



Department of Justice

STATEMENT OF

**JILL C. TYSON
ASSISTANT DIRECTOR
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**SUBCOMMITTEE ON GOVERNMENT OPERATIONS
COMMITTEE ON OVERSIGHT AND REFORM
U.S. HOUSE OF REPRESENTATIVES**

AT A HEARING ENTITLED

DOCUMENT PRODUCTION STATUS UPDATE: OPM, FBI, AND GSA

PRESENTED

JUNE 27, 2019

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INTRODUCTION

Good morning, Chairman Connolly, Ranking Member Meadows, and Members of the Subcommittee. My name is Jill C. Tyson, and I am an Assistant Director of the Federal Bureau of Investigation (“FBI”). I oversee the FBI’s Office of Congressional Affairs, and I manage a dedicated team of agents, attorneys, and professional staff. I am pleased to be here today representing the nearly 37,000 dedicated men and women of the FBI.

This statement will provide a brief history of the FBI Headquarters project and address the FBI’s ongoing responsiveness to this Committee’s requests for information. In particular, I am prepared to discuss the FBI’s ongoing engagement with the Committee and our continued efforts to produce documents responsive to the Committee’s March 6, 2019, letter requesting information surrounding the decision to remain at our current Headquarters location: 935 Pennsylvania Avenue Northwest, Washington, D.C. 20535. The FBI values the important role of congressional oversight and appreciates the opportunity to work with the Committee on this important issue.

FBI HEADQUARTERS PROJECT

Prior to addressing the Committee’s requests for information, it is important to provide a brief history of the FBI’s need for a new Headquarters building.

The FBI Headquarters building has been deteriorating for some time, perpetuating the need for updated facilities. In Fiscal Year (“FY”) 2014, the FBI and the General Services Administration (“GSA”) decided to pursue the construction of a new FBI facility on a suburban campus. This procurement was canceled in July 2017, however, because the FY 2017

Consolidated Appropriations Act, P.L. 115-31 (May 5, 2017), did not provide the funding necessary for GSA and the FBI to move forward with the project. When the project was passed over during the FY 2017 appropriations process, the lack of guaranteed funding led GSA and the FBI to conclude that it was in the government's best interest to cancel the procurement.

After the cancellation, in August 2017, Director Wray, as the newly confirmed FBI Director, was able to approach the FBI Headquarters project anew. At that time, the FBI considered locations in Maryland, Virginia, and the District of Columbia, including its current location at 935 Pennsylvania Avenue. Based on reviews of available data and an evaluation of relevant FBI equities, the FBI determined that remaining on Pennsylvania Avenue was in the agency's best interest and began looking at options to renovate the existing building or construct a new building. By December 2017, the FBI was considering a phased renovation project, but it was ultimately determined that renovation was untenable and that the FBI would need to construct a new building to remain at its existing location.

Director Wray has continued to emphasize that it is the FBI's preference to remain on Pennsylvania Avenue. On April 4, 2019, the Director testified before the House Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, stating that this decision balances overall FBI mission requirements and provides critical benefits. These benefits include: providing improved security; preserving optimal transportation options for FBI personnel; maintaining close proximity to our partners and public visitors; and offering the ability to consolidate the FBI's National Capital Region footprint into a single, state-of-the-art facility.

OVERSIGHT

The FBI recognizes the important role of congressional oversight. As Director Wray and Attorney General Barr have stated, the FBI and the Department of Justice are committed to accommodating the Committee's informational needs, consistent with our law enforcement, national security, and prosecutorial responsibilities. The FBI appreciates that oversight is a critical underpinning of the legislative process, and we recognize that it can shed valuable light on the FBI's operations and responsible stewardship of taxpayer dollars.

Consistent with the value we place on the role of congressional oversight, over the past six months, the FBI has testified at nine congressional hearings and participated in over 80 briefings. The FBI has also responded to numerous congressional letters, requests for information, and oversight requests. In every instance, we strive to provide Congress with as much information as possible without compromising our law enforcement and national security efforts, as well as our investigative and prosecutorial responsibilities. In addition to these sensitivities, the FBI also has an obligation to protect certain Executive Branch institutional interests, including the confidentiality of attorney-client communications, attorney work product, and internal deliberations. In certain circumstances, the FBI must also consider the privacy interests implicated in revealing non-SES employee identities. This is important given the nature

of the FBI's work, because revealing identities could put employees at risk. We are, nonetheless, committed to working in good faith to accommodate the Committee's legitimate oversight interests. We hope that the Committee will likewise continue to engage in good faith with the FBI in a manner that recognizes these important law enforcement and confidentiality interests.

The FBI acknowledges that it is sometimes difficult when interests and prerogatives of the Legislative and Executive branches come into potential conflict. This is why the Constitution envisions, and the Court of Appeals for the D.C. Circuit has recognized, that the branches will engage in a process of accommodation to avoid such conflicts. Such an approach to responding to the Committee's requests — attempting to balance and accommodate the respective interests of the coordinate branches — is wholly consistent with and, indeed, part of the give and take that the Constitution demands as the Court explained decades ago in the seminal oversight case of *United States v. AT&T co.*, 567 F.2d 121 (D.C. Cir. 1977). This longstanding approach is nonpartisan — administrations of both parties have relied upon it for decades and it has been supported by top Department officials, both Democrats and Republicans alike.

FBI RESPONSIVENESS TO COMMITTEE REQUESTS

Consistent with this longstanding and well-accepted accommodations process, the FBI has already taken significant steps to work in good faith to accommodate the Committee's oversight interests in this particular matter by providing access to FBI subject matter experts, briefing Committee staff, and producing relevant documents, as detailed below. The FBI has dedicated additional agents, attorneys, and professional staff to work on the Committee's requests and support the document review and production process.

As the Committee is aware, the FBI worked closely with its partners as the FBI Headquarters project developed and evolved. We continue to work with them to respond to the Committee's requests for documents and information. The FBI has produced over 1,300 pages of substantive, responsive documents to-date, with a goal of producing documents on a bi-monthly, rolling basis. Those documents have included information about the FBI headquarters project, such as: agency communications; information about relevant meetings; and documents pertaining to the decision to demolish and rebuild the FBI Headquarters on Pennsylvania Avenue, to include, alternative site surveys, proposed building designs, the FBI's 21st Century Facilities Plan, cost and security considerations, and funding and appropriations considerations integral to the project.

In early May 2019, the FBI provided the Committee a substantive briefing on the FBI Headquarters project by a subject matter expert who was deeply involved with and knowledgeable of it. Additionally, in response to the Committee's specific request for a transcribed interview of the FBI Assistant Director who led the project, the FBI has offered to make that Assistant Director available for an interview in July 2019, and has apprised the Committee that it is actively preparing the witness on the assumption the Committee will

schedule the interview. As we have offered previously, the FBI is willing to provide additional briefings, to work with the Committee to help focus and prioritize the information and material it seeks, and to answer remaining questions in our ongoing effort to accommodate the Committee's requests for information.

CONCLUSION

In conclusion, the FBI and the Department of Justice recognize that congressional oversight is an important part of our system of government. We remain optimistic that by working together cooperatively, we will be able to satisfy the Committee's oversight interests in this matter while also safeguarding the independence, integrity, and effectiveness of the FBI's vital law enforcement efforts. The FBI stands ready to continue this accommodations process to ensure that the Committee has the information it needs to perform effective oversight. I would be happy to answer the Committee's questions. Thank you.