U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 30, 2020

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET NW,
WASHINGTON, DC 20005-1503

Civil Acion No.: 1:18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request No.: 1415577-000 and 1415579-000
Subject: Communication Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☑ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
50 U.S.C. § 3024 (i)(1)	☐ (b)(7)(D)	☐ (k)(2)
	☑ (b)(7)(E)	☐ (k)(3)
	☐ (b)(7)(F)	☐ (k)(4)
☑ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

503 pages were reviewed and 222 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of non-exempt portions of Bates Stamped documents, 18-cv-2422(FBI)-3181 through 18-cv-2422(FBI)-3683. The enclosed documents represent the eighth interim release of information responsive to your request. This material is being provided to you at no charge.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 18-cv-02422

Total Deleted Page(s) = 250
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Page 144 ~ Referral/Consult;
Page 145 ~ Referral/Consult;
Page 146 ~ Referral/Consult;
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From: [redacted]
Sent: Tuesday, May 29, 2018 7:24 AM
To: Haley, Richard L. (FD) (FBI); [redacted] (FBI)
Subject: Fwd: May 25, 2018 Budget and Program Newsletter
Attachments: May 25, 2018 B&P.pdf

2019 House/Senate 302b allocations side-by-side

---------- Forwarded message ----------
From: **customersvc** <customersvc@budgetandprogram.com>
Date: Mon, May 28, 2018 at 11:04 PM
Subject: Fwd: May 25, 2018 Budget and Program Newsletter
To:

---------- Original Message ----------
From: customersvc <customersvc@budgetandprogram.com>
To: customersvc <customersvc@budgetandprogram.com>
Date: May 28, 2018 at 2:18 PM
Subject: May 25, 2018 Budget and Program Newsletter

Dear Subscriber,

Attached is the May 25th issue as a pdf file.

Please Note:

Budget and Program is protected by copyright law.

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BUDGET AND PROGRAM

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(202) 628-3666
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Washington, May 25, 2018

Subcommittee dollar allocations...have been set in both the House and Senate.

Known as 302(b)s...they are the foundation of your agency budgets.

For FY 2019...total discretionary funding comes to $1.244 trillion - $36 billion above the current year. Paving the way for everything - was the Bipartisan Budget Act of 2018.

Although Congress is working off the same aggregate... the subcommittee slices don't line up in tandem for each chamber.

Biggest discrepancy...involves Homeland Security, which moves $4.8B (+10%) higher to $52.5B in the House vs $48.3B in the Senate (+$611 million). By making the extra room ...the upper chamber ensured that Labor-HHS-Educ would get a $2.2B increase vs flat funding in the House, Milcon-VA would rise $5.1B instead of $4B as provided in the lower chamber, Interior-Environment would see a $600M bump instead of no increase as allocated in the House, others.

Of note...the Senate allocations were approved by the full committee on a 31-0 vote - meaning there is rare bipartisan agreement on them. This stands in contrast to the House tally, 29-22. The takeaway is that the final House-Senate conference bills between the chambers - will more closely resemble the Senate allocations.

Here is your first look at the FY 2019 numbers, (in $ billions):

	FY 2018 Enacted	302(b) House	302(b) Senate
Agriculture	$23.3	$23.3	$23.2
Commerce-Justice-Science	59.6	62.5	63.0
Defense	589.5	606.5	607.1
Energy-Water	43.2	44.7	43.8
Financial Services	23.4	23.4	23.7
Homeland Security	47.7	52.5	48.3
Interior-Environment	35.3	35.3	35.9
Labor-HHS-Education	177.1	177.1	179.3
Legislative Branch	4.7	4.9	4.8
Military Construction-VA	92.0	96.0	97.1
State-Foreign Operations	42.0	46.0	46.4
Transportation-HUD	70.3	71.8	71.4
Total	1,208.0	1,244.0	1,244.0

At the Memorial Day recess - your money bills are far ahead of normal.

In the House...six are thru full panel mark-up - Milcon-VA; Legislative; Agriculture; Energy-Water; Commerce-Justice-Science; Transportation-HUD.

In the Senate...Agriculture and Energy-Water are thru full panel review.

Looking ahead... the House intends to take up a "minibus" appropriations package the week after Memorial Day recess, in early June. This is set to include Energy-Water, Milcon-VA and Legislative Branch. Idea is to take the easiest bills and accelerate the process.

Senate...intends to bundle their bills in packages of 3-4. Upper chamber hopes to have one of them on the floor next month.

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New executive directives - that you need to be aware of:

1) "Executive Order Promoting Accountability and Streamlining Removal Procedures Consistent with Merit Systems Principles."

This far-reaching directive... "advances" the ability of supervisors "to promote civil service accountability." In a nutshell... "removing unacceptable performers should be a straightforward process that minimizes the burden on supervisors."

To do so... many changes are put forward:

- Reduce and standardize the length of employee performance improvement plans to 30 days across gov't. Currently, they can last up to 120 days.

- All past misconduct - not just similar past misconduct - should be able to be taken into account at the "discretion" of the agency.

- Within 15 days... agencies should issue decisions on proposed removals after the employee removal notice reply period ends.

To the extent consistent with law - agencies "shall endeavor to exclude from the application of any grievance procedures" - any dispute concerning decisions to remove an employee for misconduct or unacceptable performance. If agreement can't be reached, assistance should be requested from the Federal Mediation & Conciliation Service to resolve matters.

More specifically, no agency is to make an agreement, including a collective bargaining agreement - that "limits" their discretion to address unacceptable performance or to be able to remove an employee without having to first engage in progressive discipline.

Agencies are to renegotiate - as applicable - any collective bargaining agreement provisions "that are inconsistent" with this order.

Beginning this year... federal departments are to report to OPM on many fronts including the number of employees afforded an "opportunity period" - the number having adverse actions taken against them, the number of decisions on proposed removals, the number & "key terms" of settlements reached, others.

Within 45 days... agencies are to revise their discipline and unacceptable performance polices to conform to this directive in areas where new OPM regulations are not required. For their part - OPM will be proposing "for notice and public comment" new applicable rules by mid-July.

Two other directives were also released on Friday - one pertaining to collective bargaining issues and the other on changes to use of union time.

We will take a look at them next week.

2) "Executive Order Enhancing Noncompetitive Civil Service Appointments of Military Spouses."

This order pertains to a husband/wife of an Armed Forces member who is on active duty and involved with a permanent change of station move - if such husband/wife relocates to the new duty station.

Agencies "to the greatest extent possible" - are to indicate in job announcements they will consider candidates under this new hiring authority. Beyond that...federal departments are to "actively advertise" it and "actively solicit" applications from military spouses.

Beginning in FY 2019...agencies must report on the number of positions made available under this authority and the number of spouses appointed.

Lt. Gen. Scott Miller...will be the next commander of U.S.-led forces in Afghanistan. The ninth in 17 years, he is the first appointed by President Trump. Over the last two years - he has led the Joint Special Operations Command, which conducts some of most-secretive global counter terror missions. As it is, Afghan army/police are heavily dependent on U.S. special operations forces.

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Let's take a look...at Dept of Transportation funding for FY 2018.

This year's appropriation...provides $86B in total budgetary resources, a $10B increase.

A major chunk of it...involves the Highway Trust Fund ($47.5B), which since 2008 has needed injections from Treasury's general funds to stay solvent.

Overall...discretionary budget authority vaults to $27.3B, (+48%).

Within DOT...the Office of the Secretary performs the overall planning, coordination and administration of departmental programs. The general hierarchy under such lead offices varies across gov't...this one has nearly a dozen sub-offices.

It is provided more than 10-fold what was requested by the White House as its budget more than doubles to $1.84B with Nat'l Infrastructure Investment tripling to $1.5B. This involves TIGER grants which are to remain available until Sept 30, 2020. DOT is directed to administer the program at current staffing levels. White House had recommended zeroing out this account - members went in a different direction.

FAA provided $14.7B (+$1.6B). Its operations budget rises to $10.2B (+$186M), of which $8.9B is to be derived from the airport & airway trust fund.

Conferees note the "progress" made by FAA during the past year in creating a new electronic registration system for unmanned aircraft systems - and in providing regular updates to both the House & Senate Appropriations Committees. As a result...FAA is no longer required to submit an update 120 days after enactment of this Act. Praise combined with dropping oversight deadlines - is rare.

Here is a look at portions of Title I in the FY 2018 appropriations bill, (in $ millions):

	Enacted FY 2017	Request FY 2018	Approved FY 2018
Office of the Secretary	826	171	1,844
Salaries and expenses	114	112	113
Research and technology	13	8	23
Nat'l infrastructure investments	500	-	1,500
Nat'l surface transportation & innovative finance bureau	3	3	3
Financial management capital	4	3	6
Cyber security initiatives	15	10	15
Office of Civil Rights	10	10	10
Transportation planning, R&D	12	9	14
Working capital fund	(190)	(202)	(202)
Small disadvantaged business outreach/minority business	5	4	4
Payments to the air carriers (Airport & Airway Trust)	150	-	155
Working capital fund	-	12	-
Federal Highway Administration	-857	-	2,525
Nat'l Highway Traffic Safety Administration	180	153	201
Federal Railroad Administration	1,851	1,149	3,091
Federal Aviation Administration	13,057	12,776	14,651
Operations	10,026	9,891	10,212
Air traffic organization	7,560	7,492	7,693
Aviation safety	1,298	1,258	1,310
Commercial space transportation	20	18	23
Finance & management	771	758	802
Next Generation Air Transportation System (Next Gen)	60	59	60
Security and hazardous materials safety	107	101	113
Staff offices	209	205	212
Facilities and equipment	2,855	2,766	3,250
Airport discretionary grants	-	-	1,000
Rescissions	-	-31	-
Research, Engineering & Development	177	150	189
Federal Transit Administration	2,681	1,493	3,747
Maritime Administration	523	391	980
Pipeline & Hazardous Materials Safety Admin	100	99	105
Office of Inspector General	90	87	92
St. Lawrence Seaway Development Corporation	36	28	40

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Beijing's militarization...of the South China Sea - has crossed another threshold.

Of key importance...this 1.4M square miles of water - linking the Pacific and Indian oceans - sees passage of about 1/3rd of the world's shipping trade.

Whoever controls it - exerts influence over one of the world's most important sea-lanes. It is also believed to contain rich stores of undersea oil and gas resources.

The latest provocation...is the landing of a Chinese heavy bomber on Woody Island - in the territorial disputed northern Paracel Islands.

This is a first...on any of the man-made sites.

And it quickly followed...the placement of surface-to-air missiles and anti-ship cruise missiles on the disputed Spratly Islands. This region prior to the Chinese military build-up...was populated by coral reefs, specks of islands, atolls and sandbars that barely exceeded five square miles in totality. Located off the Philippine coast - the missile placement this month was also a worrisome first.

The pattern has been given a name - "salami slicing" - a strategy that employs a series of incremental actions to slowly alter the status quo. Tied to this...is Beijing's claim that the South China Sea is an exclusive economic zone. They contend that they can regulate foreign military force activity there. In fact, this claim which is within internat'l waters...is at the heart of harassing incidents directed at U.S. ships and aircraft - over a number of years.

How much alarm...is this causing?

In Senate testimony last month - the commander of U.S. Pacific naval forces said that China has nearly completed its military base building - it is "now capable of controlling the South China Sea in all scenarios, short of war with the United States."

With the emerging dominance - U.S. strategic & economic interests in the Asia-Pacific region could be significantly impacted. Many questions could also suddenly appear. One among a number of them...could the U.S. find itself pulled into a territorial conflict involving China? If so, what are we prepared to do?

In the immediate...DOD has given an "initial response" by withdrawing the U.S. invitation to China for participation in the 27-nation military exercise in the Pacific next month known as Rimpac. Beijing took part in 2014 and 2016.

Gov't efficiency - the great objective to be attained at every agency.

And GAO...is the watchdog, hovering over everything.

From 2011-2017...they presented 724 proposals to "reduce, eliminate, or better manage fragmentation, overlap or duplication and achieve cost savings."

These words...are a template - a kind of informal, authoritative shield in explaining actions taken. And they are reassuring - if pressured for immediate answers on the status quo of making things more cost effective or better managed.

How much control do you have?

It varies greatly...but consider that the biggest dollar saver of all was the elimination of direct payments to farmers via the Agricultural Act of 2014. From 2015-2023...$44.5B in savings is projected.

It is the goliath...most savings run under $1B over the span of years.

Prefacing matters - GAO explains that the U.S. budget faces an "unsustainable" path "primarily driven by health care spending and net interest on the debt."

However...in the "near-term" - trimming the budget at the edges is about all that can be expected. In its annual Hill testimony - GAO presents 68 more options.

For a look at them...GAO-18-498T. Your agency may be in there - could impact you in some way as the majority of GAO recommendations are implemented.

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From:
Sent: Thursday, June 14, 2018 4:42 PM
To: Haley, Richard L. (FD) (FBI)
Cc:
Subject: FW: FBIHQ News Article

Just an FYI...

Senate takes up call to shift FBI headquarters to Maryland or Virginia
By Daniel J. Sernovitz
Jun 14, 2018

Key story highlights:

- Wording in a Senate spending bill urges the federal government to restart its search for a new FBI headquarters in either Maryland or Virginia.
- The language mirrors similar legislation introduced in the House raising concerns about the GSA's decision to scrap that search in favor of building a new HQ on the site of the FBI's current one.
- The measure is largely symbolic, but signals House and Senate lawmakers share the same concerns about the revised plan.

The Senate appropriations committee has taken up a call that started in the House urging the federal government to resume its search for a new FBI headquarters in either Maryland or Virginia rather than building a new home for the nation's chief law enforcement agency in the District.

Lawmakers including Sen. Chris Van Hollen, D-Md., successfully lobbied the Senate panel to include language expressing concern about the current plan to demolish the J. Edgar Hoover Building in downtown D.C. and build a consolidated headquarters for the FBI at the same site. The wording appears in the 2019 Senate Commerce, Justice Science and Appropriations Bill. The committee held a markup for the spending bill Thursday morning.

"This bipartisan bill makes it clear that the Congress does not accept the Administration's new position and that any new prospectus should include one of the earlier identified sites," Van Hollen said in a statement. "We will not spend billions of dollars on this project until there is a clear plan that meets the needs of the FBI. If President Trump really wants a secure headquarters for our nation's top law enforcement entity, we urge him to work with us on this effort."

Similar to legislation briefly introduced and then withdrawn in the House last month, the Senate legislation includes language calling on the federal government to come up with a new plan to shift the FBI to Landover, Greenbelt or Springfield — the three potential locations identified by the General Services Administration before it canceled that solicitation in July 2017.

The FBI is now spread over multiple locations across Greater Washington, including the deteriorating Hoover Building, and the agency has sought for years to consolidate and bring those operations under one roof. The GSA has estimated it could cost $3.3 billion to build the new, 2.6 million-square-foot

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headquarters in downtown D.C., compared to $3.57 in Maryland or Virginia, but lawmakers and real estate experts have questioned the basis for those estimates.

In the near term, the language does not lift the stalemate between the GSA and lawmakers hoping to see the FBI move to the suburbs. At the same time, it is another signal to the Trump administration that lawmakers in the House and Senate are unlikely to appropriate funds for a new FBI headquarters downtown due to concerns about security and other considerations.

"The Committee continues to be reluctant to appropriate funds for this project due to the unanswered questions regarding the new plan, including the revision of longstanding mission and security requirements," the FBI headquarters language in the Senate spending bill states in part. "The Committee encourages the FBI to work with GSA to submit a prospectus for a new fully-consolidated headquarters building, including at one of the three previously vetted sites that complies with prior Congressional directives and actions and meets ISC Level V security standards."

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Hamilton, Robert (FLSD) (FBI)

From:	Hamilton, Robert (FLSD) (FBI)
Sent:	Thursday, June 21, 2018 2:26 PM
To:	Young, Andrew N. (FLSD) (FBI); Haley, Richard L. (FD) (FBI); [redacted] b6 -1 b7C -1 [redacted] (FBI)
Subject:	Fwd: White House Proposes a Massive Reorganization of Federal Agencies - Management - GovExec.com

Just FYSA, note the highlighted pieces…

OMB director says

"This effort, along with the recent executive orders on federal unions, are the **biggest pieces so far of our plan to drain the swamp,**" said Office of Management and Budget Director Mick Mulvaney in a statement. "The federal government is bloated, opaque, bureaucratic and inefficient."

Called "Delivering Government Solutions in the 21st Century," the proposal contains many far-reaching recommendations, including:

- Privatizing the Postal Service.
- Merging the Education and Labor departments.
- Reorganizing safety-net programs into a Department of Health and Public Welfare.
- Creating a governmentwide public-private partnership office to improve services to citizens, and stewardship of public resources.
- **Relocating more staff and offices outside the National Capital Region**.
- Dramatically shrinking the Office of Personnel Management.
- Revamping the Army Corps of Engineers.

Best,

Rob

Robert W. Hamilton
Lead SES, FBI Redstone
Chief, Field Operations Support Section
Finance and Facilities Division
Cell: [redacted] b7E -1

-------- Original message --------
From: "Hamilton, Robert (FLSD) (FBI)" [redacted]
Date: 6/21/18 1:02 PM (GMT-06:00)
To: "Hamilton, Robert (FLSD) (FBI)" [redacted]
Subject: White House Proposes a Massive Reorganization of Federal Agencies - Management - GovExec.com

https://m.govexec.com/management/2018/06/trump-reorganization-plan-would-merge-education-and-

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labor-recast-hhs/149183/?oref=govexec_breaking_alert

Robert W. Hamilton
Lead SES, FBI Redstone
Chief, Field Operations Support Section
Finance and Facilities Division
Cell [redacted]

b7E -1

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, June 25, 2018 9:13 AM
To: Haley, Richard L. (FD) (FBI); Grant, Douglas S. (FD) (FBI); [redacted]
Cc: [redacted]
Subject: Revolving Fund & New HQ
Attachments: Government-Reform-and-Reorg-Plan.pdf

All, Attached is the Administration's

Delivering Government, Solutions in the 21st Century, Reform Plan and Reorganization Recommendations

We are mentioned on page 88: "Federal Capital Revolving Fund (FCRF)

"The Administration recognizes that the Federal Government must have modern facilities to carry out agency missions and serve the American people. However, over the last decade, it has been difficult to secure the necessary appropriations to renovate existing buildings and construct major new Federal facilities, such as the replacement of the Federal Bureau of Investigation Headquarters facility in Washington, D.C. This inability to secure sufficient, timely funding to execute capital transactions often results in project cost escalation and costly lease extensions.

