations to terror watch lists and other databases

In its initial report, the Committee noted that inaccurate and incomplete data in the Terrorist Screening Database (TSDB) contributed to missed opportunities to engage with Tamerlan Tsarnaev when he traveled to Russia, and later returned to the U.S. The Committee is pleased to note that NCTC detailed a number of steps that have been taken by the U.S. Intelligence Community to implement the Committee’s recommendations.¹⁹

In its letter, NCTC described the progress that has been made to ensure that all relevant agencies comply with NCTC’s requirements for sponsoring agencies to include all identifying information in their nominations, and set the requirement that a third-party agency with information on an individual in the TSDB proactively share corrections or additional information as they become

¹⁷ Ibid

¹⁸ Ibid

¹⁹ NCTC classified letter to U.S. House of Representatives Committee on Homeland Security, August, 25 2014

available. The Committee is encouraged by this development and will continue to review its implementation.

SECTION IV: OVER THE LONG TERM MORE SOPHISTICATED EFFORTS ARE REQUIRED TO MITIGATE TERRORIST THREATS

Recommendation 6:

Efforts to educate the public on the terrorist threat (such as the See Something, Say Something campaign) need to be refined and evaluated

As the Committee's report pointed out, it was not until Tamerlan Tsarnaev's fingerprints were scanned nearly three and a half days after the marathon bombing that the identity of the attackers became known to authorities, nine hours after pictures of the suspects had been publicly distributed by the FBI in a plea for assistance. In that time, no associate of Tamerlan or Dzhokhar Tsarnaev identified them to the authorities. Had someone who knew either of the Tsarnaevs stepped forward and contacted police, MIT Police Officer Sean Collier might be alive today.

As this Committee has often highlighted, the public can be a powerful ally in identifying potential terrorist activity. Law enforcement's ability to build a strong partnership with the public, based on trust and transparency is crucial to obtaining information that will prevent violent attacks like Boston in the future. In order for the community to assist in preventing terrorist attacks, it is incumbent upon the federal government to provide the public with mechanisms to facilitate communication with law enforcement and to educate them on the threat posed by homegrown violent extremists.

The Committee reviewed efforts that DHS has taken to enhance its "If You See Something, Say Something" campaign. Shortly before the attack in Boston, the National Consortium for the Study of Terrorism and Responses to Terrorism (START) at the DHS Center of Excellence located at the University of Maryland released a report that found that 56% of the country had never heard of the campaign.²⁰ In a letter to the Committee, DHS reported that the campaign had added eight states as full partners, bringing the total to 32 states, and those 70 new partnerships with local city and county governments had been established. DHS also reported that it was planning to promote the campaign with students using social media as they returned to school in the fall.²¹

²⁰ National Consortium for the Study of Terrorism and Responses to Terrorism, "U.S. Attitudes Toward Terrorism and Counterterrorism", April 11, 2013, available at: http://www.start.umd.edu/sites/default/files/files/publications/research_briefs/START_USAttitudesTowardTerrorismandCounterterrorism_ResearchBrief_March2013.pdf

²¹ Secretary Jeh Charles Johnson, Letter to the Honorable Michael T. McCaul, Chairman, U.S. House of Representatives Committee on Homeland Security, July 18, 2014

Feedback from State and local agencies about “See Something, Say Something” was generally positive, and there was widespread agreement that the potential of the program was substantial. Agencies did raise a concern that the program was limited to one point of contact for the public per local jurisdiction or statewide (i.e. a local 911 system). In a letter to the Committee in December 2014, Secretary Johnson stated that, “The campaign works with each partner to determine a proper reporting mechanism for the public, which is listed on the materials created specifically for each partner. Should any additional reporting mechanisms be established by our partners, the campaign will update or create new materials for the partner at any time they request.”²²

Recommendation 6-1:

DHS should re-communicate and conduct outreach with State and local entities to review and expand the number of outlets, if necessary, available to the public to provide information.

In its report, the Committee also recommended evaluating the efficacy of DHS’ Countering Violent Extremism (CVE) strategy.²³ Boston authorities acknowledged taking part in DHS’ sponsored Building Communities of Trust roundtable, and that it was a valuable event. They recommended conducting additional events, and expanding the participant list to include a broader array of represented groups.

A number of sources Committee staff spoke with commented on the need for DHS and the federal government to expand outreach efforts beyond the groups with whom the FBI or DHS traditionally engage.

In a response to this feedback, DHS reported that the Building Communities of Trust initiative has been implemented in over 15 urban areas across the Nation, and that more roundtables were planned for fiscal year 2015.²⁴

The Department also stated that it is working with a broad range of government and civilian partners to counter violent extremism, and that supporting communities and local law enforcement through collaboration, information sharing, and outreach efforts such as the “See Something, Say Something” and the Building Communities of Trust program were essential to this effort. DHS stated that it aims to enhance incident preparedness through a “whole community” approach by providing training, products and resources to a broad range of stakeholders on issues such as terrorism and violent extremism.²⁵

²² Secretary Jeh Charles Johnson, Letter to the Honorable Michael T. McCaul, Chairman, U.S. House of Representatives Committee on Homeland Security, December 12, 2014

²³ The Committee is currently engaged in a separate review of the CVE efforts across the federal government, and will provide a more detailed discussion of some of these issues when the results of that effort become available.

