

United States Senate
WASHINGTON, DC 20510

November 1, 2018

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, DC 20535

Dear Director Wray:

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

In 2011, the Government Accountability Office 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, GSA and the FBI conducted a thorough review of the facility needs of the FBI and recommended that the FBI headquarters be moved to a new location within the National Capital Region.¹

Many resources have been devoted over the last decade to this project. There is consensus that the existing structure is in serious disrepair and must be replaced. Despite reaching significant milestones in this process, earlier this year, GSA reversed course and revised its plan for the FBI headquarters project. This announcement was met with much confusion and skepticism.²

In reaction to this reversal and the submittal of a revised plan, the GSA Inspector General conducted a review of GSA’s decision-making process regarding the revised plan for the FBI headquarters project. The resulting review³ included alarming findings,⁴ such as the determination⁵ that GSA Administrator Emily Murphy’s testimony before the House Financial Services and General Government Appropriations Subcommittee “was incomplete and may have

¹ <https://www.gsa.gov/about-us/regions/welcome-to-the-national-capital-region-11/buildings-and-facilities/development-projects/fbi-headquarters-consolidation>

² <http://www.baltimoresun.com/news/maryland/politics/bs-md-fbi-headquarters-20170710-story.html>

³ <https://www.gsaig.gov/content/review-gsa%E2%80%99s-revised-plan-federal-bureau-investigation-headquarters-consolidation-project>

⁴ 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

⁵ <https://www.nytimes.com/aponline/2018/08/27/us/ap-us-fbi-headquarters.html>

left the misleading impression that she had no discussions with White House officials in the decision-making process about the project.” In addition, the Inspector General 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, GSA excluded the \$750 million value for the J. Edgar Hoover (JEH) Building exchange in its total shortfall calculation, and did not acknowledge the \$65,000 per person increase associated with the rebuild. On September 20, 2018, we sent a letter to the Inspector General at the Department of Justice asking him to “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.”⁶

More recently, the New York Times reported on extensive White House involvement in the decision to cancel the plan to move the FBI building and rebuild on the same site.⁷ On that same day, documents were released that indicated that President Trump was directly involved with the decision to abandon the old plan and instead move ahead with a more expensive proposal to construct a new building on the same site, “and thereby prevent Trump Hotel competitors from acquiring the land.”⁸ These new documents show that top GSA officials promised to “hold our ground” on this proposal “per the President’s instructions.”

In light of the GSA Inspector General’s findings and other evidence indicating potentially inappropriate involvement by the White House, we believe it is critical that you provide us with information regarding the process used at the FBI that resulted in the new plan, as well as the extent to which influence from or communications with the White House impacted this process. Specifically, we request your office please provide us with responses to the following:

1. Please describe the decision-making process or protocol the FBI followed in connection with the FBI headquarters project. Please provide us with all documents relied upon in connection with the FBI headquarters project. Please provide a copy of any and all documents evincing communications sent or received by any FBI employee regarding calculation or review of the costs associated with the rebuild plan.
2. Prior to your being sworn in as Director of the Federal Bureau of Investigation on August 2, 2017, did you or anyone at the FBI have any conversations or meetings with the White House, GSA, or representatives of the Trump Organization (or its businesses) about the FBI headquarters project? If so, please provide (a) the date, time, and location of the conversation or meeting, (b) the name and title of the participants, and (c) a detailed summary of the conversation or meeting. Please provide copies of any and all documents created in connection with each such conversation or meeting.

⁶ https://www.epw.senate.gov/public/_cache/files/f/8/f84d737c-58f8-4d94-82b4-d6d5081271d4/520734DB834CE12891FF58879856E0AA.9-20-18-fbi-hq-letter-doj-ig-audit-request.pdf

⁷ <https://www.nytimes.com/2018/10/18/us/politics/fbi-headquarters-building-trump.html>

⁸ <https://democrats-oversight.house.gov/news/press-releases/new-emails-and-photo-show-president-intervened-directly-in-decision-not-to-sell>