To address this, in the Infrastructure Initiative and the Fiscal Year (FY) 2019 Budget, the Administration has proposed creating a new funding mechanism for large, civilian real property projects that is similar to the capital budgets that States employ. The proposal would establish a mandatory revolving fund for the construction or renovation of Federally-owned civilian real property, thus allowing agencies to budget for acquiring major assets incrementally while operating within the established, transparent Federal budget rules. This proposal is supported within the FY 2019 Budget, providing $10 billion for the corpus of the Fund. GAO has conducted frequent reviews of real property acquisition methodologies and challenges encountered with funding large projects. In 2014, GAO supported a similar approach to this proposal; however, the Administration's"

[redacted]

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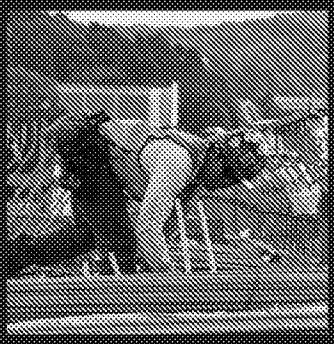
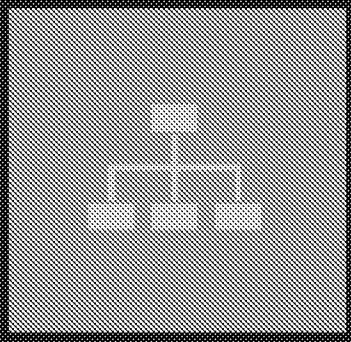
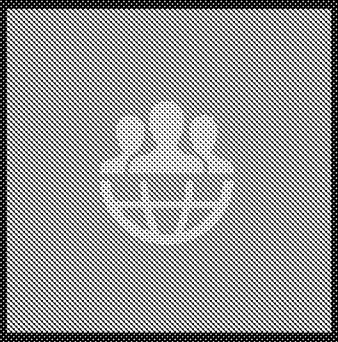
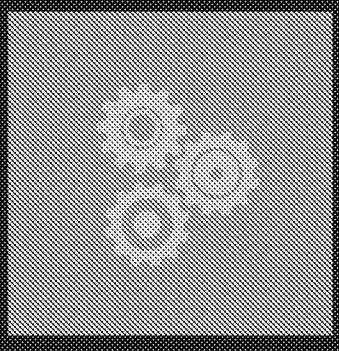


Delivering Government Solutions in the 21st Century

Reform Plan and Reorganization Recommendations



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I. THE MANDATE FOR REFORM

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INTRODUCTION

When America's Founders wrote the Constitution, they laid out a clear vision for the United States Government: to establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty. Moreover, they established Executive Branch organizations and structures to deliver on the Federal mission in ways appropriate to America's needs at the time. Over successive generations, our Federal Government has evolved by expanding in scope and complexity to try to meet Americans' needs. However, the organizational structures that underpin the Executive Branch have not always kept pace.

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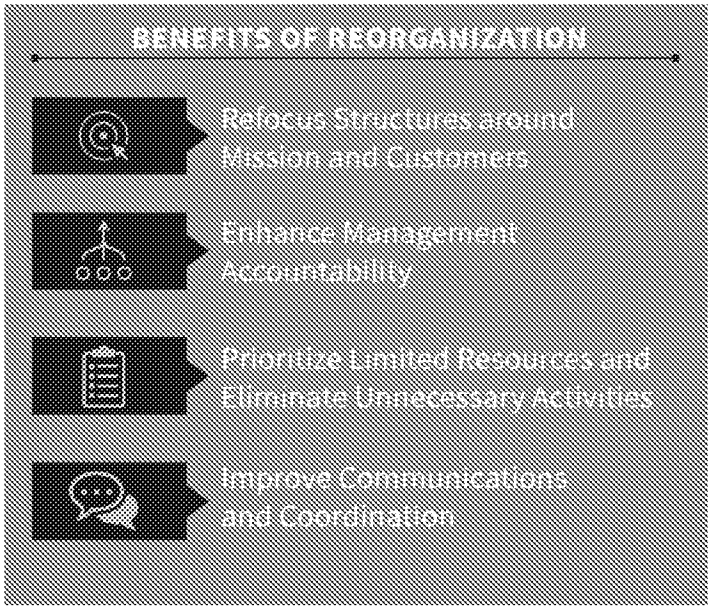
Two decades into the 21st Century, the public still believes that the Federal Government serves critical roles, and in some areas performs them well.[1] However, public trust in the Federal Government has declined over the last decade,[2] calling into question how well the current organizational constructs of Government are aligned to meet Americans' needs in the digital age. Government in the 21st Century is fundamentally a services business, and modern information technology should be at the heart of the U.S. Government service delivery model. And yet, today's Executive Branch is still aligned to the stove-piped organizational constructs of the 20th Century, which in many cases have grown inefficient and out-of-date. Consequently, the public and our workforce are frustrated with Government's ability to deliver its mission in an effective, efficient, and secure way.

At times of great change, the need to reinforce this common commitment to "government of the people, by the people, and for the people"[3] has been critical. So it is not surprising, as the United States faces the challenges of serving the broad and diverse needs of our growing country, that it becomes important to reexamine the organizational alignment of Executive Branch Government institutions to ensure that our organizational constructs are well aligned to meet the needs of the 21st Century.



To that end, Executive Order (EO) 13781, entitled "Comprehensive Plan for Reorganizing the Executive Branch," highlights the need to evaluate the organizational constructs that support today's mission delivery objectives. Building on a history of bipartisan Government reform initiatives, the EO focuses specifically on the role of organizational alignment in reducing "duplication and redundancy," and improving "efficiency, effectiveness, and accountability of the executive branch."[4]

This report outlines the Administration's analysis and recommendations for structural realignment of the Executive Branch to better serve the mission, service, and stewardship needs of the American people. While some of the recommendations identified in this volume can be achieved via Executive administrative action, more significant changes will require legislative action as well.

By sharing key findings, the Administration offers this report as a cornerstone to build productive, bipartisan dialogue around realigning the Federal Government mission delivery model to make sense in the 21st Century. As such, while some of the proposals are ready for agency implementation, others establish a vision for the Executive Branch that will require further exploration and partnership with the Congress.

Finally, reorganization is one tool among many that this Administration is using to drive transformational change in Government. Meeting the needs of the American people, as well as the President's mandate for greater efficiency, effectiveness, and accountability, requires a range of transformational approaches to support reorganization. To that end, the President's Management Agenda (PMA) outlines a range of additional priorities and tools that, in combination, will create an Executive Branch that is prepared to meet the needs of the American people both now and in the future. The Administration welcomes constructive dialogue and consideration of all the tools, capabilities, and organizational principles that help support our mission and better serve the public.

[1] Pew Research Center, December 2017, "Public Trust in Government: 1958-2017."

[2] Pew Research Center December 2017, "Government Gets Lower Ratings for Handing Health Care, Environment and Disaster Response."

[3] President Abraham Lincoln, Gettysburg Address, November 19, 1863.

[4] President Donald Trump, March 13, 2017, speech.

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HISTORY OF REFORM AND REORGANIZATION EFFORTS

Nearly every new administration has sought to enhance and streamline the Government bureaucracy to better align with policy and efficiency priorities. From the creation of the Bureau of the Budget in 1921 under President Warren Harding, the Executive Branch has continued to evolve to address the ever-changing needs and mission of the Federal Government. Reform and reorganization efforts in the 20th Century reflected bipartisan efforts to enhance efficiency and effectiveness, while reducing waste. In fact, until the 1970s, Executive Branch reorganization was a reasonably common occurrence undertaken by most new administrations. More recently, notable efforts at organizational reform included the personnel reform agenda initiated under President Jimmy Carter and implemented under the Reagan Administration,[5] as well as bipartisan efforts under Presidents Bill Clinton, George W. Bush, and Barack Obama to enhance shared services and increase public-private sector cooperation. Most successful reorganizations have also shared a common mission focus, usually responding to major mission failures or service delivery issues. The most notable recent examples of major bipartisan reform and reorganization efforts came in

[5] Donald Devine, "Reagan's Terrible Swift Sword: An Insider's Story of Abuse and Reform within the Federal Bureaucracy," December 1, 1991.

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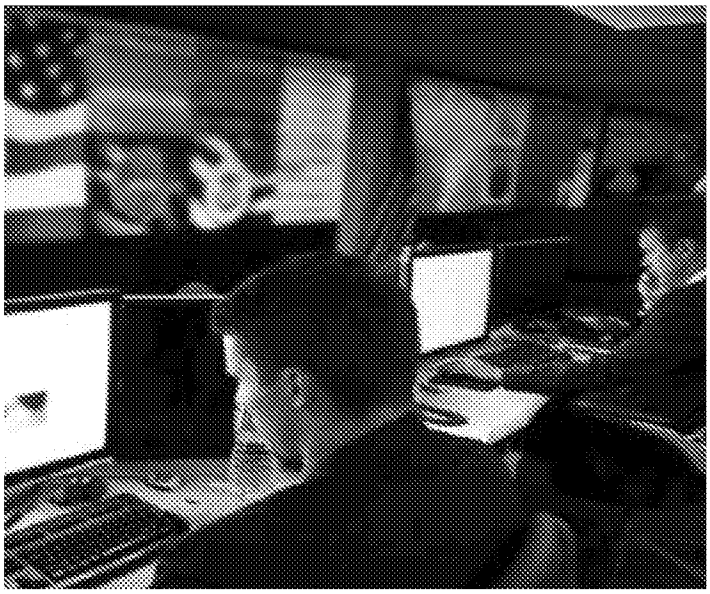
response to mission challenges experienced after 9/11 in the fight against terrorism. Operational, communication, and organizational alignment challenges resulted in the creation of the Department of Homeland Security (DHS) and the Office of the Director of National Intelligence.

Today, agencies have interconnected imperatives around mission delivery, customer service, and stewardship of taxpayer dollars. Broader, system-level thinking around Government reorganization requires tackling interconnected barriers to change across these three areas. Cybersecurity and cyberwarfare, digital service delivery and enhanced IT modernization, effective use of data for accountability and transparency, and workforce challenges all require new organizational thinking to better integrate mission, service, and stewardship across the existing organizational silos of Government. Moreover, better organizational alignment should also enhance the Executive Branch's ability to increase efficiency via shared services, public-private partnerships, workforce redeployments, and better customer experiences.



TIMELINE FOR COMPREHENSIVE REFORM

March 13, 2017
The President issues an Executive Order directing OMB to propose a comprehensive plan to reform and reorganize Executive Branch departments and agencies.

April 12, 2017 - June 12, 2017
OMB accepts public comments, which are shared with agencies.

June 30, 2017
Agencies provide OMB high-level drafts of initial reform ideas.

July 2017
OMB meets with Chief Financial Officers (CFO) Act agencies and a limited number of other agencies to discuss draft plans.

September 11, 2017
Agencies submit reform proposals to OMB with FY 2019 budget requests.

September 12, 2017 - February 2018
OMB analyzes reform and reorganization proposals and cross-cutting opportunities along with the FY 2019 President's Budget.

February 12, 2018
FY 2019 President's Budget is released and includes select reform and reorganization proposals as a first step in presenting the comprehensive plan to the American people.

March - May 2018
OMB focuses on longer-term reform and reorganization opportunities outside the FY 2019 President's Budget and works with agencies.

June 2018
OMB releases a comprehensive plan to reform and reorganize Executive Branch departments and agencies.

Summer 2018
OMB and agencies begin a dialogue with Congress to prioritize and refine proposals to best serve the American people.

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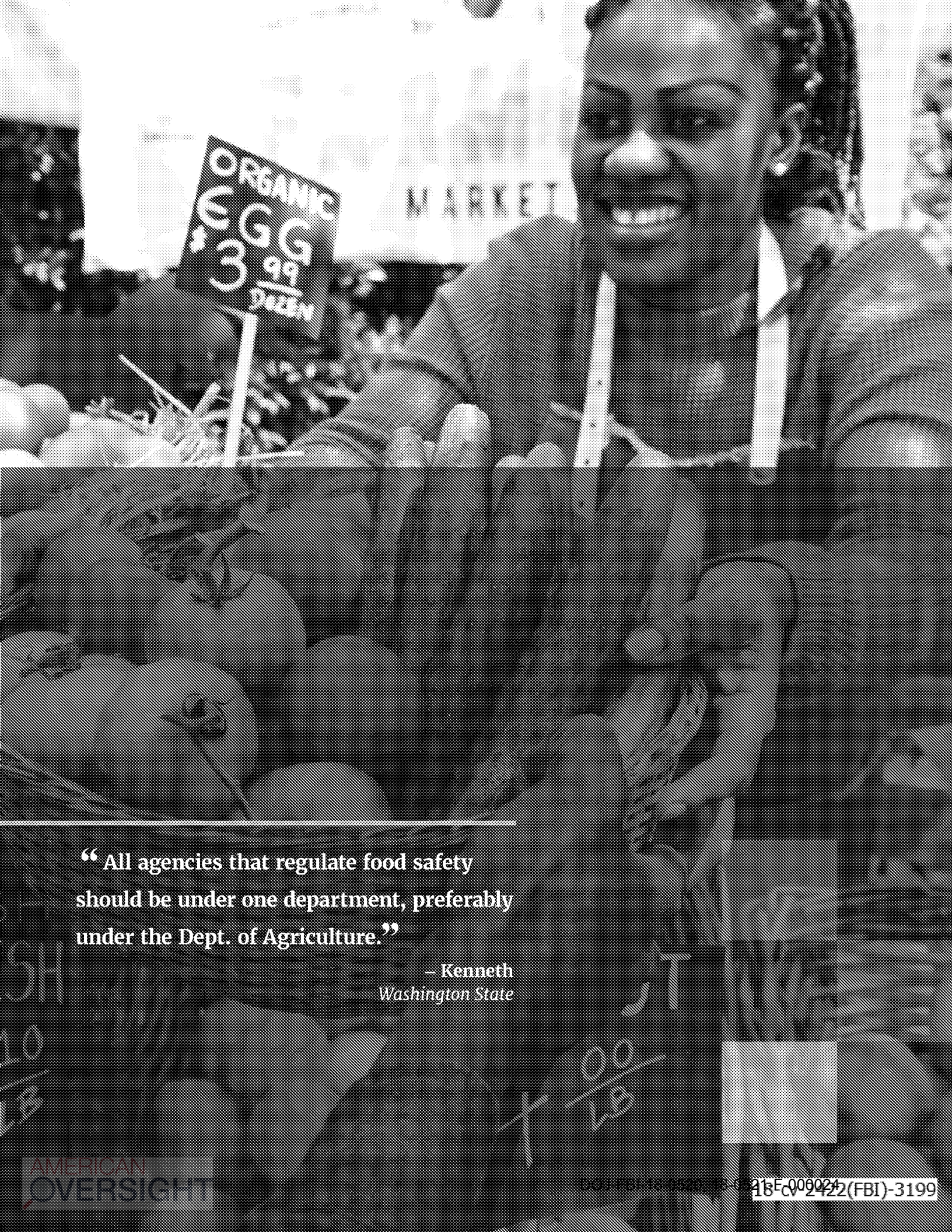

“All agencies that regulate food safety should be under one department, preferably under the Dept. of Agriculture.”

– Kenneth
Washington State

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II. ORGANIZATIONAL REFORM PRINCIPLES

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The current process for assessing organizational change began in June 2017 when Executive Branch agencies submitted their initial reform ideas to the Office of Management and Budget (OMB) in response to an April 12, 2017 OMB implementation memo. These submissions included valuable feedback provided by the public through an open comment process.[6] Over the summer and fall of 2017, agencies worked with OMB to refine the ideas, identify opportunities across agencies, and assess opportunities to act on proposals in the near term. Agencies submitted refined reform proposals to OMB as a part of their Fiscal Year (FY) 2019 Budget requests. Many of the more straightforward, agency-specific organizational improvement opportunities were included in the FY 2019 Budget released in February 2018[7] or were adopted by agencies under existing authorities.

"The disappointment surrounding recent presidents is not due mainly to defects in their leadership qualities but to their failure to address the structural paralysis of modern government. George Washington couldn't run the government today."[8]

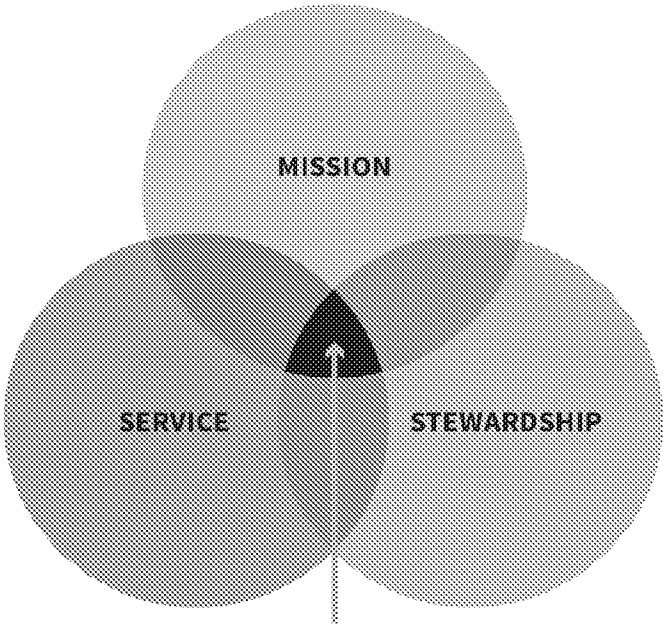
– Phillip K. Howard

The harder work of assessing cross-agency reform and alignment to the needs of the 21st Century began in earnest following the analysis of the President's Management Agenda. This Agenda provided the broad context for what needs to change in Government, including a renewed focus on mission, service, and stewardship on behalf of the American people. Many of the inputs from the agency reform proposals and public comments on EO 13781 informed creation of the President's Management Agenda, as well as input for the reorganization recommendations included in this volume.

Specific proposals were evaluated using a framework that balanced the Federal Government's mission, service, and stewardship objectives, recognizing that the most powerful and transformative changes bolster all three of these core objectives.

Mission: The first principle of organizational reform in the 21st Century is to start with the mission. Specific reforms must ensure that Government activities are rooted in the missions that the American people, through their elected officials, require. Within these mission areas—from national security to infrastructure to food and water safety—Government must have clear and aligned structures that allow Federal programs, staff, and agencies to deliver the outcomes the public expects.

