

Written Statement of Elliot D. Doomes
Commissioner of the Public Buildings Service
of the U.S. General Services Administration
before the
Subcommittee on Economic Development, Public Buildings, and Emergency
Management of the Committee on Transportation and Infrastructure
“Ensuring Transparency in the Federal Government: An Examination of GSA’s Site Selection for
the FBI Headquarters.”
U.S. House of Representatives
Tuesday, December 12, 2023
10:00 am
Rayburn House Office Building, room 2167

Good morning, Chairman Perry, Ranking Member Titus, and distinguished Members of the Subcommittee. My name is Elliot Doomes, and I am the Commissioner of the Public Buildings Service (“PBS”) at the U.S. General Services Administration (“GSA”). I appreciate the Committee’s invitation to discuss GSA’s site selection for the Federal Bureau of Investigation (“FBI”) Headquarters suburban campus.

The Need for a New FBI Headquarters

The critical thing that brings us together today is the increasingly dire need for a new FBI Headquarters facility. The FBI has continuously occupied the J. Edgar Hoover Building (the “Hoover Building”) since 1974. As multiple studies have demonstrated, the U.S. Government Accountability Office (“GAO”) has reported, and many members and staff of this Committee have seen firsthand, the Hoover Building does not fully support the FBI’s long-term security, space, and building condition requirements; is not designed to meet the needs of today’s FBI; is nearing its life-cycle age; and is exhibiting signs of complete deterioration. As the FBI has said, they need a new headquarters to achieve significant cost savings and to better support the agency’s mission-critical activities and strategic priorities. The dispersion of FBI elements across multiple locations in the National Capital Region (“NCR”) has created significant challenges to effectively managing the FBI’s divisions and offices and impedes the FBI’s ability

to rapidly respond to ever changing threats. As GAO has highlighted, this was true at the start of the process examining the need for a new FBI building in 2011, and the issues have worsened since that time.

Project History

The history of the FBI Headquarters Consolidation project is complex and dates back more than 15 years spanning multiple Administrations. While the contours of the project have changed over time, since the beginning, GSA and FBI have been focused on replacing the aging Hoover Building and delivering a new state-of-the-art Headquarters that will best serve the FBI and the public for years to come.

Of most relevance to the current Congressionally-directed site selection process, I'd like to provide a brief overview of the timeline starting in January 2013, when GSA issued a Request for Information ("RFI") to garner feedback from members of the development community, local and state jurisdictions, and other interested parties regarding feasibility, issues, and considerations of a potential exchange transaction. The 38 responses to the RFI helped to inform GSA's strategic planning for the project. In November 2013, the RFI was followed by a Request for Expressions of Interest ("REOI") for sites within the region to be used for the development of a new FBI headquarters. Under the REOI process, GSA and FBI evaluated dozens of sites across the region against more than a dozen minimum and additional criteria that the government considered.¹ In contravention to the Panel's unanimous recommendation (they recommended excluding Springfield, VA), the site selection authority at that time identified three acceptable sites: one in Fairfax County, Virginia (Springfield) and two in Prince George's

¹ Further information can be found online at:
https://www.gsa.gov/system/files?file=2013%20FBI%20Headquarters%20Site%20Identification%20and%20Evaluation%20Approving%20Officials%20Decision_Redacted%20%281%29.pdf.

County, Maryland (Landover and Greenbelt).² These sites were identified because they all met the baseline requirements of the FBI, including being able to accommodate the size of a new headquarters facility and meet the Government's unique security requirements, among other items.

These three finalist sites were then included in a two-phase developer competition process that began at the end of 2014. This competition included exchanging the Hoover Building for services that would help defray the overall cost of the project, and allowed for a developer to submit a proposal for construction on one or more of the three finalist sites.³ In conjunction with the solicitation process, GSA conducted a full regulatory review, and issued a 2016 Draft Environmental Impact Statement ("DEIS") pursuant to the National Environmental Policy Act ("NEPA"). Furthermore, at that time, GSA sought and received Congressional approval of this project strategy from the Committee on Environment and Public Works and the Committee on Transportation and Infrastructure, and also received some appropriations (though not enough to make a full award). For a variety of reasons, on July 11, 2017, GSA issued a public statement announcing the decision to cancel the procurement.

While this project strategy and process was a number of years back, there are two important factors that are relevant for today. First, each of the three sites had been determined to meet the mission needs of the FBI. And second, there had been exhaustive review and assessment of all three sites as part of the solicitation process.

² The 2022 site selection process was designed similarly to the process from 2013, which was also typical. That is, the process called for a panel of GSA and FBI officials to provide expert counsel and advice to GSA's site selection authority, and directed the authority to make a final decision, irrespective of the recommendations of the panel.

³ On December 19, 2014, GSA issued a Phase I Request for Proposals ("RFP") seeking an exchange partner to develop, design, construct, and deliver the new facility. The Phase I RFP process was used to select a short list of up to five qualified offerors to compete in the Phase II procurement. In January 2016, GSA issued the Phase II RFP to the shortlisted offerors, which detailed the requirements of the new facility and information on the three selected sites.

