



Department of Justice

STATEMENT OF

**CHRISTOPHER DUNHAM
ACTING ASSISTANT DIRECTOR
OFFICE OF CONGRESSIONAL AFFAIRS
FEDERAL BUREAU OF INVESTIGATION**

BEFORE THE

**SUBCOMMITTEE ON RESPONSIVENESS AND ACCOUNTABILITY TO OVERSIGHT
COMMITTEE ON THE JUDICIARY
UNITED STATES HOUSE OF REPRESENTATIVES**

AT A HEARING ENTITLED

“COMPLIANCE WITH COMMITTEE OVERSIGHT”

PRESENTED

MARCH 29, 2023

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Good afternoon, Chairman Cline, Ranking Member Swalwell, and distinguished Members of the Subcommittee. I appreciate the opportunity to appear before you today to discuss the efforts of the Federal Bureau of Investigation (FBI) to respond to information requests from the Committee on the Judiciary (Committee) since the beginning of the 118th Congress.

I am the Acting Assistant Director for the FBI’s Office of Congressional Affairs (OCA). OCA is the FBI’s primary liaison to Congress and plays a key role in communicating with lawmakers about FBI activities. OCA’s mission is to enhance congressional confidence in the FBI, including through the disclosure of information about the mission, accomplishments, operations, and values of the organization and by interacting directly with the FBI’s congressional oversight committees, Members, and staff.

The FBI recognizes the important role of congressional oversight. As Director Wray and Attorney General Garland have stated, the FBI and the Department of Justice (Department) are committed to accommodating Congress’ informational needs, consistent with our law enforcement, national security, and prosecutorial responsibilities and the Executive Branch’s confidentiality interests. 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, since 2021, the FBI has testified at 32 congressional hearings and participated in hundreds of Member and staff briefings—including more than 30 separate briefings and three hearings before this Committee alone. The FBI has also produced thousands of pages of documents responsive to congressional requests, and responded to numerous congressional letters, requests for information, and other oversight requests. By virtue of the FBI’s law enforcement and intelligence responsibilities, we work closely with multiple congressional committees of jurisdiction. This includes, for instance, both House and Senate committees who oversee the Intelligence Community as well as committees like this one, who oversee the Department. Our relationship with Congress, and particularly with the eight primary House and Senate committees that

oversee FBI funding and operations, is essential to the success of the FBI, its continued growth and enhancement, and ultimately its mission.

In every instance, we strive to provide Congress with information to support its legislative needs 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 other Executive Branch institutional interests, including the confidentiality of attorney-client communications, attorney work product, and internal deliberations. The FBI must also consider the privacy and safety interests implicated in revealing the identities of our dedicated line agents and personnel. This is important given the nature of the FBI's work, because revealing certain identities could put employees at risk. With those considerations in mind, we are committed to working in good faith to accommodate the Committee's oversight interests. We hope that the Committee will likewise engage in good faith with the FBI in a manner that recognizes these important law enforcement and confidentiality interests.

We understand the purview of this Subcommittee is to oversee the responsiveness of agencies to the Committee's oversight requests. Since the beginning of the 118th Congress in January, the Committee has sent six letters and one subpoena to the FBI identifying well over 50 informational requests across 11 different topics, as well as requests for 19 transcribed interviews. As drafted, your requests implicate the records of potentially thousands of FBI employees.

The FBI is complying with the Committee's requests voluntarily and in good faith consistent with the accommodation process. So that we may continue making progress toward satisfying your informational needs promptly and efficiently, we have treated the subpoena as reflecting the Committee's prioritization among your many different requests.¹

Since the start of the 118th congress the FBI has provided the Committee with ten responses on nine separate topics, including substantive narrative responses that provide critical context on the subjects of the Committee's various requests. We have also produced nearly 900 pages of documents in response to the Committee's information requests. We are also engaged and actively responding to your other requests, including working to supplement our initial responses, as we identify additional responsive documents. In addition, the FBI authorized the appearance of a former FBI senior official for a transcribed interview in February. To better inform the Committee's oversight requests, we have also offered several briefings related to FBI policy and process.

Committee staff recently indicated that the Committee is prioritizing—in addition to today's hearing—the scheduling of transcribed witness interviews. That scheduling is underway, and the FBI is working with Committee staff to provide multiple requested witnesses for transcribed interviews in the next several weeks. We look forward to continued engagement with the Committee, especially to discuss additional ways to prioritize the Committee's many additional requests in light of our available resources and the Committee's interests.

¹ The Committee's January 17, 2023, letter to Director Wray and its appendix of "Outstanding Oversight Requests," which we had understood to catalogue the Committee's initial oversight priorities for the FBI, did not include requests for documents regarding the Attorney General's October 4, 2021 memorandum regarding violent threats against school officials and teachers (Schoolboard Memorandum). We received a subpoena for information related to the Schoolboard Memorandum on February 3, 2023, and have since provided nearly 400 pages of documents and a narrative response.

The FBI remains optimistic that, by working cooperatively, we will be able to satisfy the Committee's legislative needs while also safeguarding the independence, integrity, and effectiveness of our vital law enforcement efforts. The FBI stands ready to continue its efforts to accommodate the Committee's information needs, consistent with the constitutionally mandated accommodations process and decades of precedent. Thank you again for the opportunity to testify. I would be happy to answer your questions.