Service: Understanding the customer or stakeholder needs in the 21st Century is critical to understanding how to realign the organizational model. In many cases, outmoded assumptions about customer and stakeholder needs have distracted from core mission, hindered outcomes, and fallen out of step with customer expectations. Federal customers—ranging from small businesses seeking loans, to families receiving disaster support, to veterans expecting proper benefits and medical care—deserve a customer experience that compares to or exceeds that of leading private-sector organizations, which most Federal services lag behind. The Executive Branch must develop capabilities to better facilitate end-to-end customer experiences that cross agency boundaries, and create faster, more convenient, and more cost-effective interactions.



Target opportunities to enhance mission, service, and stewardship

[6] Office of Management and Budget Memorandum M-17-22, "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce," April 12, 2017.

[7] *Efficient, Effective, Accountable: An American Budget - Fiscal Year 2019*, Office of Management and Budget, February 12, 2018.

[8] Rosenbloom, David H., et al. "The Handbook of Federal Government Leadership and Administration: Transforming, Performing, and Innovating in a Complex World." Routledge, 2017.

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If you are one of the nearly 59 million Americans working for a small business, you know the importance of excellent customer service. And while the Federal Government strives to support small business growth and competitiveness, duplicative and inconsistent programs spread across different Federal agencies have sometimes created confusion and extra work for the small businesses they mean to serve.

As one way to make things easier on small businesses, the Administration proposes to create a "one-stop shop" for all small business Federal contracting certifications at the Small Business Administration. This proposal will synchronize the processes for both small businesses and the Federal agencies that want to contract with them. As a result, America's entrepreneurs will have less headache and be able to invest more of their time and hard-earned profits into operating and growing the businesses that keep our economy strong.

Stewardship: Effective stewardship of taxpayer funds is a crucial responsibility of the Federal Government, from preventing fraud to maximizing impact. Taxpayer dollars must go to effective programs that produce results efficiently. For example, Government too often recreates similar administrative functions across programs and agencies, failing to take advantage of opportunities for shared services, centers of excellence, or other arrangements that leverage the highest-performing organizations and free up resources to focus on mission. Using data-driven methods, Government must shrewdly consider how structural alignment can best support efficient and effective use of taxpayer dollars.

MODELS TO LEARN FROM: ORGANIZATIONAL DESIGN IN THE PRIVATE SECTOR

Reorganization is a key tool that private-sector companies regularly employ to maintain relevance, efficiency, and effectiveness over time. While organizational change is hard and takes time, the experiences of companies in the private sector over the last few decades have shown

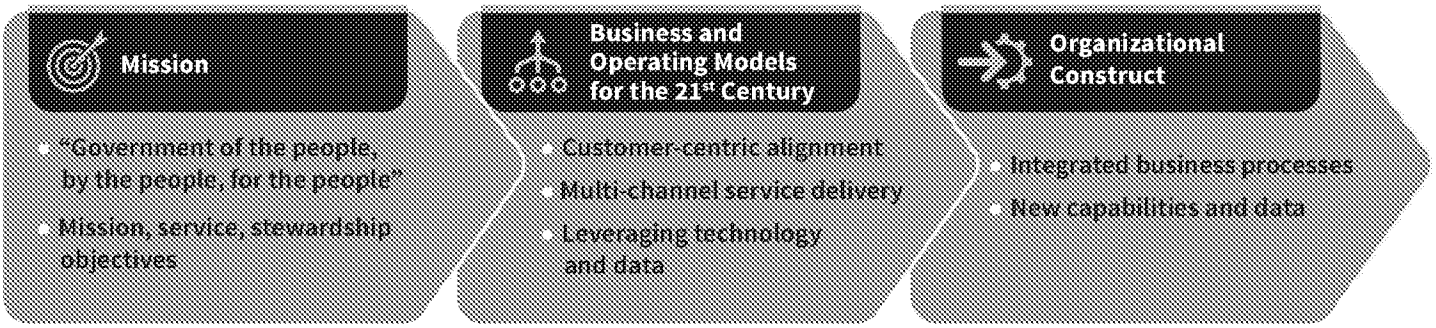
> We must change the way Government operates and move our capabilities into the 21st Century.

that large-scale transformation is possible and can both improve customer service and lower costs. Studies by McKinsey[9] and BCG[10] have identified clear organizational design success factors before and during implementation. For example, both studies agreed that the first, foundational step in organizational redesign success is to focus on long-term strategy rather than addressing immediate pain points or short-term needs.

For the Federal Government, this means starting with a focus on mission outcomes and service delivery.

[9] Aronowitz, Steveran; Aaron De Smet; and Deirdre McGinty. "Getting Organizational Redesign Right." McKinsey Quarterly. June 2015.

[10] Toliman, Peter et al. "A New Approach to Organization Design: Smart Design for Performance." April 5, 2016. Available on-line at *https://www.bcg.com/publications/2016/people-organization-new-approach-organization-design.aspx.*



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If a veteran who has served our country isn't satisfied with decisions by the Department of Veterans Affairs (VA) about disability or other hard-earned benefits, he or she has the right to appeal. But until recently, veterans were forced to use the same appeals process adopted after World War I—nearly 100 years ago. This outdated process left veterans at the mercy of a confusing and complex system and slowed down appeals by forcing each veteran to navigate multiple layers of process. At the end of July 2017, approximately 470,000 appeals were pending under the legacy system and, on average, veterans were waiting approximately three years for a decision—and as much as six years for higher-level appeals.

As VA refocuses on enhancing veterans' experience, it is accelerating a new appeals system that gives veterans options about the best way to pursue their appeal based on their unique situation. The new system is designed to significantly improve the timeliness of decisions by streamlining organizational processes and bureaucratic layers. Veterans with old, pending appeals can resubmit using the new system designed to significantly improve the timeliness of decisions. Now, VA is empowering veterans with greater choice and timelier service in resolving their appeals.

Organizational decisions should be made and executed to create the most value for taxpayers and the customers of Federal services, not based on outdated legal structures or historical precedent.

Operating models must also be reviewed in light of the improvements possible in the digital age and lessons learned from peer organizations. Analysis that simply looks at the formal reporting structure on an organizational chart misses other critical organizational structures, including customer engagements, data flows, organizational processes, and the informal networks and cultural elements which make an organization run. The analysis must envision a new operating model that leverages the best thinking available.

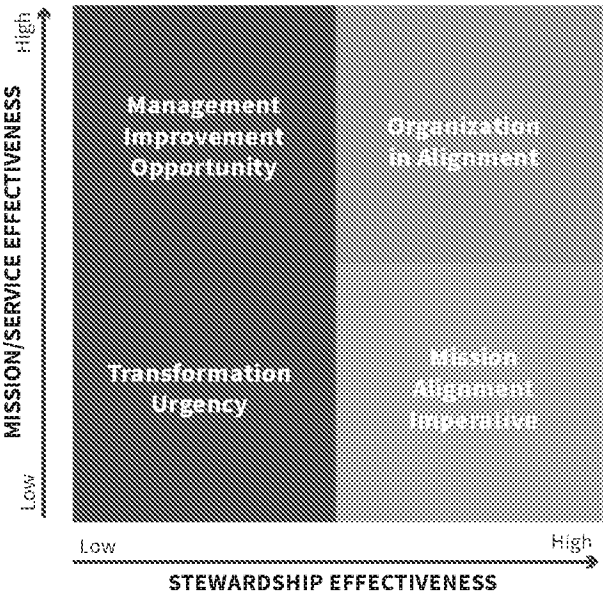
Finally, the analysis must translate the operating model into an organizational construct that better aligns resources with mission, delivers improved services, and operates more efficiently. New organizational constructs must be supported by change management processes, including identifying and managing risks; communicating across leadership, managers, and front-line staff; and shifting incentives, expectations, and culture to sustain the change.

Recognizing the challenges of driving organizational change, the Administration has been deliberate in developing proposals to consider how implementation will be managed. Key factors during implementation include defining clear roles and responsibilities, managing the change process, ensuring alignment across leadership and line staff, and managing risk factors.

REORGANIZATION ALIGNMENT FRAMEWORK

Based on these approaches, a Reorganization Alignment Framework was developed to assess the needs and opportunities to best align reorganization efforts to the needs of mission.

Development of this Reorganization Alignment Framework drew on a range of inputs from leading organizational change and strategic transformation thought leaders in the private sector, public sector, and academic worlds. For a list of literature that informed creation of the Reorganization Alignment Framework, please see the bibliography section.



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Looking at the menu of your favorite pizza shop, you probably wouldn't guess that different pies need to be regulated by different Federal agencies. But while a cheese pizza has to meet the Department of Health and Human Services' Food and Drug Administration (FDA) standards, a pepperoni pizza falls under the Food Safety and Inspection Service (FSIS) at the U.S. Department of Agriculture (USDA). Last time you made an omelet, the FDA regulated any eggs you cracked yourself, but the FSIS was responsible if you poured from a carton of liquid eggs. And chickens? The FDA regulates their feed while the FSIS inspects them at slaughter.

This division of responsibility started in response to unsafe and unsanitary meat packing conditions in the early 1900s, but today it introduces greater risk, inefficiency, and inconsistency into the important work of ensuring food safety, which affects everyone in America.

To provide better food safety for the country and improve efficiency for stakeholders, the Administration proposes to consolidate core Federal food safety responsibilities into a single agency under USDA, where food safety is a top priority from farm to fork. This consolidation will give USDA the clear mandate, dedicated budget, and full responsibility it needs for optimal oversight of the entire U.S. food supply. Resources at the FDA will be freed up to focus on its core responsibilities of drugs, devices, biologics, and tobacco. Most importantly, this proposal will provide better food safety outcomes for the American people over the long term.

As outlined in the Reorganization Alignment Framework above, organizational change priorities fall into four categories:

- **Mission Alignment Imperatives.** Analysis highlighted areas where Federal services are operating relatively efficiently, but outdated or misaligned organizational constructs hinder the ability to achieve mission objectives and effectively serve citizens. In addition, this Administration identified several opportunities to "right size" the mission to the current environment. As such, reorganization proposals around mission alignment fall into two sub-categories:

  A. Organizational realignments to enhance mission and service delivery.

  B. Changes to refocus, reduce, or expand the mission.

- **Management Improvement Opportunities/ Proposals to Enhance Efficiency.** Many Federal organizations are effectively fulfilling their missions and serving citizens but doing so in ways that duplicate other Federal activities or rely on outdated organizational structures that are wasteful and inefficient. These present cross-agency opportunities to better steward taxpayer resources to achieve the same core missions with better results.

- **Transformation Urgency: New Capability Requirements.** In several areas, the Federal Government lacks critical capabilities for successful mission delivery in a 21st Century characterized by digital service delivery, data-driven mission support, and increased need for collaboration across the public (Federal, State, and local) and private sectors. In many such areas, Government is failing to fulfill both citizen expectations and stewardship responsibilities.

- **Organizations in Alignment.** In other areas, organizational capabilities are generally aligned with the customer and stakeholder needs of the 21st Century and balance mission, service, and stewardship needs. For these organizations, modest organizational updates, capability realignment, and additional investments may be needed. Since these changes represent "business-as-usual" process improvement opportunities, this volume will not highlight these proposals in depth. For additional detail on these proposals, see page 122 (Appendix: Agency-Specific Reform Proposals).

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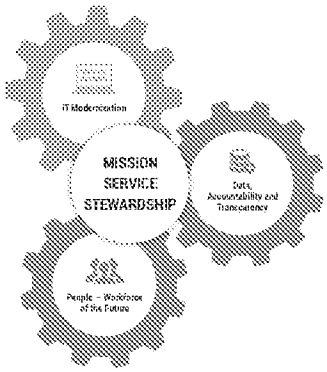
AVOIDING "ONE-SIZE-FITS ALL" APPROACHES

Rather than adhere to a simplistic set of decision rules to identify priorities among these categories, individual proposals have been assessed for factors including impact on mission, service, and stewardship in order to account for programs' and agencies' unique roles and requirements and inform appropriate strategies. For example, while strategies such as reducing duplication and increasing centralization may make sense in many instances, these strategies may have unintended consequences. Sometimes, centralizing to improve coordination and lower costs through economies of scale best promotes mission, service, and stewardship. Yet in other cases, decentralizing to increase customer alignment and improve flexibility to adjust to "on-the-ground" realities may be preferable. Similarly, reducing program duplication has been demonstrated to lower costs and reduce confusion among both customers and employees. But some duplication across programs may also create valuable redundancy for mission-critical activities and increase program flexibility to react to changing factors.

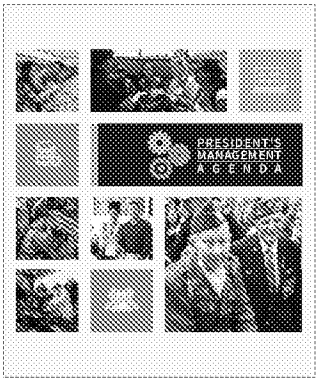
KEY DRIVERS OF REFORM

Reorganizations in the private sector have demonstrated that without efficient and effective implementation, even well-conceived reorganizations may fail to achieve the intended benefits. To ensure effective implementation, the President's Management Agenda[11] highlighted three areas (see figure to the right) which help drive effective organization transformation:



- **Information Technology Modernization.**
- **Data, Accountability, and Transparency.**
- **People and the Workforce of the Future.**

When transforming organizations to serve the needs of the 21st Century, it will be critical to leverage each of these key drivers. Ongoing work on this front is highlighted as part of the President's Management Agenda, and you can see more detail on specific priorities at *performance.gov/pma*. In addition, these key drivers will inform next steps for each of the reform proposals discussed in this volume.



Does your State have a dam that helps to generate electricity, supply drinking water, or support agriculture? When dam operations are being reviewed under Federal laws and regulations, two different agencies—the Department of the Interior's (DOI) Fish and Wildlife Service and the Department of Commerce's National Marine Fisheries Service—are tasked with considering implications under the Endangered Species Act. In carrying out their responsibilities, for example, one agency may worry about releasing enough water from the dam to benefit the species under its jurisdiction, while the other might worry about storing enough water for the species it manages. In some cases, conflict, confusion, and delays may result.

Permitting projects like dam operations are just one example of where the Services have related and sometimes overlapping roles. To help the Federal Government develop more consistent Federal fisheries and wildlife policy, as well as more efficiently serve stakeholders in the permitting process, the Administration is proposing to merge these two Services under DOI. In addition to better serving the public, this consolidation will increase certainty for permittees and help support infrastructure development.

[11] *The President's Management Agenda: Modernizing Government for the 21st Century*, Executive Office of the President and the President's Management Council, March 2018.

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III. OVERVIEW OF ORGANIZATIONAL ALIGNMENT PRIORITIES

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Utilizing the frameworks described above, the Administration's comprehensive plan for reforming and reorganizing the Executive Branch includes proposals that extend across agencies, with the goal of increasing focus on integrated mission, service, and stewardship delivery.

Our Nation is used to leading the world in technology innovation and service delivery and at one time, the U.S. Government catalyzed that innovation. As such, the Administration is investing in deep-seated transformation that begins with the President's Management Agenda and extends through the recommendations for Executive Branch organizational reform. This section provides an overview of the initial organizational reform priorities that are organized based on the Reorganization Alignment Framework presented above.

MISSION ALIGNMENT IMPERATIVES

A. Organizational Realignments to Enhance Mission and Service Delivery

1. **Merge the Departments of Education and Labor into a single Cabinet agency, the Department of Education and the Workforce,** charged with meeting the needs of American students and workers from education and skill development to workplace protection to retirement security. As part of the merger, the Administration also proposes significant Government-wide workforce development program consolidations, streamlining separate programs in order to increase efficiencies and better serve American workers.

2. **Move the non-commodity nutrition assistance programs currently in the U.S. Department of Agriculture's (USDA) Food and Nutrition Service into the Department of Health and Human Services—which will be renamed the Department of Health and Public Welfare.** Also, establish a Council on Public Assistance, comprised of all agencies that administer public benefits, with statutory authority to set cross-program policies including uniform work requirements.

3. **Move the Army Corps of Engineers (Corps) Civil Works out of the Department of Defense (DOD) to the Department of Transportation (DOT) and Department of the Interior (DOI)** to consolidate and align the Corps' civil works missions with these agencies.

4. **Reorganize the USDA's Food Safety and Inspection Service and the food safety functions of HHS's Food and Drug Administration (FDA) into a single agency within USDA** that would cover virtually all the foods Americans eat.

5. **Move USDA's rural housing loan guarantee and rental assistance programs to the Department of Housing and Urban Development (HUD),** allowing both agencies to focus on their core missions and, over time, further align the Federal Government's role in housing policy.

6. **Merge the Department of Commerce's (Commerce) National Marine Fisheries Service with DOI's Fish and Wildlife Service.** This merger would consolidate the administration of the Endangered Species Act and Marine Mammal Protection Act in one agency and combine the Services' science and management capacity, resulting in more consistent Federal fisheries and wildlife policy and improved service to stakeholders and the public, particularly on infrastructure permitting.

7. **Consolidate portions of DOI's Central Hazardous Materials Program and USDA's Hazardous Materials Management program into the Environmental Protection Agency's (EPA) Superfund program.** This consolidation would allow EPA to address environmental cleanup under the Comprehensive Environmental Response Compensation & Liability Act (CERCLA) on Federal land regardless of which of these agencies manages the land, while DOI and USDA would maintain their existing environmental compliance, bonding, and reclamation programs for non-CERCLA sites.

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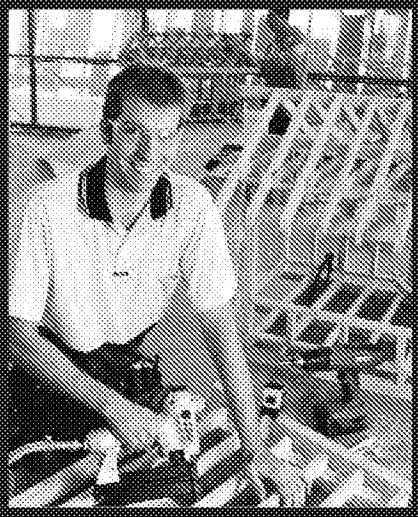

If you have children, you know that preparing for success in work and life begins early and—particularly in a changing and growing economy—continues throughout life. You want your kids to have a strong start in school as preparation for professional success, no matter what dream they pursue. And as adults, you want them to have easy access to training and information connecting them to the jobs they want and need, especially as the economy changes. The Federal Government should be making it easy for individuals to access high-quality education, training, and employment resources as they transition from one stage to the next.