Developing the Current Site Selection Process

After the cancellation of the previous solicitation in 2017, several other options were considered over the intervening years for the FBI Headquarters. Then, in the Fiscal Year 2022 Consolidated Appropriations Act (P.L. 117-103), Congress directed GSA to expeditiously select one of the three previously identified sites for the FBI Suburban Headquarters: Springfield, VA; Greenbelt, MD; or Landover, MD. To make a selection, GSA and FBI committed to developing a fair and transparent process to guide GSA's decision-making. In September 2022, GSA released an initial site selection plan, which was created in close collaboration with the FBI, outlining how the process and criteria by which the agency would determine which of the three sites would best meet the needs of the FBI and the public. In December 2022, Congress passed the Consolidated Appropriations Act of 2023 (P.L.117-328) which directed GSA to conduct separate consultations with individuals representing the sites from the State of Maryland and Commonwealth of Virginia prior to any action by the GSA Site Selection Panel for the new Federal FBI headquarters. GSA and FBI held these consultations in March 2023 with the delegations from Maryland and Virginia. In July 2023, after holding the Congressionally directed consultations and carefully considering what was shared by each jurisdiction, GSA released an update to the plan.

Updating the Plan

The updates, contained within Amendment 2⁴ and made in close collaboration with the FBI,⁵ incorporated new government-wide directives and increased the consideration of cost to

⁴ The prior amendment to the plan, Amendment 1, was largely administrative.

⁵ GSA and FBI worked closely together on the changes to the site selection plan. Per a June 26, 2023 FBI letter to GSA, although the FBI indicated they preferred the initial site selection plan, they ultimately shared "We acknowledge the thoughtful process that GSA developed to assess the plan, proposed changes to the plan, and justify those changes - we have seen firsthand the diligence, professionalism, and expertise that the team at GSA has applied to a difficult and complex task. In light of that assessment and GSA commitment to these changes appropriately reflect its best practices, the FBI respectfully defers to GSA's final judgment on specific percentages."

deliver better value for taxpayers. They also adjusted the weighting of the criteria and simplified the scoring methodology. Finally, the Amendment also changed the Site Selection Authority, shifting it from the PBS Regional Commissioner to the PBS Commissioner.⁶ This was done as a reflection of the significance of this decision, as well as the scrutiny GSA understood that any official would face – regardless of which site was selected. GSA believed, and still believes, that it was appropriate to make the agency’s top real estate official the site selection authority for this project.⁷

Overall, Amendment 2 was intended to better align with GSA’s principles to create a process that is fair and transparent, is grounded in the agency’s best practices for site selection, and results in selecting a site that best meets the needs of the FBI and the American people for years to come. The core of the plan remained the same, including the five major criteria each site would be evaluated against:

- (1) FBI Proximity to Mission-Related Locations;
- (2) Transportation Access;
- (3) Site Development Flexibility and Schedule Risk;
- (4) Promoting Sustainable Siting and Advancing Equity; and
- (5) Cost.

It also maintained the FBI’s priorities for the new headquarters: fulfill FBI mission needs; meet the needs of the FBI workforce; and provide maximum value for taxpayers, relying on GSA’s expertise and best practices in site selection. The Site Selection Plan, which GSA and FBI worked on jointly, set forth a process for evaluating which site was the most advantageous to the government on each criteria, using a color scale to help guide and inform the final site

⁶ Prior to a final decision by the agency, it is typical for GSA to redact the name of the specific decision-making official (as well as all panelists). This is to avoid any attempts at undue influence of the independent decision-making process. Once a decision has been made, the identity of the decision-making official is typically available to the public, while the panelists’ names remain redacted.

⁷ Similarly, in the 2013 REOI process, the Site Selection Authority was the PBS Deputy Commissioner, not the PBS Regional Commissioner.

decision. Furthermore, to promote transparency in how the government would balance the importance of the criteria, each was weighted. Consistent with GSA and FBI's commitment to transparency on this project, the updates were all announced publicly and the plan was made publicly available.

Executing the Site Selection Process

Following the release of the July 2023 updated Site Selection Plan, GSA and FBI commenced the site selection process. The first step was for the project team to compile a significant amount of information regarding each site, for the use of the Panel and the Site Selection Authority. In order to move quickly, and recognizing the extensive evaluation GSA had conducted during the 2013 process, the agency also leveraged information from the 2016 DEIS. The next step was for the Panel, comprised of two GSA employees and one FBI employee, to convene to review the information about the sites and come up with ratings and recommendations. The Panel then submitted their ratings and recommendations⁸ to the site selection authority who, under the Site Selection Plan, had the responsibility and authority to use the evaluation report developed by the Site Selection Panel to help guide and inform a final decision as to which property was in the best interest of the United States. As documented in the Site Selection Plan, the Site Selection Authority is charged with the responsibility to “fully evaluate all attributes of the sites and select the site which is truly most advantageous to the Government, **regardless of the recommendation provided by the Panel.**” [emphasis added]. This process – a panel providing recommendations to a final decision-maker to make a final decision – is common practice for major GSA siting decisions. It is also part of the process that

⁸ FBI Site Panel Recommendation Report
https://www.gsa.gov/system/files/FBI%20Site%20Panel%20Recommendation%20Report%20-%20Aug%202023%20-%20Final%20v2_Redacted.pdf

the decision-maker is supposed to exercise their independent judgment. As noted earlier, this was the same process GSA used in the 2013 selection of the three finalist sites.

