

United States Senate
WASHINGTON, DC 20510

October 21, 2024

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
Department of Justice

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation

Dear Attorney General Garland and Director Wray:

On October 10, 2024, I wrote to the Federal Bureau of Investigation (FBI) regarding Nasir Ahmad Tawhedi, an Afghan national with ties to the Islamic State of Iraq and Syria (ISIS).¹ Tawhedi was arrested on October 7, 2024, after law enforcement discovered his plans to carry out an Election Day terrorist attack on behalf of ISIS.² According to the Department of Justice (DOJ), prior to his arrest, on September 9, 2021, Tawhedi arrived in the United States as part of Operation Allies Refuge (OAR) and Operation Allies Welcome (OAW).³ As you are aware, I've raised serious concerns about the Biden-Harris Administration's failure to properly vet Afghan evacuees and the FBI's improper classification of the data relating to the assessments and investigation of these individuals—concerns which have unfortunately gone unanswered and still remain.⁴

¹ Letter from Sen. Charles E. Grassley, Ranking Member, Senate Budget Committee, to the Honorable Christopher Wray, Director, Federal Bureau of Investigation (Oct. 10, 2024), https://www.grassley.senate.gov/imo/media/doc/grassley_to_fbi_-_tawhedi.pdf.

² *United States v. Tawhedi*, M-27-760-SM (W.D. Okla. 2024) at 1, <https://www.documentcloud.org/documents/25196610-usa-v-tawhedi>; Louis Casiano, *David Spunt, Afghan man in Oklahoma plotted Election Day terror attack in US on behalf of ISIS, Justice Department says*, FOX NEWS (Oct. 8, 2024), <https://www.foxnews.com/us/afghan-man-oklahoma-plotted-election-day-terror-attack-us-isis-justice-department-says>.

³ *United States v. Tawhedi*, *supra* note 2 at 6; Casiano and Spunt, *supra* note 2; John Solomon and Misty Severi, *Biden-Harris team was flagged for weak vetting of Afghan refugees, now one is charged in terror plot*, JUSTTHENews (Oct. 8, 2024), <https://justthenews.com/government/security/biden-harris-team-was-flagged-weak-vetting-afghan-refugees-now-one-charged>.

⁴ Letter from Sen. Charles E. Grassley, *supra* note 1; Senator Charles E. Grassley, *Watchdog Report Corroborates Grassley Oversight of DHS, FBI Failures to Properly Vet Afghan Evacuees*, NEWS RELEASES (July 1, 2024), <https://www.grassley.senate.gov/news/news-releases/watchdog-report-corroborates-grassley-oversight-of-dhs-fbi-failures-to-properly-vet-afghan-evacuees#:~:text=Watchdog%20Report%20Corroborates%20Grassley%20Oversight%20of%20DHS,%20FBI>; Senator Charles E. Grassley, *Grassley & Judiciary Committee Colleagues Introduce Bill to Protect Afghan Allies*, NEWS RELEASES (July 21, 2023), <https://www.grassley.senate.gov/news/news-releases/grassley-and-judiciary-committee-colleagues-introduce-bill-to-protect-afghan-allies>; Senator Charles E. Grassley, *Grassley Joins Thune, Risch, Colleagues to Introduce Bill to Release Afghanistan Dissent Cable*, NEWS RELEASES (May 12, 2023), <https://www.grassley.senate.gov/news/news-releases/grassley-joins-thune-risch-colleagues-to-introduce-bill-to-release-afghanistan-dissent-cable>; Senator Charles E. Grassley, *Grassley: Americans Deserve to Know How FBI Is Addressing Afghan Evacuee Vetting Failures*, NEWS RELEASES (Sep. 21, 2022), <https://www.grassley.senate.gov/news/news-releases/grassley-americans-deserve-to-know-how-fbi-is-addressing-afghan-evacuee-vetting-failures>; Senator Charles E. Grassley, *Grassley Statement on DHS Inspector General Finding Deficiencies with*

In my October 10, 2024, letter to the FBI, I asked questions related to the investigative steps FBI, DHS, and any other government agencies, took to vet and investigate Tawhedi.⁵ Specifically, I asked:

Did any U.S. government agency, to include FBI and DHS, vet and investigate Nasir Ahmed Tawhedi before his entry into the United States? Provide a detailed description, including all dates of contact, entry, and review, and all records. In your answer, list each database the government used to vet and investigate Tawhedi prior to his entry into the United States.⁶