That's why the Administration is proposing to consolidate the Departments of Education and Labor into a single Cabinet agency, eliminating duplication across the two agencies and maximizing the effectiveness of skill-building efforts. The new agency will be charged with meeting the end-to-end needs of American workers and students, from education and skill development to workplace protection to retirement security, to ensure access to the full range of coordinated resources Americans need to succeed in the 21st Century economy.

8. **Optimize Department of State (State) and U.S. Agency for International Development (USAID) humanitarian assistance to eliminate duplication of efforts and fragmentation of decision-making.** A specific reorganization proposal will be submitted by State and USAID to OMB as part of their FY 2020 Budget request to improve the efficiency and effectiveness of the Federal Government's humanitarian assistance across State and USAID, establish unity of voice and policy, and optimize outreach to other donors to increase burden-sharing and drive reform at the UN and in multilateral humanitarian policy.

9. **Consolidate the U.S. Government's development finance tools, such as the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) of USAID, into a new Development Finance Institution** in a reformed and modernized way to leverage more private-sector investment, provide strong alternatives to state-directed initiatives, create more innovative vehicles to open and expand markets for U.S. firms, and enhance protections for U.S. taxpayers.

10. **Transform USAID through an extensive, agency-driven structural reorganization of headquarters Bureaus and Independent Offices** as a foundational component of USAID's overall plans to better advance partner countries' self-reliance, support U.S. national security, and ensure the effectiveness and efficiency of foreign assistance.

11. **Move the policy function of the Office of Personnel Management (OPM) into the Executive Office of the President, and elevate its core strategic mission while devolving certain operational activities** – the delivery of various fee-for-service human resources, IT services, and background investigations – to other Federal entities better aligned to provide non-strategic transaction processing services that meet 21st Century needs. This new structure would better accommodate an overhaul of the Federal civil service statutory and regulatory framework.

12. **Transfer responsibility for perpetual care and operation of select military and veteran cemeteries located on DOD installations to the Department of Veterans Affairs' National Cemetery Administration.** This transfer assures these cemeteries will be maintained to national shrine standards to continue the recognition of service of those interred therein, gains efficiencies, and limits mission overlap based on a common-sense approach to good government.

13. **Reorganize the U.S. Census Bureau, the Bureau of Economic Analysis, and the Bureau of Labor Statistics under Commerce** to increase cost-effectiveness and improve data quality while simultaneously reducing respondent burden on businesses and the public. Together, these three agencies account for 53 percent of the U.S. Statistical System's annual budget of $2.26 billion and share unique synergies in their collection of economic and demographic data and analysis of key national indicators.

14. **Consolidate the Department of Energy's (DOE) applied energy programs into a new Office of Energy Innovation** in order to maximize the benefits of energy research and development and to enable quicker adaptation to the Nation's changing energy technology needs.

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B. Changes to Refocus, Reduce, or Expand the Mission

15. **Devolution of Activities from the Federal Government**

    a) **Sell the transmission assets owned and operated by the Tennessee Valley Authority and the Power Marketing Administrations within DOE,** including those of Southwestern Power Administration, Western Area Power Administration, and Bonneville Power Administration, to encourage a more efficient allocation of economic resources and mitigate unnecessary risk to taxpayers.

    b) **Restructure the U.S. Postal System to return it to a sustainable business model or prepare it for future conversion from a Government agency into a privately-held corporation.** The President's Task Force on the United States Postal System will make recommendations on reforms towards this goal in August 2018.

    c) **Reorganize DOT to better align the agency's core missions and programmatic responsibilities, reduce transportation program fragmentation across the Government, and improve outcomes.** Changes would include spinning off Federal responsibility for operating air traffic control services, integrating into DOT certain coastal and inland waterways commercial navigation activities and transportation security programs, and reassessing the structure and responsibilities of DOT's Office of the Secretary.

16. **Transform the way the Federal Government delivers support for the U.S. housing finance system** to ensure more transparency and accountability to taxpayers, and to minimize the risk of taxpayer-funded bailouts, while maintaining responsible and sustainable support for homeowners. Proposed changes, which would require broader policy and legislative reforms beyond restructuring Federal agencies and programs, include ending the conservatorship of Fannie Mae and Freddie Mac, reducing their role in the housing market, and providing an explicit, limited Federal backstop that is on-budget and apart from the Federal support for low- and moderate-income homebuyers.

17. **Rethink how the Federal Government can drive economic growth in concert with private-sector investments in communities across the Nation** by coordinating and consolidating Federal economic assistance resources into a Bureau of Economic Growth at Commerce, producing a higher return on taxpayer investment on projects that are transparent and accountable.

18. **Transform the U.S. Public Health Service Commissioned Corps into a leaner and more efficient organization that is better prepared to respond to public health emergencies and provide vital health services**, including by reducing the size of the Corps and building up a Reserve Corps for response in public health emergencies.

MANAGEMENT IMPROVEMENT AND EFFICIENCY OPPORTUNITIES

19. **Establish an accelerated process for determining whether one or more of the National Aeronautics and Space Administration's (NASA) Centers should be converted to, or host, a Federally Funded Research and Development Center (FFRDC).** FFRDCs can potentially allow the agency to be more agile in rapidly responding to changing needs and in recruiting and retaining scientific and technical expertise.

20. **Consolidate the administration of graduate fellowships for multiple Federal agencies under the National Science Foundation** in order to reduce the total cost of administering those fellowships.

21. **Optimize the Federal real property footprint** by making smart investments in renovations and new facilities, driving down lease costs, and disposing of unneeded real estate through a streamlined process that results in the greatest return to the taxpayer.

22. **Consolidate and streamline financial education and literacy programs currently operating across more than 20 Federal agencies** to ensure effective allocation of Federal financial literacy resources and avoid unneeded overlap and duplication.

23. **Strengthen the Small Business Administration (SBA) as the voice of small business within the Government** by consolidating small business focused guaranteed lending and Federal contracting certification programs at SBA.

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24. **Consolidate protective details at certain civilian Executive Branch agencies under the U.S. Marshals Service in order to more effectively and efficiently monitor and respond to potential threats.** Threat assessments would be conducted with support from the U.S. Secret Service.

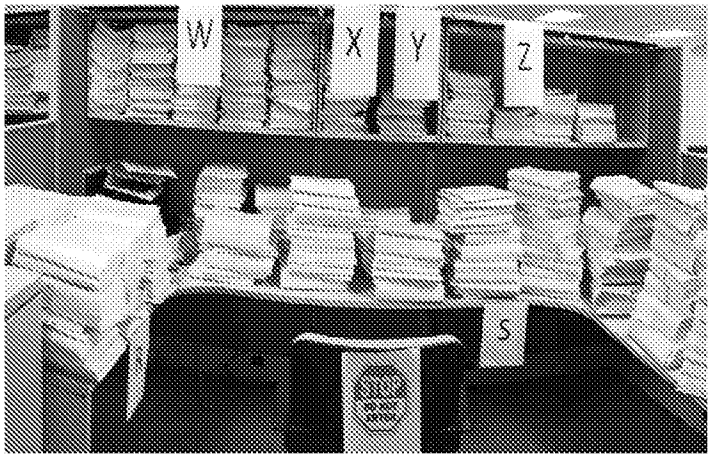
25. **Consolidate the small grants functions, expertise, and grantmaking from the Inter-American Foundation and U.S. African Development Foundation into USAID beginning in FY 2019.** The consolidation would be a significant step to reduce the proliferation of Federal international affairs agencies that are operating today, while also elevating community-led, "local works" small grants as a development and diplomacy tool for the U.S. Government.

26. **Transition Federal agencies' business processes and recordkeeping to a fully electronic environment, and end the National Archives and Records Administration's acceptance of paper records by December 31, 2022.** This would improve agencies' efficiency, effectiveness, and responsiveness to citizens by converting paper-based processes to electronic workflows, expanding online services, and enhancing management of Government records, data, and information.

TRANSFORMATION URGENCY – NEW CAPABILITY REQUIREMENTS

27. **Transform the way Americans interact with the Federal Government by establishing a Government-wide customer experience improvement capability** to partner with Federal agencies to help them provide a modern, streamlined, and customer-centric experience for citizens, businesses, and other customers, comparable to leading private-sector organizations.

28. **Pursue a Next Generation (Next Gen) Financial Services Environment as a new approach to Federal Student Aid (FSA) processing and servicing with a modernized, innovative, and integrated architecture.** Next Gen will save taxpayers millions of dollars and will create an improved, world-class customer experience for FSA's more than 42 million customers, while creating a more agile and streamlined operating model.



29. **Solve the Federal cybersecurity workforce shortage** by establishing a unified cyber workforce capability across the civilian enterprise, working through DHS and OMB in coordination with all Federal departments and agencies. The Administration will work towards a standardized approach to Federal cybersecurity personnel, ensuring Government-wide visibility into talent gaps, as well as unified solutions to fill those gaps in a timely and prioritized manner.

30. **Establish a Government Effectiveness Advanced Research (GEAR) Center as a public-private partnership** to help the Government respond to innovative technologies, business practices, and research findings that present opportunities to improve mission delivery, services to citizens, and stewardship of public resources.

31. **Transfer the National Background Investigations Bureau from OPM to DOD,** providing the opportunity to achieve an efficient, effective, fiscally viable, and secure operation that meets all agencies' needs.

32. **Expand upon existing agency evaluation capabilities and push agencies to adopt stronger practices that would generate more evidence about what works and what needs improvement in order to inform mission-critical decisions and policies.** These changes will help to address the large gaps and inconsistencies across Government in Federal agencies' ability to formally evaluate their programs.

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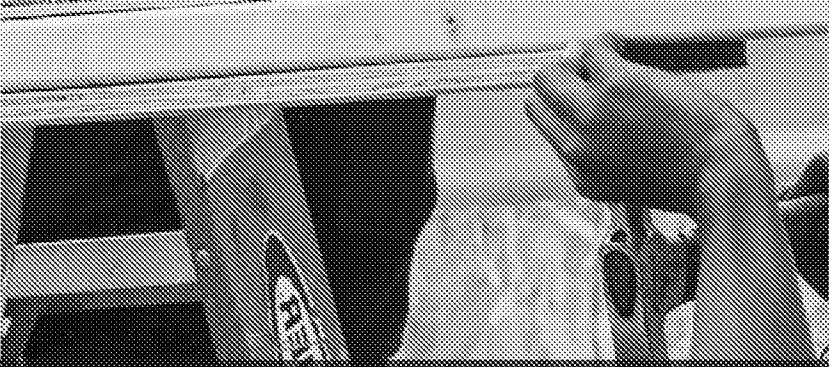

“Education and labor are intimately interwoven. As the Father of Vocational Education, Frank Parsons put it, all education is in the last analysis, vocational education because it is supposed to prepare students for their lives and future careers. These departments would benefit greatly from being conjoined.”

– Anthony
Alaska

“Permitting takes way too long and costs way too many tax dollars!”

– Joe
Florida

AMERICAN OVERSIGHT

IV. LOOKING AHEAD

AMERICAN OVERSIGHT

The business of the Federal Government is to serve the American people, but outdated organizational frameworks hinder our ability to deliver on our mission, service, and stewardship objectives in the digital age. Data breaches, delays in background investigation and security clearance approvals, and outdated paper-based processes all erode trust in the Government. Moreover, when the American people compare Government service delivery models with the streamlined, multi-channel experiences they have when interacting with private-sector businesses, it is clear how outmoded many Government organizational models are. Americans routinely shop online, use smart phones to order rides, and get electronic money transfer services and yet are forced to deal with multiple agencies and excessive bureaucracy when they interact with Federal agencies. Lengthy permitting for infrastructure projects, confusing and overlapping job retraining programs, and byzantine requirements for applying for small business and farm loans all are calcified and entrenched in outdated organizational constructs designed decades ago.

"Not since the Industrial Revolution have the stakes of dealing with change been so high. Most traditional organizations have accepted in theory at least, that they must either change or die."[12]

– from "Cracking the Code of Change"

It is also important to ensure that the Federal Government appropriately aligns its mission and service activities to areas where a Federal role is critical and where State and local governments cannot optimally provide effective services. It is no longer appropriate to avoid having foundational discussions about services that might be better served by direct State, local, or even private-sector stewardship. To the extent that existing organizational constructs are too complex or outmoded, organizational realignment or reform may be needed to ensure that mission, service, and stewardship objectives can be met.

Recent decades have demonstrated that the Federal Government will continue to change. The question is whether short-sighted, piecemeal change will continue to sell taxpayers short and ignore fundamental shortcomings or whether transformation will elevate Government to the level of efficiency, effectiveness, and accountability that the public deserves. With the support of the Congress, the priorities above and the reorganization proposals that follow will make important strides in re-crafting an Executive Branch that is structured to best facilitate delivery of mission, service, and stewardship for the American people.

[12] Nohria, Nitin and Michael Beer. "Cracking the Code of Change." Harvard Business Review, May-June 2000. Available on-line at *hbr.org/2000/05/cracking-the-code-of-change*.

Did you know that the Department of Transportation (DOT) is the primary Federal agency responsible for all modes of transportation, except for maritime issues? Unlike aviation, highways, transit, pipelines, and railroads, DOT plays a limited role in the maritime sector, as the U.S. Department of Defense, through the U.S. Army Corps of Engineers (Corps), has responsibility for supporting investment in maritime commercial navigation.

Our commercial ports and inland navigation channels have played a large role in how this Nation developed and where people live. Today, commercial navigation infrastructure—from deepening and widening navigation channels for commercial ships to terminals where ships dock and cranes that load and unload them—continues to make important contributions to many of America's local and regional economies and is supported by investments from Federal, State, and local governments, port authorities, and the private sector. Yet, unlike other transportation sectors currently centralized under DOT, responsibilities for supporting the maritime industry's ability to support the nation's economy are split between the Corps, which supports navigation improvements and waterside port investments, and DOT, which supports landside port investments.

To fix this misalignment, the Administration proposes to consolidate the Corps' commercial navigation mission into DOT. By consolidating these functions, the Administration would place a single Federal agency in charge of supporting maritime transportation investments. This consolidation will enable DOT to better align investments across maritime and other transportation sectors to ultimately create a more efficient transportation system. Similarly, the Administration proposes to move the Corps' responsibilities for supporting investments in other water resources infrastructure such as flood control and aquatic ecosystem restoration to the Department of the Interior, which has responsibility for land and water resources management.

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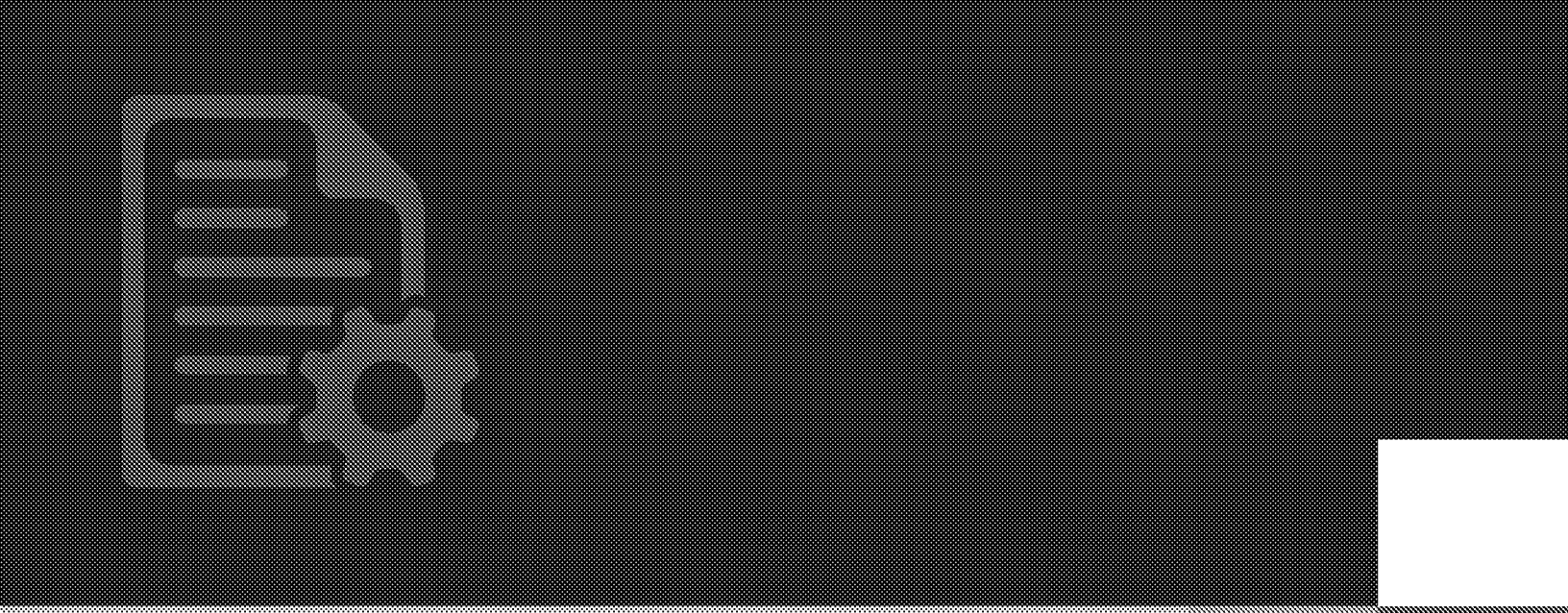

V. GOVERNMENT-WIDE REORGANIZATION PROPOSALS

AMERICAN OVERSIGHT

Department of Education and the Workforce

Departments of Education and Labor

Summary of Proposal: This proposal would merge the Departments of Education (ED) and Labor (DOL) into a single Cabinet agency, the Department of Education and the Workforce (DEW). The new agency would be charged with meeting the needs of American students and workers, from education and skill development to workplace protection to retirement security. Merging ED and DOL would allow the Federal Government to address the educational and skill needs of American students and workers in a coordinated way, eliminating duplication of effort between the two agencies and maximizing the effectiveness of skill-building efforts.