The Selection

As explained in detail in the Site Selection Decision, the Site Selection Authority ultimately determined that Greenbelt, MD was the best option for the FBI and the public because the site:

- (1) Provides the best access to public transportation for FBI employees and visitors as it is the most transit accessible site due to its short walking distance to Metro and commuter rail;
- (2) Provides the government the greatest project schedule certainty due to the fact that the site is owned by a public entity and offers a clear public process and timeline to achieve site control;
- (3) Offers the greatest opportunity for the government's investment to positively impact the Washington, D.C. region through sustainable and equitable development; and
- (4) Has the lowest overall cost to taxpayers of all the three sites.

In short, consistent with the process, the final decision was made based on a determination of which site would be best for the FBI and the public for years to come. The site selection authority's complete 40-page decision fully explains their analysis and ratings for all of the sites against all of the criteria contained within the plan, including an explanation of where their judgment differed from the Panel's. This document is publicly available on GSA's website.⁹

Correcting Misconceptions

⁹ FBI HQ Site Selection Decision Final
<https://www.gsa.gov/system/files/FBI%20HQ%20Site%20Selection%20Decision.pdf>

In the days following the announcement of the selection of Greenbelt, MD, some stakeholders have raised questions about the process and decision, and GSA welcomes the opportunity to clarify some misconceptions in the public sphere. Here are some of the most critical:

- 1) Misperception: The site selection authority inappropriately “overturned” the panel’s recommendation

The site selection authority did not “overturn” the panel’s recommendation. As outlined above, the panel was tasked with making recommendations, and the site selection authority was charged with making the final selection, “regardless of the recommendation of the panel.” Under GSA’s site selection process, only the site selection authority has authority to make a site selection.

- 2) Misperception: The site selection authority changed the criteria

The site selection authority did not change the criteria. As is clear in the final agency decision, the site selection authority relied on the same criteria in making their decision that the Panel relied on to make their recommendations.

- 3) Misperception: The site selection authority made arbitrary changes in favor of a specific site

The site selection authority carefully followed the plan and the process and did not make any arbitrary changes to favor (or disfavor) any site. Moreover, as GSA’s Office of General Counsel (OGC) review determined, the record shows that the Panel and the site selection authority demonstrated substantial agreement on their evaluations of all three sites; in fact, 9 of the 12 subcriteria ratings were the same between the Panel and the site selection authority. In those instances where the site selection authority differed from the Panel’s recommendation, those changes reflect differences in judgment and are fully explained in the agency’s publicly available decision document.

- 4) Misperception: The site selection authority had a potential conflict of interest

Any potential conflicts of interest were reviewed and resolved, in accordance with advice from GSA's OGC, at the time the site selection authority was appointed PBS Commissioner in July 2021. GSA conducted the site selection process in full compliance with all ethical laws, regulations, and policies, which GSA's OGC validated as part of their review due to stakeholder questions.

Conclusion & Next Steps

GSA ran a fair and transparent process, guided by the agency's best practices in site selection. At every step, the GSA team worked to carefully follow the process outlined publicly, and to make a decision that best meets the needs of the FBI and the public for the long-term. Consistent with our commitment to transparency, our agency's full site selection decision, as well as the Panel's evaluation and recommendation, are all available on our website. Given the questions that have been raised, GSA took the additional step of releasing the correspondence between GSA and FBI, which includes the legal review conducted by GSA's OGC in response to the FBI's questions. GSA has publicly stated, and I will reiterate, that we welcome a review of our process and our conclusions. We think the record reflects that our decision-making official made this determination based on what they believed was best for the FBI and the public.

GSA plans to continue to closely follow the law and Congressional directives on this project. Subsequent to Congress directing GSA to hold consultations and then select a site, the next step Congress directed is to develop a project fact sheet (known as a prospectus) for submission to Congress. Developing this will require close collaboration with the FBI to ensure the new Headquarters meets its mission needs now and in the future, and we look forward to continuing to work with them to that end.

GSA's mission, and my primary duty as PBS Commissioner, is to provide the best value in real estate. Working with partner agencies to deliver workspaces that allow them to accomplish their missions is what we do. And despite disagreements some may have around

which site was selected, the need for the FBI to have a functioning, safe, and secure Headquarters, in order to fulfill their mission, is fundamental. The work that the FBI is doing to uphold the Constitution and protect the American people is, at this moment, more important than ever – and GSA is fully committed to delivering a highly effective Headquarters to help them deliver on that mission.

GSA looks forward to working with the FBI and this Committee on this important project. Thank you for the opportunity to testify before you today. I look forward to answering your questions.