Recently, my office obtained a version of Tawhedi's unclassified I-94 Arrival/Departure Record.⁷ The document notes that Tawhedi "populated the Operation Allies Welcome (OAW) arrival hotlist" on August 26, 2024.⁸ The document notes that derogatory information on Tawhedi was referred to Homeland Security Investigations (HSI) around that time.⁹ The document also notes that Tawhedi's visa class is "OPERATION ALLIES REFUGE (PORT OF

Vetting of Afghan Parolees, NEWS RELEASES (Sep. 7, 2022), <https://www.grassley.senate.gov/news/news-releases/grassley-statement-on-dhs-inspector-general-finding-deficiencies-with-vetting-of-afghan-parolees>; Senator Charles E. Grassley, *Senators Seek Transparency on Flagged Afghan Evacuees Amid Ongoing Concerns of Vetting, Security Failures*, NEWS RELEASES (Aug. 22, 2022), <https://www.grassley.senate.gov/news/news-releases/senators-seek-transparency-on-flagged-afghan-evacuees-amid-ongoing-concerns-of-vetting-security-failures>; Oversight of the Federal Bureau of Investigation: Hearing before the U.S. Senate Committee on the Judiciary, 117th Cong. (2022), <https://www.judiciary.senate.gov/committee-activity/hearings/08/04/2022/oversight-of-the-federal-bureau-of-investigation>; Senator Charles E. Grassley, *Grassley Statement at FBI Oversight Hearing – Prepared Opening Statement by Senator Chuck Grassley of Iowa*, REMARKS (Aug. 4, 2022), <https://www.grassley.senate.gov/news/remarks/grassley-statement-at-fbi-oversight-hearing>; Senator Charles E. Grassley, *Grassley, Portman, Inhofe Demand Update from FBI on Afghan Evacuees Flagged for Security Concerns, Denounce DHS' Continued Failure to Use All Vetting Tools*, NEWS RELEASES (May 27, 2022), <https://www.grassley.senate.gov/news/news-releases/grassley-portman-inhofe-demand-update-from-fbi-on-afghan-evacuees-flagged-for-security-concerns-denounce-dhs-continued-failure-to-use-all-vetting-tools>; Senator Charles E. Grassley, *Grassley Statement on Watchdog Warnings about Deficient Vetting of Afghan Evacuees*, NEWS RELEASES (Feb. 17, 2022), <https://www.grassley.senate.gov/news/news-releases/grassley-statement-on-watchdog-warnings-about-deficient-vetting-of-afghan-evacuees>; Senator Charles E. Grassley, *Portman, Grassley, Shelby, Risch, Inhofe & Capito Request Biden Administration Provide Overdue Report on Composition & Vetting of Afghan Evacuees*, NEWS RELEASES (Dec. 22, 2021), <https://www.grassley.senate.gov/news/news-releases/portman-grassley-shelby-risch-inhofe-and-capito-request-biden-administration-provide-overdue-report-on-composition-vetting-of-afghan-evacuees>; Senator Charles E. Grassley, *State Dept. AWOL as Americans, Allies Remain Stranded in Afghanistan*, REMARKS (Oct. 28, 2021), <https://www.grassley.senate.gov/news/remarks/state-dept-awol-as-americans-allies-remain-stranded-in-afghanistan>; Senator Charles E. Grassley, *Grassley on Afghanistan Collapse through the Lens of the Inspector General – Prepared Floors Remarks by U.S. Senator Chuck Grassley of Iowa*, REMARKS (Sep. 27, 2021), <https://www.grassley.senate.gov/news/remarks/grassley-on-afghanistan-collapse-through-the-lens-of-the-inspector-general>; Senator Charles E. Grassley, *Grassley Presses Justice Dept., FBI on Terrorist Travel after Afghanistan Withdrawal*, NEWS RELEASES (Sep. 27, 2021), <https://www.grassley.senate.gov/news/news-releases/grassley-presses-justice-dept-fbi-on-terrorist-travel-after-afghanistan-withdrawal>; Senator Charles E. Grassley, *Grassley on President Biden's Afghanistan Failures – Prepared Floor Remarks by U.S. Senator Chuck Grassley of Iowa*, REMARKS (Sep. 15, 2021), <https://www.grassley.senate.gov/news/remarks/grassley-on-president-bidens-afghanistan-failures>; Senator Charles E. Grassley, *Grassley to Biden Admin: Don't Let Bad Actors Take Advantage of Chaotic Afghanistan Withdrawal*, NEWS RELEASES (Aug. 31, 2021), <https://www.grassley.senate.gov/news/news-releases/grassley-to-biden-admin-dont-let-bad-actors-take-advantage-of-chaotic-afghanistan-withdrawal>; Senator Charles E. Grassley, *Grassley Statement on Afghanistan*, NEWS RELEASES (Aug. 26, 2021), <https://www.grassley.senate.gov/news/news-releases/grassley-statement-on-afghanistan>.