THE CHALLENGE

ED and DOL share a common goal of preparing Americans for success in a globally competitive world through family-sustaining careers. However, the two Departments operate in silos, inhibiting the Federal Government's ability to address the skill needs of the American people in a coordinated manner. The result has been the creation of a complicated web of funding streams for States and localities to administer, and a confusing set of signals sent to American students and workers regarding how best to develop the skills needed to succeed in the 21 st Century economy. The Federal Government currently operates more than 40 workforce development programs spread across 15 agencies. This fragmentation perpetuates unnecessary bureaucracy and complicates State and local efforts to weave together disparate funding streams to meet the comprehensive needs of their citizens.

The Administration proposes to merge ED and DOL into a single Cabinet agency, the Department of Education and the Workforce (DEW). As part of the merger, the Administration also proposes significant Government-wide workforce development program consolidation, streamlining separate programs in order to increase efficiencies and better serve American workers.

THE OPPORTUNITY

The new merged department would reduce unnecessary bureaucracy, streamline access and better integrate education and workforce programs, and allow the Administration to more effectively address the full range of issues affecting American students and workers. The workforce development program consolidation would centralize and better coordinate Federal efforts to train the American workforce, reduce administrative costs, and make it easier for States and localities to run programs to meet the comprehensive needs of their workforce.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The proposal would merge all of the existing DOL and ED programs into a single department, DEW, with four main sub-agencies focused on: K-12, Higher Education/Workforce Development, Enforcement, and Research/Evaluation/Administration. This would help create alignment throughout the education-to-career pipeline, while also creating coherence within the workforce development and higher education worlds.

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K-12

The **K-12 agency** would support State and local educational agencies to improve the achievement of preschool, elementary, and secondary school students, including students with disabilities, Native American students, and English language learners. The agency would comprise improved ED K-12 offices that would better integrate across K-12 programs and more effectively coordinate with higher education and workforce programs. The K-12 agency would administer activities currently implemented by ED's Offices of Elementary and Secondary Education, Innovation and Improvement, English Language Acquisition, and Special Education Programs. As described below, the Rehabilitation Services Administration would be moved to the Higher Education/Workforce Development agency.

American Workforce and Higher Education Administration

The new **American Workforce and Higher Education Administration (AWHEA)** would be charged with ensuring that American workers possess the skills necessary to succeed in the workforce. The agency would bring together current DOL workforce development programs and ED vocational education, rehabilitation, and higher education programs. As part of the reorganization, the Administration also proposes to consolidate overlapping workforce development funding streams. Observers of Federal workforce development efforts have long noted the large number of programs across multiple agencies and duplicative administrative structures inherent in the system. Since 2011, the Government Accountability Office has identified workforce development as an area of duplication, fragmentation, and overlap and has suggested that colocating services and consolidating administrative structures may heighten efficiency.[1] Despite modifications made as part of the 2014 reauthorization of the Workforce Innovation and Opportunity Act (WIOA), the system remains fragmented at the Federal level. To address these issues, the new agency would place higher education and workforce development programs under the same umbrella. By doing so, Federal skill-building policy would be better coordinated to meet the full range of needs of American students and workers, and in particular would support improved synergy between higher education and workforce development programs. This proposal would simplify and streamline Federal workforce development programs, moving from the current arrangement of more than 40 programs at 15 agencies to 16 workforce development programs at seven agencies.

The AWHEA would be structured to include components focused on: Higher Education; Disability Employment; Adult Workforce Development; Youth Workforce Development; and Veterans Employment, each headed by a presidentially-appointed official.

- The Higher Education component would better align programs that promote and expand access to postsecondary education with workforce development programs to meet the diverse needs of students and workers. This includes strengthening the capacity of colleges and universities to promote reform, innovation, and improvement in postsecondary education, while expanding access to and driving improvement in high-quality, short-term programs that provide students with a credential, certification, or license in a high-demand field. The Higher Education component would also complement Federal Student Aid's customer-service focus and move to the Next Generation (Next Gen) Financial Services Environment, also proposed in this Volume. Next Gen would enhance operational components of Federal student aid programs, make it easier than ever to apply for

[1] Government Accountability Office, Multiple Employment and Training Programs: Providing Information on Colocating Services and Consolidating Administrative Structures Could Promote Efficiencies, GAO-11-92, (January 2011).

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financial aid from a mobile platform, and streamline the way that schools interact with student loan servicing and the repayment system.

- The Disability Employment component would consolidate ED's Vocational Rehabilitation State Grants and DOL's Office of Disability of Employment Policy into one office within the AWHEA, allowing for better coordination of services, policy direction, technical assistance, and reporting within the workforce development system. This office would ensure the provision of high-quality services to individuals with disabilities, maintain strong coordination with researchers on best practices to promote employment, and centralize DOL and ED's support to States.

- The Adult Workforce Development component would consolidate four major formula streams that currently serve adult populations in a duplicative manner: the WIOA Adult, WIOA Dislocated Worker, Employment Service, and Jobs for Veterans State Grants. This component would also consolidate three Native American-serving workforce development programs currently spread across three agencies, replacing them with a set-aside for Native American adults.

- The Youth Workforce Development componentwould address both in-school and out-of-school youth and create stronger pathways to postsecondary paths and employment for both.

- The Veterans' Employment Office would ensure that veterans continue to receive priority of service in the workforce system; advise on veterans' employment issues; and support the Departments of Defense and Veterans Affairs in administering the Transition Assistance Program.

The AWHEA would also maintain a Federally-administered Apprenticeship and Impact Fund, which would consolidate a range of disparate grant programs into a single fund that is focused on testing and replicating effective apprenticeship, workforce development, and postsecondary education models.

In addition to greater policy coordination, this proposal could improve the use of data for learning, performance management, and evaluation in order to study how education and workforce development programs lead to successful labor market outcomes. For example, education programs could benefit from high-quality information about participants' labor market outcomes, which are more commonly tracked in workforce development programs.

Enforcement

The **Enforcement agency** would include worker protection agencies from DOL that are responsible for enforcing statutes relating to workers' pay, safety, benefits, and other protections, as well as Federal workers' compensation programs. The Agency would also include ED's Office of Civil Rights, which is responsible for ensuring equal access to education through enforcement of civil rights in the nation's K-12 school and higher education institutions. The DOL agencies represent more than half of DOL's workforce as measured in full-time equivalents (FTEs), mostly comprised of field enforcement sta ff. In the new DEW, all of these agencies would report to one senior official to enhance the efficiency and coordination of enforcement and compliance assistance efforts.

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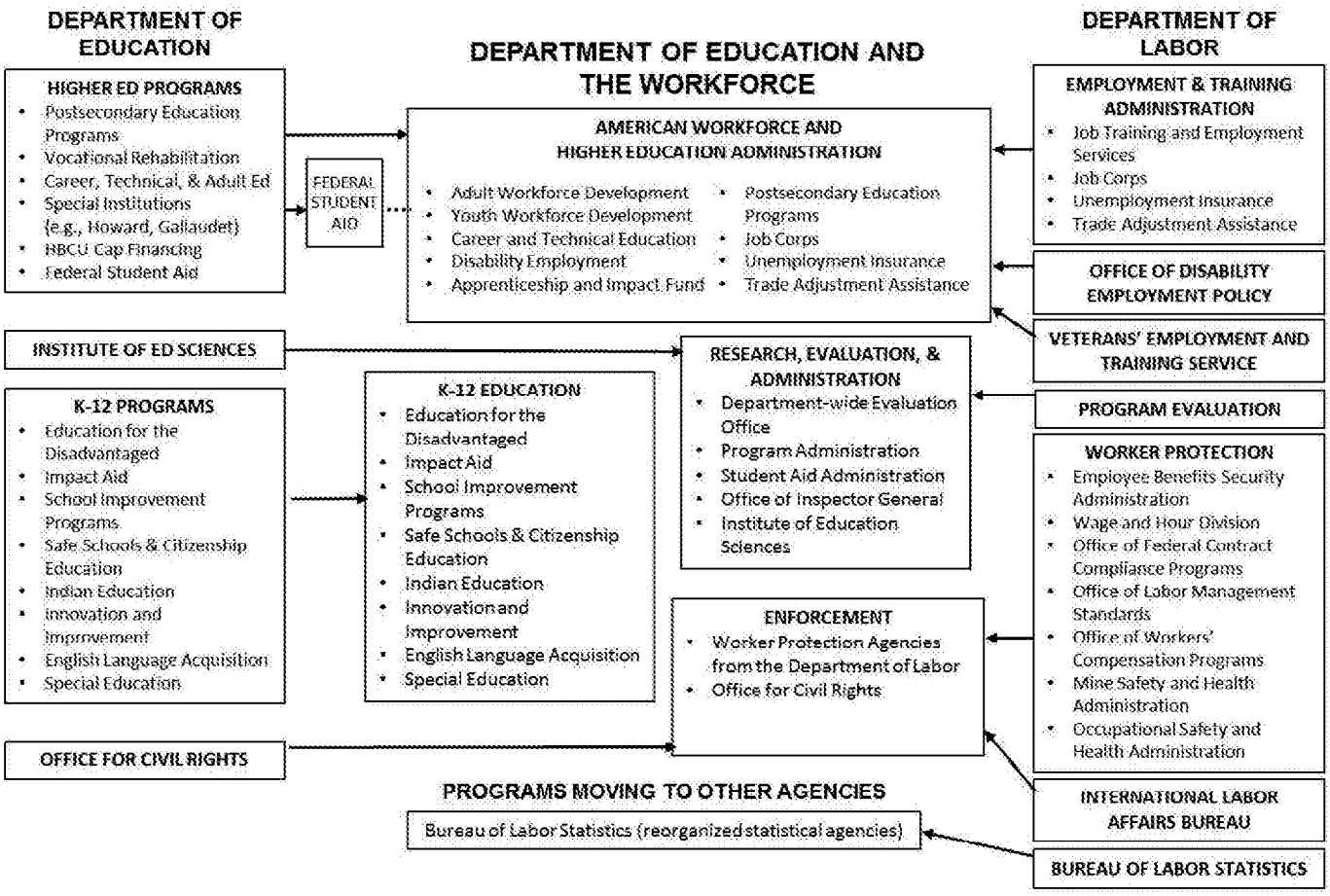
Research, Evaluation, and Administration

The **Research, Evaluation, and Administration agency** would include centralized offices focused on policy development, research, and evaluation, in addition to management-focused offices related to IT, procurement, financial management, and budgeting. Consolidating these functions would result in efficiency gains. As discussed elsewhere, the Bureau of Labor Statistics would be moved to the Department of Commerce as part of a proposal to bring the primary economic statistical agencies under one umbrella.



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Consolidate Non-Commodity Nutrition Assistance Programs into HHS, Rename HHS the Department of Health and Public Welfare, and Establish the Council on Public Assistance

Departments of Agriculture and Health and Human Services

Summary of Proposal: This proposal moves the non-commodity nutrition assistance programs currently in the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) into the Department of Health and Human Services' (HHS) Administration for Children and Families (ACF), and renames HHS the Department of Health and Public Welfare (DHPW). The proposal also establishes a Council on Public Assistance, comprised of all Federal agencies that administer public benefits, with statutory authority to set cross-program policies including uniform work requirements.

THE CHALLENGE

USDA and HHS are currently responsible for administering the Federal Government's major public assistance programs, not including housing programs. However, State and local governments, the entities delivering these services to participants, often administer many of these programs under a single Agency. For example, when a person goes to apply for services through the Temporary Assistance for Needy Families (TANF) program and for nutrition assistance through the Supplemental Nutrition Assistance Program (SNAP), they often go to a single State agency office to do so. Unfortunately, that single State agency currently must follow two separate sets of reporting, regulatory, and other administrative requirements – one set imposed by HHS for TANF, and another by USDA for SNAP. This creates unnecessary administrative burden and potential duplication, using up resources that could be better used helping families move towards self-sufficiency. In addition, because these programs are currently administered by different Federal departments, they are often not well coordinated.

This proposal moves a number of nutrition assistance programs currently housed in USDA – most notably SNAP and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) – to HHS and, acknowledging the addition of these programs to the Agency, renames HHS the Department of Health and Public Welfare (DHPW). To provide for even more coordination across all Federal public assistance programs, this proposal also establishes a permanent Council on Public Assistance, housed in DHPW and composed of all agencies that administer public benefit programs, including USDA, the Center for Medicare and Medicaid Services, the Department of Housing and Urban Development (HUD), and others. This Council would have statutory authority to set certain cross-program policies, including on uniform work requirements.

THE OPPORTUNITY

This proposal will better align the administration of these public assistance programs at the Federal level with how they are often administered at the State and local levels. This will reduce administrative burdens and duplications of effort that currently exist for State and local governments. It will also ensure that policies are applied consistently across all programs, potentially reducing confusing, complex, and sometimes contradictory requirements across programs that can make it difficult for both States and participants to follow the rules.

AMERICAN OVERSIGHT

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Move Non-Commodity Nutrition Assistance Programs and Rename HHS

FNS currently administers 15 nutrition assistance programs, which can be separated into two major categories: "near-cash" benefit programs and commodity-based programs. Near-cash programs provide money to low-income households, including through an electronic benefit transfer card or voucher, to allow participants to buy food through retail outlets. Commodity-based programs deliver actual food to eligible entities, who in turn provide a meal or food benefit to participants. Near-cash benefit programs do not need to leverage USDA's expertise in food procurement or delivery, nor do they primarily fit with USDA's core mission of supporting American farmers and agriculture. Rather, these programs are designed to support low-income Americans, a mission area better situated in DPHW. Specifically, the Administration proposes to move SNAP, WIC, the Child and Adult Care Food Program (CACFP)[1], and the Farmers' Market Nutrition Programs into ACF. USDA, whether with a smaller FNS or a different division, would continue to administer the commodity-based programs, including the National School Lunch and School Breakfast Programs, The Emergency Food Assistance Program, the Commodity Supplemental Food Program, and others.[2]

Moving the near-cash benefit programs into ACF would allow for better and easier coordination across programs that serve similar populations, ensuring consistent policies and a single point of administration for the major public assistance programs. This single point of administration would lead to reduced duplication in State reporting requirements and other administrative burdens, and a more streamlined process for issuing guidance, writing regulations, and approving waivers. Having all the major public assistance programs under one agency would also create more synergies within the Agency, allowing ACF to develop a more holistic understanding of how programs interact with each other, which itself could lead to better policy analysis and outcomes. For example, as States have provided more TANF benefits through non-cash assistance, SNAP enrollment has grown due to individuals becoming "categorically" eligible for SNAP. This has resulted in some unintended consequences, such as families becoming eligible for SNAP through the receipt of a TANF pamphlet or other non-cash assistance. The Fiscal Year (FY) 2019 Budget proposed to tighten these loopholes, but combining these public assistance programs under one agency would help to increase awareness of these interactions and improve policy development that prevents such unintended consequences.

With the move of these non-commodity programs, the welfare portfolio at HHS increases significantly. The proposal renames HHS the Department of Health and Public Welfare to more accurately reflect the mission of the Agency and raise the profile of non-health related programs within the Agency.

[1] CACFP provides reimbursement for meals served by participating child and adult care providers, rather than a direct benefit to the household. However, for the same coordination reasons as the near-cash programs, we recommend moving it to HHS to align with the Head Start and Child Care programs operated by ACF.

[2] Other programs include the Summer Food Service Program, the Food Distribution Program on Indian Reservations, the Special Milk Program, Assistance to Nuclear Affected Islands, and Disaster Assistance (not including Disaster SNAP).

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Establish Council on Public Assistance

As part of this initiative, the Administration also proposes to create a permanent Council on Public Assistance within the DHPW that would accomplish the goal of ensuring a unified, coordinated focus on cross-cutting welfare and workforce issues at the State and local levels, and to drive Federal-level program reforms. The Council would be given statutory authorities and responsibilities, including but not limited to:

- Approving service plans and waivers requested by States under Welfare-to-Work projects, assuming enactment of the FY 2019 Budget proposal;
- Designing uniform work requirements to be implemented across all welfare programs;
- "Tie-breaker" authority to resolve disputes when multiple agencies disagree on a particular policy;
- Designing cross-program standards for program applications, data verification, and program integrity;
- Facilitating information sharing and collection as well as regulatory and other policy guidance coordination across affected agencies; and
- Recommending programmatic and operational changes to eliminate barriers that it identifies at the Federal, State, and local levels to getting welfare participants to work.

The Council would be housed at DHPW and composed of agency heads or their representatives from USDA (including from the smaller, reformed FNS focused only on commodity programs), HUD, the proposed Department of Education and the Workforce, the Office of Management and Budget, and others, as appropriate, and chaired by DPHW senior leadership. Creating this Council would further break down silos between agencies operating public assistance programs by establishing an interagency coordination and support structure to carry out the welfare reform agenda of the Administration with high-level visibility. Because this Council would become the Administration's welfare policy-making apparatus, this proposal would consolidate policymaking functions across the different agencies, likely reducing administrative resources and duplication in current policymaking functions, and would ensure that Federal public assistance programs are well aligned and focused on promoting opportunity and economic mobility.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520-18-0521-F-000046
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Consolidate Mission Alignment of Army Corps of Engineers Civil Works with Those of Other Federal Agencies

Army Corps of Engineers Civil Works and Departments of Transportation and the Interior

Summary of Proposal: This proposal would move the Army Corps of Engineers Civil Works (Corps) out of the Department of Defense (DOD) and into the Department of Transportation (DOT) and Department of the Interior (DOI) to consolidate and align Corps civil works missions with these agencies.

THE CHALLENGE

The primary mission of DOD is to provide the military force needed to deter war and protect the security of the Nation. The Corps placement within DOD grew out of its historic involvement in military construction. Today, the Corps conducts both military and civil works functions. The Civil Works program has three primary missions: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration; the commercial navigation program is split between coastal and inland navigation.

THE OPPORTUNITY

Both DOT and DOI have missions that relate to and/or complement the Corps' civil works missions. DOT has a broad overarching systemic view of transportation policy and infrastructure in the United States that could beneficially inform the Corps' transportation-related efforts. DOI administers various land, water, and natural resource management programs spanning the country that are complementary to Corps efforts. Under this proposal, Corps navigation would be transferred to DOT and the remaining Corps civil works missions (flood and storm damage reduction, aquatic ecosystem restoration, regulatory, and all other activities) would be moved to DOI, where those activities could be integrated and aligned with complementary programs focused on issues like water management, ecosystem restoration, and recreation.

