

United States Senate

WASHINGTON, DC 20510

September 20, 2018

The Honorable Michael Horowitz
Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Mr. Horowitz,

We write today to request that you initiate an audit of the recent decision by the General Services Administration (GSA), made at the request of the Federal Bureau of Investigation (FBI), to rescind a long-studied proposal for consolidation of the FBI Headquarters. Specifically, we ask that you examine the extent to which President Trump and the White House were involved in the abrupt decision to reverse course on plans for the FBI consolidation project, and whether that involvement was appropriate.

In 2011, the Government Accountability Office (GAO) issued a report stating “the FBI’s headquarters facilities—the Hoover Building and the headquarters annexes—do not fully support the FBI’s long-term security, space, and building condition requirements.” In response, the GSA and the FBI conducted a thorough review of FBI’s facility needs.

Many resources have been devoted over the last decade to this project for which there is consensus that the FBI’s existing Headquarters building is in serious disrepair and must be replaced. Despite reaching significant milestones in this process, earlier this year, the GSA reversed course and revised its plan for the FBI Headquarters consolidation project. This announcement was met with much confusion and skepticism.^[1]

In reaction to this reversal, and the issuance of a revised FBI Headquarters consolidation plan, the GSA Inspector General (IG), Carol Ochoa, reviewed the GSA’s decision-making process. The IG’s review^[2] found^[3] that GSA Administrator Emily Murphy’s testimony before the House Financial Services and General Government Appropriations Subcommittee “was incomplete and may have left the misleading impression that she had no discussions with White House officials in the decision-making process about the project.”^[4] In addition, the IG found discrepancies in the cost comparisons between previous cost estimates and the revised plan for consolidation, concluding that officials are greatly underestimating the cost of keeping the headquarters in the District. Specifically, the GSA excluded the \$750 million value for the J. Edgar Hoover Building

^[1] <http://www.baltimoresun.com/news/maryland/politics/bs-md-fbi-headquarters-20170710-story.html>

^[2] <https://www.gsaig.gov/content/review-gsa%E2%80%99s-revised-plan-federal-bureau-investigation-headquarters-consolidation-project>

^[3] https://www.washingtonpost.com/local/inspector-general-report-trump-involved-in-fbi-hq-decision/2018/08/27/e89f0812-aa41-11e8-9a7d-cd30504ff902_story.html?utm_term=.3667c4fae80a

^[4] <https://www.nytimes.com/aponline/2018/08/27/us/ap-us-fbi-headquarters.html>

exchange in its total shortfall calculation, and did not acknowledge the \$65,000 per person increase associated with rebuilding in a new location.

In light of the IG's findings, we believe it is critical that your office conduct an investigation into the decision-making process the FBI used to produce the revised plan for consolidation of the FBI Headquarters, as well as the extent to which influence from or communications with the White House impacted this process. Specifically, we request your office assess the following:

1. The detailed process the FBI followed to determine, over a matter of months, that rebuilding in place at the J. Edgar Hoover Building was preferable to its original plan to move to a consolidated campus.
2. How the new plan accounts for prior documentation outlining unresolvable security deficiencies at the J. Edgar Hoover Building. The GAO highlighted these issues in its November 2011 report, "Actions Needed to Document Security Decisions and Address Issues with Condition of Headquarters Buildings".^[5] In response to that report, the FBI agreed and wrote: "[T]he operations impact of a fragmented workforce located at multiple sites across a wide geographic area is the FBI's primary concern and is the driving force behind our urgency of finding a long term resolution to this situation. . . . The FBI's current headquarters is both inefficient and expensive. The inadequate design of the J. Edgar Hoover Building does not support an agile workforce in the 21st Century. This poor design coupled with the redundancies and the inefficiency associated with 22 separate locations, 3,092,654 Rentable Square Feet (RSF), costing \$170 million annually in rent and operating expenses support the need for a new FBI headquarters."
3. Whether the cost justifications provided support the revised plan.
4. The sequence of events that led to the current state of affairs, beginning, with the issuance of the GSA prospectus in 2016.
5. The origin of the revised plan at the FBI:
 - o Who was involved in the decision to reverse course?
 - o Did the proposal to remain at the current FBI location emanate from or was influenced by entities outside the FBI or the Department of Justice? If so, who, when, and in what manner?
 - o Who first brought forward the idea to keep the FBI Headquarters at its current location, and when and under what circumstances?
6. Whether the Director or any Department of Justice or FBI official received direction or suggestions from the President of the United States or senior White House staff with regard to this project. If so, who? What was the specific direction or suggestion?
7. Whether the FBI participated in the preparation for Ms. Murphy's testimony regarding this project. If so, which staff participated and what counsel did they provide?
8. Whether the testimony of Mr. Richard L. Haley, II, Assistant Director, FBI Finance Division, to Congress on February 28, 2018 was complete, accurate, and transparent.

It is our hope that these questions can begin to provide transparency on the decision-making process for the consolidation of the FBI Headquarters. The process is rife with inconsistencies


^[5] <https://www.gao.gov/new.items/d1296.pdf>

and questions, and raises concern that there is a coordinated effort to conceal facts or mislead members of Congress. For these reasons, we request that your office conduct a thorough investigation. If you have any questions regarding this request, please contact Michal Freedhoff and Kenneth Martin on the Environment and Public Works Committee staff at 202-224-8832.


Thank you for your consideration of this request.


Sincerely,

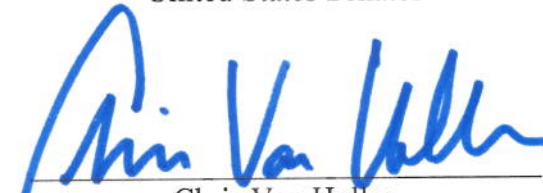

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