⁵ Letter from Sen. Charles E. Grassley, *supra* note 1.

⁶ *Id.*

⁷ I-94 Arrival/Departure Record, on File with Committee Staff.

⁸ *Id.*

⁹ *Id.*

ENTRY PAROLE – (OAR)) (OAR)).”¹⁰ Recent reporting also states that Tawhedi was never approved for a special immigrant visa and was “not well known” to the United States at the time of his entry.¹¹ The sworn FBI affidavit in support of the DOJ complaint stated, “Tawhedi entered the United States on September 9, 2021, on a special immigrant visa and is currently on parole status pending adjudication of his immigration proceedings.”¹²

I welcome additional explanation from your agency to better understand what steps have been taken to vet and verify the facts and details contained in the affidavit and complaint. For Congress to conduct independent oversight, provide a response to the following questions no later than November 4, 2024:

1. Provide answers and all responsive records from my October 10, 2024, letter to the FBI.¹³
2. What derogatory information was found on Tawhedi and his reported co-conspirator? How and when was that information discovered and when was the FBI notified? Provide all records, including information from the Terrorist Screening Data Set, relating to Tawhedi and his co-conspirator.
3. The I-94 record shows that derogatory information was first found on Tawhedi between August 26, 2024, and August 29, 2024, and was “referred” on August 29. Is that accurate?
4. The I-94 record says that Tawhedi entered the United States as part of OAR and given parole. Is that accurate?
5. The I-94 record says that Tawhedi populated the OAW arrival hotlist for the first time on August 26, 2024. Is that accurate? What caused his placement on the hotlist? Provide all records.
6. Provide all records, including intelligence records, related to the investigation of Tawhedi and his co-conspirator.

¹⁰ *Id.*

¹¹ Jacqui Heinrich, Bill Melugin, & Chris Pandolfo, *Afghan National Accused in Terror Plot Was Not Vetted for SIV Status, Despite Past Biden Admin Claims*, FOX NEWS (Oct. 16, 2024), <https://www.foxnews.com/politics/afghan-national-accused-terror-plot-not-vetted-siv-status-despite-past-biden-admin-claims>. (“Officials now acknowledge Tawhedi was never vetted or approved for special immigrant (SIV) status, a thorough State Department process which can take years to complete. The State Department has maintained all along it had no role in Tawhedi’s refugee status, despite what a DHS case agent told investigators – leading to its inaccurate mention in the DOJ criminal complaint. Last week, Biden administration officials defended the error, explaining that Tawhedi first entered the country on DHS humanitarian parole – which had its own vetting process – but later applied for SIV status, subjecting him to another round of vetting which he also cleared. Those same officials now admit that claim was wrong, and Tawhedi was never vetted or approved for SIV.”)

¹² *United States v. Tawehdi*, *supra* note 2 at 6.

¹³ “Records” include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether they resulted in final documents).

7. Provide all communications and investigative material between the FBI and HSI in the Tawhedi matter.
8. What facts did the DOJ and FBI possess when it represented to the court and public that Tawhedi entered on a special immigrant visa? Please explain in detail and provide all records.
9. Did Tawhedi or his co-conspirator attempt or actually recruit other Afghan evacuees that were part of OAW or OAR? If so, please provide a list of those individuals' names and immigration status.
10. On September 5, 2024, I asked DHS and other agencies whether additional protective measures have been taken to protect current and former government officials from foreign threats. Is the DOJ and/or FBI aware of any threats that Tawhedi or his co-conspirator posed to current or former government officials? If so, provide all records relating to those threats and explain whether they've been communicated to the Secret Service and other relevant agencies.
11. Is the DOJ and/or FBI aware of any ties between and among Tawhedi, his co-conspirator, and foreign governments, to include intelligence services? If so, please explain in detail.

In keeping with Executive Order 13526, please segregate all unclassified materials within the classified documents, and provide all unclassified information directly to the committee, and provide a classified addendum to the Office of Senate Security. Although the committee complies with all laws and regulations governing the handling of classified information, it is not bound, absent its prior agreement, by any handling restrictions.

Thank you for your prompt review and response. In addition to answering the questions, please schedule a briefing with my staff on the Tawhedi matter. A classified briefing can be arranged, if necessary. If you have any questions, please contact Tucker Akin on my Committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley
Ranking Member
Committee on the Budget