Aligning and consolidating Corps civil works mission areas into those of DOT and DOI would increase consistency of Federal policy and actions in both transportation and natural resource management, resulting in more rational public policy outcomes. It would also enable the broadest possible view of both transportation and land and water management infrastructure, thereby leading to improved Federal investment decisions. The transfer of certain Corps programs to DOI – particularly when coupled with the other proposal in this Volume that would move the National Marine Fisheries Service to DOI – consolidates most major land and water resource management programs in the Federal Government in one department. Consolidating these programs under one umbrella would improve effectiveness of land, water, and natural resource management efforts, as well as infrastructure permitting, across Government. It would also place Corps civil works activities in domestic agencies instead of in DOD, whose mission is focused on national defense.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under this proposal, the Corps commercial navigation functions would move to DOT, whose mission already includes Federal responsibility for all other modes of transportation. All other activities, including flood and storm damage reduction, aquatic ecosystem restoration, hydropower, regulatory, and other activities, would move to DOI.

Aligning and consolidating the Federal Government's role in domestic water resources activities would provide greater consistency in policy and investment decisions, including comparisons of various investment opportunities. Doing so would increase economic efficiency and improve transparency of investment decisions.

Moving Commercial Navigation Functions to the Department of Transportation

Transferring Corps navigation programs to DOT would consolidate responsibility across all transportation modes within a single Federal agency, thereby encouraging consistent Federal policy in the transportation sector. This consolidation would leverage DOT's expertise in infrastructure, and make DOT's maritime responsibilities analogous to its role in other transportation sectors. In the maritime sector, DOT's mission would expand to helping States and non-Federal partners make infrastructure investment decisions.

Moving Remaining Functions to the Department of the Interior

The Corps administers an aquatic ecosystem restoration program to implement projects designed to benefit fish, wildlife, and their habitat. These projects are often justified by the benefits they provide to species protected under the Endangered Species Act and the Migratory Bird Treaty Act, two laws that DOI administers with great expertise. Development of these projects requires significant coordination with DOI to ensure that the resulting project effectively targets the highest priority needs. If the Corps' restoration program was administered through DOI, the Executive Branch could better direct its ecosystem restoration investments to achieve the greatest benefit to fish, wildlife, and their habitat, and better leverage the expertise and relationships DOI maintains with State fish and wildlife agencies.

In addition, consolidating the Corps' regulatory responsibilities for permitting of non-Federal projects within DOI would simplify the infrastructure permitting process for stakeholders who often have to navigate multiple Federal agency processes when seeking project permits and approvals. Moving regulatory responsibilities, including those related to the Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, within DOI's existing permitting programs would produce administrative efficiencies and opportunities for simplified interaction with stakeholders.

AMERICAN OVERSIGHT

DOI-FBI-18-0520-18-0521-F-000048
18-cv-2422(FBI)-3223

Reorganize Primary Federal Food Safety Functions into a Single Agency, the Federal Food Safety Agency

Departments of Agriculture and Health and Human Services

Summary of Proposal: This proposal would address the current fragmented Federal oversight of food safety by reorganizing the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) and the food safety functions of the U.S. Department of Health and Human Services' U.S. Food and Drug Administration (FDA) into a single agency within USDA. USDA demonstrates strong and effective leadership in food safety and maintains an expert understanding of food safety issues from the farm to the fork. This proposal would cover virtually all the foods Americans eat.

THE CHALLENGE

For more than forty years, the Government Accountability Office (GAO) has reported that the fragmented Federal oversight of food safety "has caused inconsistent oversight, ineffective coordination, and inefficient use of resources,[1]" and food safety has been on GAO's list of high-risk areas since 2007. FSIS and FDA are the two primary agencies with major responsibilities for regulating food and the substances that may become part of food. FSIS is responsible for the safety of meat, poultry, processed egg products, and catfish, while FDA is responsible for all other foods, including seafood and shelled eggs.

There are many examples of how illogical our fragmented and sometimes duplicative food safety system can be. For example: while FSIS has regulatory responsibility for the safety of liquid eggs, FDA has regulatory responsibility for the safety of eggs while they are inside of their shells; FDA regulates cheese pizza, but if there is pepperoni on top, it falls under the jurisdiction of FSIS; FDA regulates closed-faced meat sandwiches, while FSIS regulates open-faced meat sandwiches.

To address this fragmented and illogical division of Federal oversight, FSIS and the food safety functions of the FDA would be consolidated into a single agency within USDA called the Federal Food Safety Agency.

GAO and other experts have recommended merging Federal food safety functions as a potential solution to this fragmentation. The National Research Council and the Institute of Medicine (now known as the Health and Medicine Division of the National Academies of Sciences, Engineering, and Medicine) have recommended that the core Federal food safety responsibilities should reside in a single entity or agency, with a unified administrative structure, clear mandate, a dedicated budget, and full responsibility for the oversight of the entire U.S. food supply.

[1] Government Accountability Office, "GAO-17-317: High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others," (February 2017).

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THE OPPORTUNITY

The new Federal Food Safety Agency would pursue a modern, science-based food safety regulatory regime drawing on best practices of both USDA and HHS, with strong enforcement and recall mechanisms, expertise in risk assessment, and enforcement efforts across all food types based on scientifically-supported practices. The Agency would serve as the central point for coordinating with State and local entities and food safety stakeholders, rationalizing and simplifying the Federal food safety regulatory regime. The reform would reduce duplication of inspection at some food processing facilities, improve outreach to consumers and industry, and achieve savings over time while ensuring robust and coordinated food safety oversight.

While the FDA and FSIS currently have very different regulatory regimes, consolidating FSIS and the food safety functions of FDA would allow for a better allocation of resources based on risk, better communication during illness outbreaks, and improved policy and program planning through development of a single strategic plan.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The irrational divisions of responsibility between FDA and FSIS have evolved since the early days of U.S. food regulation. The Congress created separate statutory frameworks, spurred in part by various food safety concerns and incidents of the day, originally to address the widespread marketing of intentionally adulterated foods and the unsafe and unsanitary conditions in meat packing plants in the early 1900s. Over the years, the Congress added new authorities to meet new challenges. Over time, the different legislative authorities that govern the two agencies have resulted in two distinct regulatory regimes, cultures, and approaches to addressing food safety. Thus, fully integrating FSIS and the food safety functions of FDA would ultimately require a reconciliation of underlying legislative authorities and regulatory approaches.

Food Safety and Inspection Service Approach

FSIS is responsible for the safety of domestic and imported meat, poultry, processed eggs, and catfish. Meat and poultry undergo continuous (i.e., 100 percent) inspection during slaughter, and one or more Federal inspectors are on site during all hours that a slaughter plant is operating, and present for every shift in processing plants. FSIS is involved in many areas of food processing and food distribution: the inspection of domestic products, imports, and exports; conducting risk assessments; and educating the public about the importance of food safety. FSIS ensures the safety of imported products through a three-part equivalence process that includes an analysis of the country's legal and regulatory structure, initial and periodic on-site audits to ensure equivalence with FSIS standards, and a continual point-of-entry re-inspection of products from the exporting country.

Food and Drug Administration Approach

FDA is responsible for the safety of all U.S. domestic and imported foods except meat, poultry, processed eggs, and catfish. FDA conducts inspections of most establishments that manufacture, process, pack, or hold foods. FDA requires food importers to verify that their foreign suppliers have adequate preventive controls in place to ensure that the food they produce is safe, and FDA can refuse entry into the United States of food from a foreign facility if FDA is denied access by the facility or the country in which the facility is located. FDA also has a systems recognition program, which determines whether another country has comparable regulatory programs and public health outcomes to the United States. Systems

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recognition allows FDA to avoid duplication of effort while leveraging the high-quality work done by regulatory authorities in each country. Given the scope of FDA's responsibilities, FDA inspects food establishments based on risk. As required by law, FDA must inspect 100 percent of high-risk domestic food facilities every three years. FDA physically inspects less than two percent of imported foods annually at the ports. Where FSIS and FDA statutory and/or regulatory regimes overlap, some establishments fall under the jurisdiction of both agencies.

Locating the Federal Food Safety Agency at USDA

USDA is well poised to house the Federal Food Safety Agency. USDA is a strong leader in food safety; has a thorough understanding of food safety risks and issues all along the farm to fork continuum; and many agencies within USDA focus on food safety.

The Agricultural Research Service (ARS) spends about $112 million on in-house food safety research, and ARS scientists work with both FSIS and FDA to help develop research priorities and food safety practices. In addition, many other programs at USDA have food safety elements, from helping to manage wildlife on farms, to monitoring animal health, to collecting pesticide residue data on fruits and vegetables. USDA also has established relationships between State departments of agriculture, local farms, and processing facilities, and is thus keenly aware of food safety issues at all levels.

Following the food reorganization, FDA (which would be renamed the "Federal Drug Administration") would focus on drugs, devices, biologics, tobacco, dietary supplements, and cosmetics.

The proposed consolidation would merge approximately 5,000 full-time equivalent (FTE) employees and $1.3 billion from FDA with about 9,200 FTEs and $1 billion in resources in USDA. In the long term, the Administration expects this proposal would result in improvements in food safety outcomes, policy and program consistency, and more efficient use of taxpayer resources.

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Move Select USDA Housing Programs to HUD

Departments of Agriculture and Housing and Urban Development

Summary of Proposal: This proposal would move the Department of Agriculture's (USDA) rural housing loan guarantee and rental assistance programs to the Department of Housing and Urban Development (HUD). Having both USDA and HUD housing programs administered by HUD would allow both agencies to focus on their core missions and, over time, further align the Federal Government's role in housing policy.

THE CHALLENGE

Currently, USDA and HUD operate similar programs that assist homeowners and low-income renters and support rental housing development. Each agency operates its own mortgage insurance programs for home purchase and refinance loans, as well as loans to build, rehabilitate, and refinance rental housing properties. In addition, the two agencies operate separate rental assistance programs offering subsidies to make rents affordable to low-income tenants.[1] The programs, however, are not identical; there are differences in eligibility requirements, assistance levels, delivery and oversight structures, and other program features that have evolved separately over time. Given that these housing programs are currently situated in separate agencies with distinct missions and priorities, incorporating best practices across programs and establishing a unified housing policy has been a challenge. This proposal seeks to mitigate these issues by moving USDA's single-family and multifamily loan guarantees and rental assistance programs to HUD.

THE OPPORTUNITY

Moving USDA housing programs to HUD would foster a more integrated approach to homeownership and rental housing programs by consolidating oversight and policy direction under one agency. In the long term, it would improve operational efficiency and service delivery through integration of like programs and the adoption of best practices.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

USDA's housing programs, which serve eligible rural areas, were initially established in the 1940s in response to an underrepresentation of national housing programs in rural areas. They were also a result of the ready-made delivery system USDA had in place through its field office structure for farm loans. Since then, the rationale for separate, rural-focused housing programs at USDA has become outdated given HUD's role in serving communities throughout the Nation, including in many rural areas. In fact, due in large part to the sheer size of its programs, HUD serves more households in USDA-eligible areas than USDA does. For example, as shown in the Figure, HUD's Federal Housing Administration (FHA)

[1] In general, HUD and USDA rental assistance programs make rents affordable to eligible households by paying the difference between the unit's rent and 30 percent of a household's adjusted income. These programs include: 1) tenant-based rental assistance/vouchers for eligible tenants to rent privately owned apartments or single-family homes, which can be applied to different properties if tenants move; and 2) project-based rental assistance that is attached to specific properties and is available to tenants only when they are living in units at these properties.

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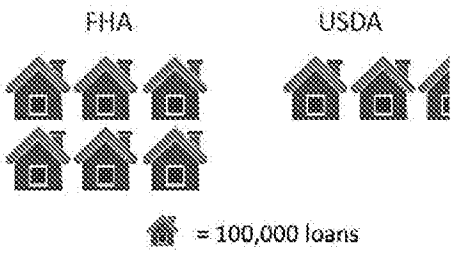
guaranteed approximately 633,000 single-family loans in zip codes that were 100 percent USDA-eligible from fiscal years 2015 to 2017 compared to 258,000 loans guaranteed by USDA.

Moving USDA housing programs to HUD would be the first step toward achieving long-term improvements in operational efficiency and service delivery. For example, program requirements, management and oversight processes, and systems would be assessed to identify and take advantage of best practices from each agency. Private-sector partners, including lenders and developers, that currently work with both agencies to administer housing programs could realize efficiencies as conflicting requirements are eliminated or reduced. Another long-term objective, to the extent it can be achieved without compromising Agency mission, would be to produce Federal savings by reducing Agency overhead costs.

Number of FHA and USDA loans in 100% USDA-eligible zip codes, 2015-2017



Source: HUD and USDA lending data.

This reorganization could be modeled after the provision in a draft House bill, the "FHA-Rural Regulatory Improvement Act of 2011," which proposed to establish a separate HUD Rural Housing office to provide loan guarantees and rental assistance in rural areas, and transfer the USDA housing programs into that office. This proposal is also consistent with findings from the Government Accountability Office (GAO). Since 2012, GAO has issued annual reports on opportunities to reduce fragmentation, overlap and duplication, and housing programs at USDA and HUD have routinely been included in that report.

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Merge the National Marine Fisheries Service (NMFS) with the U.S. Fish and Wildlife Service (FWS)

Departments of Commerce and the Interior

Summary of Proposal: This proposal would merge the Department of Commerce's (DOC) National Marine Fisheries Service (NMFS) with the Department of the Interior's (DOI) U.S. Fish and Wildlife Service (FWS). This merger would consolidate the administration of the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) in one agency and combine the Services' science and management capacity, resulting in more consistent Federal fisheries and wildlife policy and improved service to stakeholders and the public, particularly on infrastructure permitting.

THE CHALLENGE

The National Marine Fisheries Service (NMFS) – located in the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) – and the U.S. Fish and Wildlife Service (FWS) – housed within the Department of the Interior (DOI) – administer two foundational laws that aim to prevent extinctions and recover fish and wildlife: the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). The Services' jurisdictions under these two laws is generally split based on habitat type, with FWS covering species that spend time on land or in inland fisheries, while NMFS covers mostly marine species.

This split jurisdiction, coupled with the fact that the Services are located in different departments, creates a confusing permitting landscape for project proponents. For example, when reviewing the impacts of a proposed dam system on endangered species, FWS and NMFS may come up with directly contradictory requirements about how that dam system needs to be managed to be ESA compliant. FWS may determine that the dam system needs to release extra water to benefit an endangered inland fish species, while NMFS may simultaneously conclude that the dam operator should store that water to provide future benefits to an anadromous fish under NMFS's management. The end result is confusion and a lack of clarity on how to proceed with the project.

This proposal would seek to address these concerns by merging NMFS with FWS in DOI, simplifying the administration of the ESA and MMPA, and coordinating fish and wildlife science and related resource management capacity in one bureau within DOI.

THE OPPORTUNITY

This proposal would simplify and bring greater clarity and consistency to the administration of the ESA and MMPA, enabling a coordinated and synchronized approach to ESA and MMPA regulatory reform. This would result in improved service to stakeholders and the public, particularly on infrastructure permitting. This merger would also combine fisheries and wildlife management capacity into one bureau within DOI. DOI already carries a great breadth of natural resource management responsibilities, and bringing NMFS and certain Army Corps of Engineers programs, as proposed elsewhere in this Volume, into DOI would increase the effectiveness of conservation efforts across the Government by putting them all under one umbrella. Over time, the proposal may yield savings through the consolidation of administrative support functions within the merged FWS and across DOI.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Merging NMFS into DOI's FWS presents opportunities to improve implementation of the ESA and MMPA, which will benefit of species and stakeholders and improve natural resource management.

With the Services currently housed in different departments and assigned different species under their jurisdictions, administration of the ESA and MMPA can be complicated and inconsistent, posing challenges for stakeholders and species alike. Under these statutes, both agencies have similar responsibilities: NMFS for primarily marine species and FWS for primarily freshwater and land-based species. Under the ESA, the Services decide whether to protect a species (i.e., list it as threatened or endangered), designate critical habitat for listed species, and perform consultations for Federal actions that may impact listed species or their critical habitat. Under the MMPA, the Services review and issue permits that allow the hunting, harassing, or killing of marine mammals in limited circumstances.

In recent years, FWS and NMFS have sought to better align their implementation of the ESA. Rather than pursuing individual regulations that govern ESA implementation, the Services have undertaken several joint rulemakings in recent years, which establish clear and consistent definitions and processes for how the ESA should be administered.

However, bringing NMFS into FWS would also improve the effectiveness of fish, wildlife, and natural resource management activities by coordinating protections for jointly managed species, improving interagency coordination, and streamlining permitting. Both Services engage in complementary scientific research, voluntary habitat conservation, law enforcement, and international conservation work. A merger provides an opportunity to look across this suite of activities to direct resources at the highest value conservation work and to discover agency best practices that could be applied more broadly.

This idea is not new. Dating back to the Carter Administration, previous administrations and congresses have proposed reorganizing NMFS and FWS, with a focus on improving natural resource management. Those past proposals span a wide spectrum. From smallest to largest, these proposals have suggested moving NMFS's ESA responsibilities to FWS, merging NMFS into FWS, moving NOAA into DOI, and establishing a new Department of Natural Resources.

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Consolidation of Environmental Cleanup Programs

Departments of the Interior and Agriculture, and the Environmental Protection Agency

Summary of Proposal: This proposal would consolidate portions of the Department of the Interior's (DOI) Central Hazardous Materials Program and the Department of Agriculture's (USDA) Hazardous Materials Management program into the Environmental Protection Agency's (EPA) Superfund program. This consolidation would allow EPA to address environmental cleanup under the Comprehensive Environmental Response Compensation & Liability Act (CERCLA) on Federal land regardless of which of these agencies manages the land, while DOI and USDA would maintain their existing environmental compliance, bonding, and reclamation programs for non-CERCLA sites.

THE CHALLENGE

The Comprehensive Environmental Response Compensation & Liability Act of 1980 (CERCLA) provided the President with the authority to respond to the release of hazardous substances that pose a threat to public health or the environment. EPA was designated as the lead agency for developing and implementing guidance and regulations for addressing those releases, and approving remedies for the most contaminated sites in the country (i.e., those sites that end up on the National Priorities List (NPL)). The job of actually performing and paying for the cleanup activities was then distributed across the Federal Government to ensure that agencies have an incentive to be good environmental stewards of the properties they operate, manage, or administer. In general this system works as intended; agencies such as the Departments of Energy and Defense, for example, pay for the cleanup associated with their activities on properties they operate, manage, or administer.