²⁴ Secretary Jeh Charles Johnson, Letter to the Honorable Michael T. McCaul, Chairman, U.S. House of Representatives Committee on Homeland Security, December 12, 2014

²⁵ Ibid

DHS remarked that it has, “designed an approach to counter violent extremism that applies to all forms of violent extremism, regardless of ideology, which focuses on preventing violent attacks, and that it is working with communities to challenge violent extremist narratives used to recruit young Americans.”²⁶

Recommendation 6-2:

The Committee agrees that it is important to acknowledge a diverse and evolving threat landscape, but that particular emphasis should be placed on countering violent Islamist extremism – the ideology behind the Boston Marathon bombing as well as numerous other attacks in the United States Homeland, and also behind the rise of the Islamic State of Iraq and Syria (ISIS) and al Qaeda.

The Committee was encouraged to learn that in the wake of the Boston Marathon bombing, and the increased flow of foreign terrorist fighters to Syria, the Department has created a more targeted plan aimed at expanding engagement to relevant groups and communities.²⁷ DHS stated that it had developed a specific set of tools to engage with stakeholders while highlighting the relevant threats to their communities. DHS has cooperated with the National Counterterrorism Center to develop and implement a number of CVE initiatives including the Community Awareness Briefing, which is designed to share unclassified information with communities regarding the threat of violent extremism, and the Development of Community Resiliency exercise series which consists of half-day exercises to improve communication between law enforcement and communities.²⁸

According to the Department, it has evolved its CVE strategy over recent months to become a more comprehensive prevention model that allows it to work with communities and recognize at-risk individuals before violent extremism takes root. A pilot program has been developed that encourages local partners to develop mechanisms for engaging various resources including the private sector and social service providers.²⁹

The Committee is eager to continue its oversight of these and other CVE programs, and to help develop the most effective programs possible to keep the Homeland secure.

Recommendation 7:

Continually finding new ways to proactively improve our homeland security

The Committee’s final recommendation in its 2014 report – that “investigators, analysts, intelligence and law enforcement professionals, and all those charged with guarding the nation’s security continually find new ways to proactively improve our homeland security” – is among the most important for the long-term national security of the United States, but also recognized

²⁶ Ibid

²⁷ The Committee continues to examine the details of this and related efforts as part of its separate review of Federal CVE efforts.

²⁸ Secretary Jeh Charles Johnson, Letter to the Honorable Michael T. McCaul, Chairman, U.S. House of Representatives Committee on Homeland Security, December 12, 2014

²⁹ Ibid

as the most challenging to implement. While there is still significant progress to be made in meeting this goal, the Committee is encouraged by the work of the current leadership at DHS, the FBI, and NCTC to tackle this challenge. Each has expressed support for greater transparency and worked with the Committee on multiple issues, demonstrating a renewed willingness to identify and mitigate weaknesses. As one small example, FBI Director Comey testified before the Committee on September 17, 2014. This hearing also included testimony from Secretary of Homeland Security Jeh Johnson and NCTC Director Olsen, and was the first time in the Committee's history that the Bureau's Director had provided formal testimony for an oversight hearing. Events like these serve to demonstrate the partnership between this Committee and the stakeholder agencies spearheading our nation's counterterrorism efforts.

CONCLUSION

As terrorism has evolved since 9/11, intelligence and law enforcement agencies at the Federal, State and local levels need to constantly evaluate and improve their efforts to investigate and mitigate threats. The statement by the FBI's Assistant Director for Counterterrorism at a February 2015 Committee on Homeland Security hearing regarding the number of foreign fighters leaving the U.S. and Europe to join the fight in Syria and Iraq illustrated the challenge facing the government. "We don't have it under control," said Assistant Director Mr. Michael Steinback, "Absolutely, we're doing the best we can. If I were to say that we had it under control, then I would say I know of every single individual traveling. I don't. And I don't know every person there and I don't know everyone coming back. So it's not even close to being under control."³⁰

The threat to the Homeland from abroad and from homegrown self-inspired radicals calls for agility, and strengthening the web of relationships that exists between State, local and Federal partners to form a nationwide enterprise where State and locals collaborate and complement Federal counterterrorism capacity. The Committee is pleased with the progress that has been made since the Boston Marathon tragedy. It will continue its robust oversight of the information sharing process to ensure gaps are addressed as this dynamic threat changes. It stands ready to partner with the Executive Branch to ensure the requisite agencies have the authorities they need to carry out this critical mission.

³⁰ FBI AD Michael Steinback, testifying before the Committee on Homeland Security, February 11, 2015