3. Please provide a copy of any and all documents evincing communications between anyone at the FBI and GSA Public Buildings Service Commissioner Dan Mathews, GSA Administrator Emily Murphy, White House Chief of Staff John Kelly, Office of Management and Budget Director Mick Mulvaney, and/or Deputy Attorney General Rod Rosenstein regarding the FBI headquarters project. For any phone calls or in-person meetings with these individuals, please provide (1) the name and title of the participants, and (2) a detailed summary of what was discussed.
4. According to the GSA Inspector General's report, on December 14, 2017, after meeting with the FBI, Commissioner Mathews emailed Administrator Murphy, stating: "There are several things coming out of this meeting we need to discuss. WH has been talking to FBI too."
 - a. Please provide (a) the date, time, and location of the conversation or meeting between Commissioner Mathews and the FBI, (b) the name and title of the participants, and (c) a detailed summary of the conversation or meeting.
 - b. Were you or any other FBI employee involved in communications with the White House on or prior to December 14, 2017 about the FBI headquarters project? Please provide copies of all documents evincing communications between the White House and FBI about the FBI headquarters project.
5. Please provide a copy of any and all documents evincing communications between GSA and the FBI regarding the FBI headquarters project.
6. According to the GSA Inspector General's report, on December 21, 2017, Commissioner Mathews received and passed on to Administrator Murphy a slide presentation from the FBI regarding renovation options for the Hoover Building. Please provide a copy of the referenced slide presentation and any other presentation created or obtained by the FBI about the FBI headquarters project, along with any accompanying additional documents.
7. According to the GSA Inspector General's report, on December 22, 2017, you called Administrator Murphy to inform her "of the FBI's interest in remaining at the existing site."
 - a. Please provide a detailed summary of this conversation.
 - b. Please provide a copy of any and all documents created in connection with this conversation.
8. According to the GSA Inspector General's report, on January 4, 2018, GSA and FBI officials met at the JEH building to discuss options for the FBI headquarters. That meeting was attended by you, GSA Associate Administrator P. Brennan Hart III, Administrator Murphy, Commissioner Mathews, then-FBI Associate Deputy Director David Bowdich, and the Unit Chief of the FBI's Headquarters Program.
 - a. Please provide a detailed summary of the discussion at the meeting, including

the topics of discussion and the speakers for each topic. Please state whether anyone at this meeting described communications with the White House or Trump Organization regarding the FBI headquarters project.

9. According to the GSA Inspector General's report, at some point between January 4 and January 24, you discussed the demolish-rebuild option with Administrator Murphy in a telephone call. According to Administrator Murphy, you "liked the plan," but had some reservations.
 - a. Please provide a copy of any and all documents created in connection with this conversation.
 - b. Please explain the "reservations" you had with the plan and provide any and all documents providing the basis for your concern.

10. According to the GSA Inspector General's report, Administrator Murphy told the Inspector General that as of January 23, 2018, GSA's recommendation was to demolish and rebuild at the JEH site with a ground lease-leaseback to finance the project. The FBI, according to Murphy, was developing an estimate for renovation. Please provide a copy of any and all documents related to the FBI's estimates for renovation.

11. According to the GSA Inspector General's report, on January 24, 2018, you attended a pair of meetings at the White House, first with Chief of Staff Kelly, Director Mulvaney, Deputy Attorney General Rosenstein, and Administrator Murphy, and the second with those officials and President Trump in the Oval Office. Administrator Murphy told the GSA Inspector General that Director Mulvaney requested the first meeting "to ensure that everyone was on the same page prior to meeting with the president."
 - a. For any documents created in connection with the January 24, 2018 meeting either before or after that meeting, please state: (1) who, specifically, requested that the document be created; (2) who contributed to the document; (3) and whether that document was shared with anyone at the White House. Please provide a copy of the relevant document.
 - b. Please provide a detailed summary of the questions and statements made during these meetings.
 - c. According to Administrator Murphy, during this meeting you reiterated your concern that if the FBI left the JEH building, it would not be able to return to the JEH site after the rebuild was completed. Please explain this concern in detail and provide any and all documents providing the basis for your concern.

12. According to the GSA Inspector General's report, GSA emails "reflect that GSA and FBI personnel who were involved with the project, but not in attendance at the meeting, also understood that the meeting had resulted in a decision or direction to move forward at the JEH site using a ground lease-leaseback funding mechanism." For example, in an e-mail sent on January 27, 2018 from then-GSA Associate

Administrator and Acting Chief of Staff P. Brennan Hart III to Commissioner Mathews, Hart states: “Ideally I think it would first recap the oval meeting with what POTUS directed everyone to do then ask Emily (GSA) to execute POTUS’s orders.”