The system becomes more challenging when addressing environmental conditions at abandoned mine sites, which are present on both private and public lands. EPA is delegated authority for conducting cleanup at mining sites on private lands, while DOI and USDA are responsible for executing cleanup at mining sites on Federal lands. The problem is that DOI and USDA inherited over 80,000 abandoned mine sites, over which they had no control prior to the mid-1970s. While the vast majority of these sites have only minor environmental or physical hazards, some require a more extensive environmental cleanup. In those instances, DOI and USDA apply EPA's guidance, but discrepancies in interpretations have led to inefficiencies and inconsistencies across the Federal cleanup regime. In some instances, inconsistent cleanup determinations within a mining district or watershed have been the result of these types of conflicting interpretations. In addition, due to competing mission priorities within DOI and USDA, the cleanup activities at these sites do not necessarily receive the same level of attention that they would if they were part of EPA's Superfund program.

Consolidating the cleanup programs in a way that allows EPA to add sites in need of CERCLA-level attention to the Superfund program would create efficiencies by eliminating inconsistent interpretations among various agencies, reducing the number of decisions and approvals, and ultimately expediting the cleanup of sites.

THE OPPORTUNITY

This proposal would reduce inefficiencies, oversight costs, and indirect costs by consolidating the environmental assessment and cleanup activities under the agency with the most significant expertise in this area.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal would integrate portions of the DOI and USDA cleanup programs into EPA's Superfund program in order to streamline the Federal Government's response to abandoned mine sites in need of environmental assessment and cleanup. The Federal Government's responsibility for cleanup is currently dispersed across agencies based on jurisdiction, as opposed to expertise and liability. This proposal would enable better use of resources and expertise, streamline the implementation of statutory and regulatory requirements, and facilitate a more comprehensive and consistent approach to addressing contaminated lands across the Nation.

The agencies estimate that there are over 80,000 abandoned mine sites on Federal lands, close to five percent of which could require a CERCLA-level cleanup. While DOI and USDA attempt to address those sites as they are identified, their environmental cleanup programs are not core to their missions, and therefore present a challenge for the agencies to address the wide range of environmental issues stemming from mining sites and other activities on Federal lands. As such, certain sites requiring CERCLA-type cleanup may not be addressed in as timely a manner as they could be if included as part of a more holistic, national program.

The multi-million dollar environmental liabilities associated with abandoned mine sites pre-date modern Federal regulation of environmental issues. The General Mining Law of 1872 was enacted to help develop the West by encouraging mining on Federal lands without the need for bonding or permitting. In the mid-1970s, environmental and other land control issues drove the desire to develop a more comprehensive Federal approach to the development of our natural resources. It was at that time that the Federal Land Policy and Management Act of 1976 and the Surface Mining Control and Reclamation Act of 1977 were passed. Under these laws, DOI and USDA administer the environmental compliance, financial bonding, and closure reclamation of mine sites on Federal lands. Due to their efforts since the passage of those laws, the vast majority of modern mine sites do not rise to the level of environmental degradation that would require a response under the CERCLA. DOI and USDA, however, continue to be responsible for addressing the environmental problems stemming from the abandoned mines from the General Mining Law of 1872 era simply due to their presence on Federal lands.

EPA is the Federal agency responsible for the development of regulations, procedures, and guidance used by the Federal Government to conduct environmental cleanup. EPA is also responsible for overseeing and approving remedies put into place at Federal sites on the NPL and providing technical assistance to States that oversee cleanup activities at Federal sites that are not on the NPL. Due to this role, EPA serves as the Federal Government's subject matter expert on decontamination and hazardous substance risk assessment.

Funding and FTEs would shift from DOI (up to $10 million and eight FTEs) and USDA (up to $3.5 million and six FTEs) to EPA to cover the increase in the assessment and cleanup workload at EPA, while DOI and USDA would continue to maintain funding and FTEs for their existing compliance, bonding, and reclamation programs for modern mines. Although the end result would be a slightly larger Superfund program, it would continue to allocate resources based on risk. In addition, project managers would have control over the cleanup work and not have to direct the actions through another Federal agency manager at Federal sites. The affected States, Tribes, and communities surrounding these sites would also have a single Federal point of contact for raising their concerns with the cleanup approach. This may also lead to certain sites that have been languishing receiving attention, which could result in more favorable conditions for enjoying the natural environment of our Federal lands, and the rivers and streams that run through them.

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Optimization of Humanitarian Assistance

Department of State and U.S. Agency for International Development

Summary of Proposal: The Administration is launching a process to optimize U.S. humanitarian assistance. U.S. humanitarian assistance programs are conducted by three Department of State (State) and U.S. Agency for International Development (USAID) offices, dividing decision-making on humanitarian policy and implementation. The Administration will develop a proposal to reorganize how humanitarian assistance is provided across State and USAID to maximize our leverage and assure all assistance meets our foreign policy goals and objectives, including the capacity to drive strong United Nations (UN) humanitarian system reform, increase burden sharing, minimize duplication of effort in programming and policy, and maximize efficiency in meeting humanitarian needs and resolving underlying crises. In developing this proposal, the Administration will address changes needed to achieve a unified voice on humanitarian policy, budget, and reforms to optimize outcomes. The process will consider all options to achieve these objectives. As part of this process, State and USAID will submit their joint recommendation to the Office of Management and Budget (OMB), as part of their Fiscal Year (FY) 2020 Budget request, to optimize humanitarian assistance programs.

THE CHALLENGE

In FY 2017, State and USAID provided $9 billion in humanitarian assistance. More than 65 million people are displaced worldwide with needs outstripping limited resources. As a result, it is critical to maximize the impact of U.S. taxpayer resources spent on humanitarian assistance and deliver the greatest outcome to beneficiaries for those investments. Currently, three U.S. Government offices — one at State and two at USAID — share the responsibility to establish humanitarian policies and implement related assistance programs. Given the size of U.S. humanitarian relief efforts, it is imperative that they coherently plan, budget, and program against needs, providing the best possible outcomes for beneficiaries and value for the taxpayer as well as avoiding duplication of effort and fragmentation of decision-making.

State's Bureau for Population, Refugees, and Migration (PRM) serves as the Government lead for program response to refugees (i.e., those who have crossed an international border). Within USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA), the Office of U.S. Foreign Disaster Assistance (OFDA) is the lead Federal coordinator for international disaster assistance and aid to internally-displaced persons (IDPs). USAID's Office of Food for Peace (FFP) is the lead Federal provider of international food assistance, including to IDPs and refugees. All three offices—PRM, OFDA, and FFP—address the needs of victims of conflict, where, without careful coordination, there is the risk of overlapping effort.

While PRM and DCHA have always responded to conflict-induced displacement, in the last decade the composition of global beneficiaries has changed dramatically. Victims of conflict have become the largest share of affected persons globally. Conflict-related emergencies — which are man-made, inherently political, and require diplomatic engagement—impact a changing mix of refugees, IDPs, and other affected persons, which requires the three Government offices to be able to respond in a fluid and adaptable way. The most recent example is the Rohingya humanitarian emergency in Burma and Bangladesh. OFDA and PRM separately fund their partners to assist victims of conflict in Burma. PRM funds additional partners to support Rohingya who have become refugees by crossing into Bangladesh. FFP provides food for refugees, IDPs, and others affected in both Burma and Bangladesh. In an emergency situation

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like this, it can be difficult to consistently execute a cohesive U.S. response that uniformly monitors the performance of implementers, including UN agencies, ensures there are no duplications or gaps in aid, and deploys a seamless and effective assistance strategy for all affected people.

Under the current set-up, improvements in coordination across U.S. humanitarian assistance are dependent upon the circumstances and willingness of those involved on a case-by-case basis. For example, in 2015, thanks to their good working relationship, the heads of USAID and State worked together to prevent the closure of the Dadaab refugee camp and the forced return of its occupants to Somalia.

Similarly, the delivery of humanitarian assistance across different offices can result in multiple and divergent Government voices in international fora on UN humanitarian policy and other aspects of humanitarian assistance, if not well coordinated, in an environment where most other participant countries have a single voice, represented by their foreign ministries. This results in confusion and reduces the effectiveness of the United States relative to its scale in the global humanitarian system.

This structure can also create additional programmatic and other costs and inefficiencies in implementing U.S. assistance, ranging from programming efforts that are conflicting, or contain gaps, to the use of different contracting, oversight, accountability measures, systems, policies, and procedures with implementers. In addition, it impedes broader seamless and coherent responses encompassing all tools available to the United States, from relief assistance to development support. There is a growing recognition that relief-development coherence is key to solving prolonged large-scale displacement.

The evolution and expansion in global humanitarian needs and responses in recent years and the structure of the U.S. humanitarian response apparatus, among other factors, underscore why we now need to optimize how we provide humanitarian assistance.

THE OPPORTUNITY

The ultimate goal is to achieve strategic, coherent, and seamless U.S. humanitarian programmatic and policy responses that best achieve our foreign assistance and policy goals, and that maximize our leverage, the benefit to recipients of assistance, and the value to the U.S. taxpayer. The Administration's reorganization proposal will strengthen the capacity of the U.S. Government to achieve critical major reforms within the UN humanitarian system, optimizing outcomes and securing greater accountability and transparency within the multilateral humanitarian system.

Specifically, the final proposal will seek to achieve:

- A seamless cohesive approach to humanitarian programming and funding delivered by the United States;
- A unified voice that ensures the United States exercises a level of influence over donors and multilateral humanitarian efforts commensurate with our overall level of humanitarian funding and that we are not disadvantaged in dealing with the foreign ministries of other nations. A unified voice will not only allow the U.S. Government to more effectively and consistently drive necessary reforms amongst implementers, particularly the UN, but will also strengthen our ability to encourage other donors to increase their share of humanitarian assistance; and
- Strong and consistent oversight of U.S. Government implementing partners' performance, including the UN humanitarian partners.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Each U.S. humanitarian office—PRM, OFDA, and FFP—has its strengths, and often works well with the others, both in Washington and in the field, when their leadership jointly focus on addressing specific challenges and improving specific responses. However, the actions taken by State and USAID to date have not overcome structural deficiencies and therefore have been unable to achieve a systematic, optimal, and consistent approach to humanitarian operations, programming and standards, policy issues, and coordination with the UN and other implementers, other donors and grantees.

As outlined in the FY 2019 Budget, following an in-depth external study of USAID's humanitarian offices in 2016, the Administration decided to merge OFDA and FFP. The merger will allow these two offices to increase the efficiency and effectiveness of USAID's humanitarian programs. The Administration intends to go beyond the FY 2019 Budget by elevating the merged OFDA and FFP offices in a new USAID bureau. In addition, the Administration is deploying a new approach to relief in the near term across State and USAID as a stopgap measure that improves how we conduct humanitarian assistance within the current U.S. humanitarian structure, and is also launching a process that will optimize the structure of U.S. humanitarian assistance, culminating with the delivery of a joint recommendation for consideration by OMB as part of the 2020 Budget development process.

Elevation of USAID's Humanitarian Assistance Offices into a Bureau

As a first step, USAID is currently seeking to elevate the merged OFDA and FFP into a new Bureau. The Bureau would report to a new Associate Administrator for Relief, Resilience, and Response. This action is intended not only to raise the importance of humanitarian assistance within USAID and with domestic and international stakeholders, but also to improve and eliminate duplication within USAID's crisis responses, including those crises driven by persistent conflict and food insecurity. The improvements include facilitating the transition from relief to development in new and ongoing humanitarian emergencies.

New Approach to Relief

State and USAID are embarking on a new approach to relief in the near-term, discussed in broad terms in the FY 2019 Budget, to begin to address three presidential priorities to 1) increase burden-sharing by other donors; 2) catalyze advance reform at the UN and other implementing partners; and 3) improve internal Government coherence on humanitarian assistance. Under this approach, State and USAID will both continue to engage in humanitarian policy and diplomacy.

Amplifying U.S. Global Leadership by Optimizing U.S. Humanitarian Assistance

In addition, the Administration proposes to launch a process to revisit and optimize humanitarian assistance across State and USAID, to result in a reorganization proposal in the 2020 Budget. This proposal to optimize how humanitarian assistance is provided across State and USAID will establish the capacity to drive strong UN humanitarian system reform, increase burden-sharing, minimize duplication of effort in programming and policy, and maximize efficiency, and empower our diplomatic efforts to resolve conflicts and end long-standing displacement. Table 1 lays out the key challenges and risks, as well as the desired outcomes to be addressed in a final 2020 Budget proposal.

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In developing this proposal, the Administration will address fundamental changes needed to achieve a unified voice on humanitarian policy, budget, and reforms to optimize outcomes by institutionalizing the core elements of the new approach to relief, to optimize the effectiveness of U.S. humanitarian assistance, and to make the coordination of policy and implementation across State and USAID seamless and more durable, accountable and effective.

Table 1:
Optimization of Humanitarian Assistance – Current Challenges and Risks, and Desired Outcomes

Current Challenges and Risks	Desired Outcomes
• Programming overlap, gaps and inconsistencies across programs • Voices and policy positions not fully coordinated in international forums and negotiations • Suboptimal policy positions and compromises in international negotiations • Difficulties in shifting funds across refugees, IDPS, and food as needed to address changing situations • Different and suboptimal business models for providing assistance • Suboptimal accountability, transparency, efficiency and effectiveness • Duplicative and different oversight and reporting requirements	• Humanitarian leadership optimized to achieve foreign policy priorities, including UN reform and other reforms, coherent policy and programming • Increased burden-sharing • Strengthened diplomacy to resolve conflicts • Seamless, coherent budgeting, planning, and programming (including planning for contingency needs) • Unified voice that seeks optimal UN reforms • Seamless implementation of relief-development coherence across affected persons regardless of status, not just IDPs • Provision of aid based on needs (not status) • Ability to surge in unified, seamless response across all humanitarian assistance as crises evolve • Ability to use funding as needed either for refugees or IDPs and other affected persons • Significant and measurable improvements in outcomes for beneficiaries and value for U.S. taxpayers, including accountability and transparency • Seamless and coherent responses encompassing all tools available from relief assistance to development support

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Development Finance Institution

Overseas Private Investment Corporation and USAID Development Credit Authority

Summary of Proposal: The Development Finance Institution (DFI) brings together the U.S. Government's development finance tools, such as the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) of the U.S. Agency for International Development (USAID), in a reformed and modernized way to leverage more private sector investment, provide strong alternatives to state-directed initiatives, create more innovative vehicles to open and expand markets for U.S. firms, and enhance protections for U.S. taxpayers.

THE CHALLENGE

"Development finance" refers to the use of tools such as loans, guarantees, and political risk insurance to facilitate private-sector investment in emerging markets with the goal of achieving positive developmental impact. Public-sector support aims to mobilize transactions that the private sector wouldn't do on their own.

The U.S. Government has used these tools through OPIC to back projects in key sectors such as power, water, and health that improve the quality of life for millions, and help lay the groundwork for creating modern economies. Likewise, the U.S. Government has used USAID's DCA risk-sharing guarantee program to drive private investment into countries and sectors with no or insufficient access to commercial finance.

Current U.S. development finance tools are outdated and fragmented across multiple Federal agencies, and often are not well coordinated. This has hampered the Government's ability to make investments that support key U.S. foreign policy and national security objectives, and resulted in the inefficient use of taxpayer dollars. For example, OPIC and DCA have operated for over 15 years without significant legislative updates, and lack authorities to pursue more innovative deals in pursuit of our foreign policy interests. These institutions also have some duplicative functions, and lack the most modern development finance tools needed to counter the state-driven model of countries like China, or to cooperate with the DFIs of our allies like the United Kingdom, Germany, Canada, and Japan, who are investing heavily throughout the developing world.

DFI brings together the U.S. Government's development finance tools, such as OPIC and DCA, in a reformed and modernized way to leverage more private-sector investment, provide strong alternatives to state-directed initiatives, create more innovative vehicles to open and expand markets for U.S. firms, and enhance protections for U.S. taxpayers.

THE OPPORTUNITY

With a new DFI, the United States will be better placed to advance our development and national security goals in the developing world and boost the competitiveness of American businesses, which are critical for promoting American prosperity and security. Compared to the status quo, the DFI will be better aligned with the President's National Security Strategy and better able to manage U.S. taxpayer risk.

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A consolidated DFI will increase coordination and operational efficiencies, making more funding available for programming. In addition, it will be more nimble and better able to mobilize private sector funding with a modernized 21st Century toolkit allowing it to compete globally.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

In November 2017, before the Asia-Pacific Economic Cooperation (APEC) Summit in Vietnam, the President committed to reforming U.S. development-finance institutions to "better incentivize private-sector investment" and "provide strong alternatives to state-directed initiatives that come with many strings attached." Additionally, the President's National Security Strategy prioritizes efforts to catalyze private sector activity in developing countries to complement our more traditional foreign assistance programs.

The DFI will have reformed and modernized tools so that it is more interoperable with partners, while adhering to the key principles of mitigating risk to the U.S. taxpayer and not displacing private sector resources. The DFI will have similar tools to OPIC and USAID's DCA today, (e.g. loans, guarantees, and insurance). In addition, the DFI will be able to support development finance related feasibility studies, project-specific grants, and equity investments, with appropriate constraints.

The DFI will have an updated governance structure and strong institutional linkages with the Department of State (State) and USAID to ensure the prioritization of projects that are critical to national security and developmentally impactful. The connectivity will drive better pipeline and programming coordination amongst USG agencies. For example, in a high-priority country, we envision complementary activities that could entail having the DFI support a feasibility study and subsequent early-stage financing for a new project, while USAID funds economic policy reforms that strengthen the enabling environment and attract more private-sector investment. To cement this alignment, the Fiscal Year (FY) 2019 Budget proposes resources for State/USAID programming (and other transfer authorities) to support activities such as grants for technical assistance or "wraparound" services that complement and support the DFI's project-specific investments.

The new DFI governance structure will ensure that U.S. Government investments catalyze, but do not displace, the private sector, and will better manage taxpayer risk. For example, the Budget proposes annual loan limitations, in addition to an overall exposure cap, and the Administration's proposal includes investment constraints to enhance taxpayer protections. The Budget also requests significantly expanded funding for inspections, evaluations, and oversight of the DFI.

The Administration expects savings from eliminating some redundant efforts in development-finance programs, such as risk-management, credit-modeling, and servicing. These savings will allow the DFI to allocate more effort to its mission than to duplicative overhead activities.

