



**U.S. Department of Justice**

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535-0001

October 12, 2023

The Honorable Robin Carnahan  
Administrator  
General Services Administration  
1800 F Street, NW  
Washington, D.C. 20405

Dear Administrator Carnahan:

The FBI has reviewed your September 29, 2023, letter regarding the new FBI headquarters site selection process. As we have consistently stated, the FBI is committed to moving forward to the next phase of the headquarters project provided the selection process is fair, transparent, and adheres to the site selection plan published in July 2023. However, the FBI continues to have concerns that the new headquarters selection process has not met those criteria. The FBI cannot accept a site selection decision with these unresolved concerns.

The FBI's September 22, 2023, memorandum and follow-up questions submitted to your team described in detail our concerns and need for additional clarification regarding the site selection process. GSA provided two draft versions of the site selection decision document, along with a briefing of the decision. These three iterations of communication to the FBI conveyed, at times, different explanations and rationales for how key components of the site selection decision were considered. The intent of our questions on September 22 was to receive your feedback on our concerns and to clarify how exactly site selection decisions were made given the differing explanations provided to date. The FBI still seeks your responses to several of our questions. For the areas where GSA did respond, the FBI has continued concerns.

The FBI acknowledges the site selection plan provides the Site Selection Authority (SSA) the ability "to consider any and all information in making a decision, including the full record of the Panel but also information, data, or other materials not considered or evaluated by the Panel." However, this does not provide the SSA with carte blanche authority to ignore key elements of the site selection plan, to include the directive that "subcriteria are of equal importance."

The FBI acknowledges that the site selection plan provides the SSA significant authority to "select the site which is most advantageous to the government, regardless of the recommendation provided by the panel." The FBI does not question the SSA's authority to come to a different conclusion than the panel. We do, however, have concerns regarding whether this authority was appropriately exercised given the number of key areas of substantive disagreement between the unanimous panel recommendation and the SSA. Moreover, every time the SSA disagreed with the panel's unanimous rating of the Greenbelt site, the SSA increased the score for Greenbelt.

The Honorable Robin Carnahan

By itself, this is not inherently problematic if sufficient justification were provided to explain why these numerous, consistently one-directional changes were applied. However, first, as noted, the justifications offered for those changes have been both varied and insufficient; and second, as you know, the Greenbelt parcel of land is owned by the Washington Metropolitan Area Transit Authority (WMATA), which was the SSA's employer until July 2, 2021. Taken together, these flaws fatally undermine confidence in the selection process.

The FBI appreciates the additional context you provided regarding your authorization of the Public Buildings Service (PBS) Commissioner, who serves as the SSA, to participate in the FBI headquarters project given her previous role serving as Vice President of Real Estate and Parking for WMATA. The explanation you provided is important clarification regarding GSA's ethics review process and your commitment to follow all ethics laws and regulations. However, the PBS Commissioner did not merely participate in day-to-day leadership of the project as the ethics review appeared to contemplate at the time it rendered its view. As the SSA, at least according to GSA, the SSA was later granted overarching power to select the site without adhering to the recommendation of the unanimous panel and with limitless ability to decide when outside information should and should not be considered in making the site selection decision. Particularly under this view of the SSA's limitless authority, the SSA must avoid any appearance of a lack of impartiality or the presence of a conflict of interest. But the SSA's previous employment by an interested party creates just such questions, especially when combined with the last-minute decision to name the politically-appointed PBS Commissioner as SSA in July 2023.

To be clear, we are not suggesting a lack of integrity by the PBS Commissioner. However, for a project of this magnitude and significance, where the unimpeachability of the selection process is of vital importance, the SSA simply should not have previous, direct affiliation with one of the parties of this procurement.

The FBI remains committed to moving forward with this project, in partnership with GSA, irrespective of the site chosen, provided a fair and transparent process is followed that is consistent with the site selection plan. To this end, the FBI requests GSA expeditiously select a new SSA to re-run the site selection decision process. We defer to GSA's judgment on selecting the SSA with the appropriate real estate site selection expertise. Of paramount concern to the FBI is that the SSA have no previous affiliation to the Greenbelt, Landover, or Springfield sites to prevent any appearance of a conflict of interest. The SSA should also be wholly independent and detached from the many months of ongoing internal deliberations of this project to ensure the appropriate level of objectivity and neutrality.

Thank you for your continued partnership. We look forward to selecting a site – in a manner above reproach – that best supports the hardworking men and women of the FBI and their service to the American people.

Sincerely,



Christopher A. Wray  
Director