- a. Please describe the President’s specific “orders” and “direction” referred to in Mr. Hart’s email described above.
 - b. Please provide a copy of any and all documents conveying the ground lease-leaseback plan to FBI personnel on or after January 24, 2018.
13. According to the GSA Inspector General’s report, on January 28, 2018, Commissioner Mathews emailed the Assistant Director of the FBI Finance Division, Rich Haley, stating: “Though I don’t see us conceding these two key points, GL LB [ground lease-leaseback] can be classified as an operating lease and demolish rebuild, as they are necessary to deliver the project the president wants on the timetable he wants it done.”
 - a. Please explain what is meant by “the project the president wants on the timetable he wants it done” as used in Mr. Hart’s email described above. What is the specific project the President wants completed? What is the timeline he ordered you to follow?
 - b. Please provide a copy of any and all documents showing specific details about the project and timeline ordered by the President.
14. According to the GSA Inspector General’s report, on April 17, 2018, Administrator Murphy failed to disclose the three White House meetings or White House involvement in response to question from a House Appropriations Subcommittee.
 - a. Did anyone within the White House, OMB, or the Department of Justice ask you or anyone else at the FBI not to disclose their involvement with the FBI headquarters project? If so, please provide (a) the date, time, and location of that conversation, and (b) a detailed summary of what was said and by whom.
 - b. Did you or anyone at the FBI speak with Mr. Mathews or Administrator Murphy regarding their testimony to Congress, either before or after the hearings? If so, please provide a detailed summary of those conversations.
15. According to the GSA Inspector General’s report, on June 15, 2018, you attended a second meeting with the President at the White House to discuss the FBI headquarters project.
 - a. Please provide a detailed summary of the discussion at the meeting, including the topics of discussion and the speakers for each topic. Please state whether Commissioner Mathews’ or Administrator Murphy’s testimony at their respective hearings was discussed during this meeting.
 - b. Please provide a copy of any and all documents evincing communications between you and anyone at the White House regarding scheduling this meeting or discussing its purpose.

- c. For any documents created in connection with the June 15, 2018 meeting either before or after that meeting, please state: (1) who, specifically, requested that the document be created; (2) who contributed to the document; (3) and whether that document was shared with anyone at the White House. Please provide a copy of the relevant document(s).
16. Did you or anyone else at the FBI have meetings or conversations with the White House about the FBI headquarters project after June 15, 2018? If so, please provide (a) the date, time, and location of the conversation, (b) the name and title of the participants, (c) a detailed summary of the conversation, and (d) any and all documents related to these meetings or conversations.
17. Have you or anyone else at the FBI ever had a conversation with the White House or the GSA about the GSA Inspector General investigation, the Report, or its findings? If so, please provide (a) the date, time, and location of the conversation, (b) the name and title of the participants, (c) a detailed summary of the conversation, and (d) any and all documents related to these meetings or conversations.
18. Has anyone within the White House ever asked you or anyone else at the FBI to assert a privilege in connection with your statements about the FBI headquarters project? If so, please provide (a) the date, time, and location of the conversation, (b) the name and title of the participants, (c) a detailed summary of the conversation, and (d) the purported basis for the privilege. Further, please provide a copy of any and all documents evincing communications between you or anyone else at the FBI and anyone at the White House about the assertion of privilege and the purported basis for that privilege in connection with this project.
19. On August 27, 2018, Senator McCaskill sent a letter to the GSA Inspector General asking, among other things, "how the GSA OIG incorporated comments from GSA and/or FBI into the final draft of the report." In the Inspector General's September 10 response, that office indicated that it asked the FBI for factual accuracy comments on information the FBI had provided to the GSA Inspector General in connection with its review. The FBI provided the GSA Inspector General with those comments on August 8, 2018. Further, it appears that the FBI provided comments orally on the draft report.
 - a. Please provide us with a copy of the written comments the FBI provided on August 8.
 - b. Please provide a detailed description of the oral comments the FBI provided upon reviewing the draft report, as well as the names of those who provided the comments. Please provide copies of any documents reflecting those comments.
20. As described above, it was recently reported that some years before Donald Trump became President of the United States, he "expressed interest in the FBI moving out

of its current headquarters so he could buy the land and redevelop the property.”⁹
Please provide a copy of any and all documents evincing communications between Donald Trump, the Trump organization, or Donald Trump’s representative, and the FBI about the FBI headquarters project.

21. On February 28, 2018, the Senate Committee on Environment and Public Works held its “Hearing on Oversight: FBI Headquarters Consolidation Project.”¹⁰ Following that hearing, several Committee Members sent Questions for the Record to the FBI on March 15, 2018. It has been more than seven months since that submission and the Committee still has not received responses from the FBI. Please provide those responses immediately.

For purposes of this letter, “documents” includes, but is not limited to, emails, correspondence, memos, emails, notes, comments, papers, faxes, photographs, and text messages.

Please provide us with responses within 30 days. If you or members of your staff 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,


Tom Carper
United States Senator


Benjamin L. Cardin
United States Senator


Sheldon Whitehouse
United States Senator


Mark R. Warner
United States Senator


Tim Kaine
United States Senator


Chris Van Hollen
United States Senator

⁹ <https://www.nytimes.com/reuters/2018/10/18/us/politics/18reuters-usa-trump-hotel.html>