The Administration's DFI proposal is consistent with similar proposals from a range of independent stakeholder groups and think tanks such as the Modernizing Foreign Assistance Network and the Center for Strategic and International Studies, and derives important lessons from other countries' DFIs. Additionally this proposal reflects significant coordination among all affected agencies and various other stakeholders.

The Administration has indicated strong support for the goals of H.R. 5105/S.2463, the "Better Utilization of Investments Leading to Development (BUILD) Act of 2018." The legislation is broadly consistent with the Administration's DFI proposal, and the Administration has been working with the Congress to make adjustments to the text as the bills progress through the legislative process.

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Structural Transformation of Central Washington-Based Bureaus at the U.S. Agency for International Development

U.S. Agency for International Development

Summary of Proposal: The U.S. Agency for International Development (USAID) is planning an extensive, Agency-driven structural reorganization of its headquarters Bureaus and Independent Offices, as a foundational component of its overall plans to better advance partner countries' self-reliance, support U.S. national security, and ensure the effectiveness and efficiency of foreign assistance. Most significantly, USAID's transformation will accomplish the following: 1) elevate and realign its humanitarian assistance, conflict-prevention and response, and resilience and food security programs; 2) consolidate and reorient its centralized program design, innovation, and technical support functions to better support overseas Missions; and 3) consolidate and streamline policy, budget, performance, and central management functions.

THE CHALLENGE

USAID has not undergone a comprehensive structural transformation in more than 20 years. The operating environment for USAID has changed dramatically in those 20 years, and USAID is looking to change with it by creating a more dynamic and efficient organization that enables its people and programs to be more effective while also maintaining the Agency's leadership on development. The goal of this transformation effort is to strengthen the Agency's core capabilities. Specifically, that means breaking down stove-pipes and creating coherent and rational structures that can enable more efficient coordination and integration of programs and resources. It also means continuing to work to unlock information, analysis, and ideas internally and externally that can improve decision-making and programming across the organization. For example, the magnitude, complexity, and protracted nature of humanitarian assistance, stabilization, and resilience needs worldwide has outstripped USAID's existing structures and approaches, so the Agency has planned an improved structure that will enable fully-integrated responses and effective transitions from recovery to longer term resilience and self-sufficiency. Further, specialized technical expertise and cross-cutting capabilities are dispersed inconsistently and in some cases duplicatively across the Agency, with no single centralized resource to support Missions overseas in designing innovative and effective programs. USAID's budget, policy, and evidence-based performance functions are currently dispersed among multiple bureaus and offices, so the Agency is planning to bring those functions under one umbrella, as well as ensure coherence in operationalizing the vision for self-reliance that is the centerpiece of the future USAID. Lastly, the restructuring is exploring how to better integrate core management functions to strengthen the operational foundation of the Agency.

To address these challenges, USAID is pursuing a comprehensive set of experience-based, employee-driven reforms across the Agency. These proposals will elevate and consolidate humanitarian assistance; better align efforts to prevent and respond to conflict and conduct stabilization and response efforts; enable the building of more resilient communities and countries in the face of shocks; reinforce advanced program design, innovation, and implementation as core capabilities; strengthen connections and coherence between policy, budget, and strategy; and align central management services.

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THE OPPORTUNITY

These reforms will strengthen USAID's core capabilities in priority areas, rationalize Bureau and Office structures, and establish clear roles and responsibilities to reduce duplication, improve accountability, and maximize effectiveness. As a result, USAID will be better positioned to support the President's National Security Strategy and economic growth objectives through foreign assistance, including through: better development and emergency response outcomes; increased self-reliance in partner countries and a reduced need for traditional foreign assistance; improved USAID program and procurement design and implementation; and greater accountability, effectiveness, and efficiency in using taxpayer dollars.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

USAID's ambitious structural reorganization will provide a strong foundation for its broader transformation plans, which emphasize policy and process reforms across such topics as ending the need for foreign assistance, better supporting national security, opening markets for U.S. businesses, and driving reforms in human resources, information technology, and procurement. These structural changes will help ensure that improvements are sustainable by strengthening core Agency capabilities and coordination, improving the design and implementation of humanitarian and development assistance programs, and streamlining offices and decision-making. USAID is investing extensive time, expertise, and leadership focus in analyzing, developing, and implementing seven major Bureau changes, including in many Washington-based offices. Each major change summarized below is supported by a strong rationale and detailed plans for successful implementation. Taken together, they represent a significant re-envisioning of USAID and its potential to support U.S. national security, foreign policy, and economic goals while effectively managing and overseeing taxpayer-funded programs.

Associate Administrator for Relief, Response, and Resilience

The new Associate Administrator will lead an integrated effort to strengthen and further unify humanitarian assistance with resilience and food security, and with prevention and response to conflict and crises. By providing overall strategic and programmatic guidance, the Associate Administrator will reduce stove-piping, improve decision-making, and ensure effective, timely, and appropriate coordination of critical programming and technical assistance. This position will also reduce the number of individuals who report directly to the Administrator and Deputy Administrator, and allow them to focus on broad strategy and management of the overall Agency.

Bureau for Humanitarian Assistance

The current structure of humanitarian assistance at USAID is out of date and based on an artificial bifurcation of food and non-food humanitarian assistance, which impedes fully-integrated, effective, and efficient responses. The new Bureau for Humanitarian Assistance will consolidate USAID's current Offices of Food for Peace and U.S. Foreign Disaster Assistance, uniting humanitarian programming, eliminating confusion and duplication in the field and in Washington, D.C., and allowing beneficiaries and partners to deal with one cohesive humanitarian assistance provider within USAID. This unified structure will improve the Agency's core capability to save lives, reduce hunger and human suffering, and mitigate the impact of disasters and complex emergencies around the world.

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Bureau for Resilience and Food Security

Elevating leadership and strengthening Mission support on resilience will better enable USAID's programs to break the cycle of chronic vulnerability, extreme poverty, and hunger driven by recurrent shocks and stresses – and therefore to reduce the types of instability that threaten U.S. national security. The new Bureau for Resilience and Food Security will combine the capabilities and expertise of the current Bureau for Food Security (including the Center for Resilience), the Office of Water, and the Climate Adaptation team to provide technical leadership and more efficient and effective support to field Missions through four Centers that cover Agriculture, Resilience, Water, and Nutrition, as well as through cross-cutting capabilities such as research.

Bureau for Conflict Prevention and Stabilization

Approximately 70 percent of USAID's programming is in fragile states or countries in conflict, emerging from conflict, or at risk of conflict, yet USAID's current Bureau for Democracy Conflict and Humanitarian Assistance (DCHA) does not always operate as one unit with one voice. The new Bureau for Conflict Prevention and Stabilization will house USAID's current DCHA Offices of Transition Initiatives; Civilian-Military Cooperation; Conflict Management and Mitigation; and Program, Policy and Management, along with Countering Violent Extremism staff, in a single streamlined and focused Bureau. The Bureau will lead the implementation of effective conflict prevention, stabilization, and political transition assistance through field programs to respond to acute crises, integrated technical assistance and services to Missions, and surge capacity and rapid response support. Enhancing and more effectively integrating these functions in one bureau will strengthen USAID's ability to counter violent extremism, advance U.S. national security, achieve long-term development goals, and help more countries move towards self-sufficiency.

Bureau for Development, Democracy and Innovation

In USAID's current structure, there is no single, central resource for program design and innovation, with relevant technical expertise spread inefficiently and inconsistently across the Agency, both at headquarters and in regional Bureaus. The new Bureau for Development, Democracy and Innovation will bring together the technical expertise of the current Bureau for Economic Growth, Education, and the Environment; the Center for Democracy, Human Rights, and Governance; the Global Development Lab; regional bureaus; and other components such as American Schools and Hospitals Abroad, the Center for Faith-Based and Community Initiatives, and Minority-Serving Institutions Program. The Bureau will be a one-stop shop for technical expertise and high-quality program-design support. It will house several Centers on specific topics and help Missions to improve programmatic results by integrating innovation, technology, inclusivity, good governance, private-sector engagement and partnerships, expertise in managing small grants, and other cross-cutting priorities into long-term development efforts.

Associate Administrator for Strategy and Operations

Currently, USAID's budget, financial management, policy and learning, and other management functions are dispersed across multiple Bureaus that report separately to the Administrator and Deputy Administrator. The increasing complexity of USAID's mission means that these two Agency leaders can no longer devote sufficient attention to strategic and programmatic priorities while also driving management reforms, operational and procurement improvements, and overseeing USAID's finances and human capital. USAID is exploring the feasibility and value of establishing a new Associate Administrator for Strategy and Operations that would unite these functions under a single dedicated leader for the first

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time, to reduce stove-piping; improve decision-making; and ensure effective, timely, and appropriate coordination of critical operations and management functions. This role would also reduce the number of individuals who report directly to the Administrator and Deputy Administrator, to allow them to focus at the strategic level while the Associate Administrator for Strategy and Operations would be accountable for all management functions on a day-to-day basis.

Bureau for Policy, Resources and Performance

The new Bureau for Policy, Resources, and Performance (PRP) will consolidate staff from the current Bureau of Policy, Planning and Learning, the Office of Budget and Resource Management, the Bureau for Management, and the Global Development Lab to better coordinate, align, and strengthen USAID's foreign assistance policy, resource management, and evidence-based performance management functions. The PRP Bureau would report to the newly-established Associate Administrator for Strategy and Operations.

Bureau for Management

Multiple Agency-wide management and human capital functions reside in organizational units outside of the Management Bureau. The Bureau for Management oversees most procurement and program-funded human resources functions, whereas the remainder of human resource functions are housed within the Bureau for Human Capital and Talent Management (HCTM), and the Office of Security (SEC) is currently a stand-alone organizational unit. The merger of HCTM and SEC with the Management Bureau will provide for a more simplified operational structure. It will reduce direct reports to the Administrator, increase accountability and direct oversight, allow for all human capital components to reside in a single Bureau, and support a more streamlined security clearance process. The Bureau for Management would report to the newly-established Associate Administrator for Strategy and Operations.

Bureau for Asia

The countries of Afghanistan and Pakistan were formerly part of USAID's Bureau for Asia until 2010, when the previous Administration established the separate the Office of Afghanistan and Pakistan Affairs (OAPA) to address the tremendous pace of operations in the two countries. Designed as an interim solution intended to help administer the ramping up of development programs in Afghanistan and Pakistan, the current maturation of those programs, and the necessity for improved regional coordination and effectiveness to carry out the President's South Asia Strategy, warrant the reintegration of OAPA into a single Asia-wide regional Bureau.

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Reorganizing the U.S. Office of Personnel Management

U.S. Office of Personnel Management

Summary of Proposal: This proposal would reorganize the U.S. Office of Personnel Management (OPM) and the process by which Federal personnel management and operations functions are coordinated. Specifically, the proposal would move OPM's policy function into the Executive Office of the President (EOP) and elevate its core strategic mission, while devolving certain operational activities, including the delivery of various fee-for-service human resources and IT services, to other Federal entities better positioned to provide transaction processing services that meet 21st Century needs.

THE CHALLENGE

Forty years ago, OPM was established in statute by the Civil Service Reform Act of 1978, and was tasked with aiding and advising the President on actions to promote an efficient civil service. This was the last time the Government implemented broad civil service reform. The General Schedule Federal job classification structure dates back to 1949. Today, there is broad acknowledgment that the Federal employment system is archaic in many significant respects, and does not reflect the realities of the contemporary workforce. Evidence of this recognition is the creation by the Congress in recent years of a variety of alternative personnel systems. These systems addressed problems impacting specific agencies as they arose. This has postponed a broader overhaul of the core personnel system, and left a fragmented personnel structure – roughly a third of which now lies outside the purview of OPM.

Meanwhile, the vast majority of OPM's workforce and budget are currently dedicated to operational activities—with a small minority dedicated to policy and oversight activities related to, for example, hiring, performance management, compensation, merit system compliance, and labor relations. On a reimbursable basis, OPM performs human resources-related services, including background investigations and information technology services, for other Federal agencies. In recent years, several high-profile incidents concerning these services—including a major information security breach—have created major distractions for OPM leadership that have nothing to do with the core personnel functions that are OPM's primary charge.

The 2.1 million-person civilian workforce represents one of the Federal Government's largest and most impactful investments. Like any large corporation, the Government is only as effective as its people. Yet the Government Accountability Office has designated strategic human capital management as a high-risk area since 2001, because the Federal Government does not do an effective job attracting, managing, and retaining a skilled workforce. An extensive literature review documents these failings. The causes are varied, but addressing them effectively requires an optimized management structure that is centrally situated, empowered to view the Federal workforce holistically, and free to focus on core strategic and policy concerns.

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THE OPPORTUNITY

This proposal is an opportunity to elevate the Federal workforce management function and maximize the operational efficiency of human capital services. The civil service system is overdue for an overhaul, and that overhaul would best be implemented under a new management structure that is more focused on core priorities and that has not been molded around the existing, archaic framework of civil service rules and regulations.

Once complete, a transition into the EOP could create a more streamlined personnel management unit that is less expensive to operate. Such a unit would also support centralized coordination of all personnel policies for Federal employees, eliminating the confusing matrix of who does what today, as well as several key gaps in policy that are inhibiting the streamlining of mission support services. Centralizing human capital operational services at the General Services Administration (GSA) should provide economies of scale and significant cost-avoidance based on reductions in contract and IT duplication as well as increased data sharing and availability.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Current OPM Structure

OPM currently comprises seven major organizational units: Employee Services, Retirement Services, Healthcare & Insurance, Merit System Accountability & Compliance, Human Resources Solutions, Suitability Executive Agent, and the National Background Investigations Bureau. In general, current OPM activities and functions fall into two categories: human resources policy and compliance and human resources service delivery and implementation.

This proposal would elevate human resources policy functions into the EOP, and provide it with a whole-of-Government mandate that OPM currently lacks.

To drive real reform, the Federal Government needs to elevate Federal workforce policy so that evidence and leading practice can drive strategic management of the workforce. In particular, reform requires an agency steadfastly committed to:

- A holistic view of the Federal workforce;
- Assessment of innovations and contextual changes that drive the future of work;
- Data-driven policy development;
- Data analytics and strategic workforce management;
- Agency policy advice and change management assistance; and
- Identification and advancement of leading practice throughout the Federal Government.

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Structure and Function of the EOP Office

Today, Federal human resources policy is fragmented, making it difficult to assess Government-wide human capital challenges. This EOP office would centralize policy decisions in areas such as employee compensation; workforce supply and demand; identification of future workforce skill needs; leadership and talent management; and other important issues. The office would work to rationalize policies, procedures, and incentives across the Government, while minimizing unintended consequences.

This new office would also modernize the approach to human resources policy, with a core focus on: strategy and innovation; workforce and mission achievement; senior talent and leadership management; and, total compensation and employee performance. Each of these units would be informed by data analytics and human resources standards.

Achieving this vision will require realignment of OPM's current functions, some of which would be transferred and realigned to a service delivery operational entity. The new entity would be formed from a combination of OPM's operational/service units with the existing offices of GSA, to be reconstituted as the "Government Services Agency." This combination would yield an organization with a focus on providing Government-wide services and solutions associated with the full Federal employee lifecycle.

Immediately below is a summary of how current OPM functions could be realigned under this proposal. While the precise transition plan for all units has not been finalized, organizational units in the EOP office would subsume and expand upon the current OPM human capital policy-based activities under this proposal. At the end of this paper, there is an existing OPM organizational chart and a notional organizational chart for the office to be housed within the EOP.

Current OPM Organizational Units	Function Type	Receiving Agency
Employee Services	Policy	EOP Office
Retirement Services	Employee Servicing	"Government Services Agency"
Healthcare & Insurance	Agency Servicing	"Government Services Agency"
National Background Investigations Bureau	Agency Servicing	Department of Defense
Human Resources Solutions	Agency Servicing	"Government Services Agency"

Note: The placement of other OPM offices and functions will be determined at a later date.

Transfer of Operational Functions to a Renamed Government Services Agency

OPM's current human resources service delivery and implementation functions would be transferred. A strong nexus would be retained, however, between these operational activities and the personnel management office to be housed in the EOP, which would be responsible for ensuring that human resources IT operations and services evolve in a manner consistent with changes in workforce policy.

Centralizing human resources operational functions in a single entity within the newly renamed Government Services Agency would integrate the transactional and employee-centric, service-based functions currently performed by OPM with existing GSA operations, including Federal employee payroll and travel. With end-to-end services around the Federal employee lifecycle maintained in one place, considerable operational efficiencies should be attained. Currently, these services are stove-piped,

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forcing burdensome processes on managers and employees. It is worth noting that HR services are rated last among all mission support services by Federal managers.

To achieve the vision outlined in this proposal, the consolidated service agency would house those functions currently performed by OPM's Human Resources Solutions, and Healthcare & Insurance organizational units. It could also potentially carry out OPM's responsibilities for retirement processing and servicing, but other entities, such as the Department of the Treasury, would also be considered.

As also discussed in this Volume, activities currently performed by the National Background Investigations Bureau would be consolidated with similar activities mandated to the Department of Defense.

Additional Analysis and Background

More than 80 percent of OPM's funding and staff is dedicated to meeting the Agency's service-based responsibilities. These include important functions, such as administering the Federal Employees Health Benefits Program for more than 8.2 million active Federal employees, retirees, and their families; administering the Civil Service Retirement System and the Federal Employees Retirement System for over 5.3 million active Federal employees, annuitants, and survivors; processing more than two million background investigations each year for over 100 Federal agencies; and managing USAJOBS, which receives over 85 million searches each month from 15 million site visitors. While these functions are vital, their scope and scale are such that they necessarily distract agency leadership's attention from strategic human capital management and stewardship of an efficient civil service structure. OPM's greatest visibility in recent years has stemmed from high profile challenges within these operational and service-based activities.

In 2014, a data breach into OPM's systems exposed personally identifiable information for over 20 million individuals, including Federal employees and their families, job applicants, and contractors, creating one of the biggest national security threats in decades and requiring the Federal Government to pay for credit monitoring for 10 years. In 2007, OPM issued a stop work order marking its fourth consecutive failure to automate its retirement processing function. Since then, OPM has not attempted this effort again, and instead relies on manual reviews. From 2014 to today, OPM has increased prices on background investigations by more than 40 percent, and the timeline for processing background investigations has tripled, further straining agency budgets and the ability to fill critical positions. Currently, OPM is working to reduce an inventory that has grown to approximately 725,000 cases.

There is no significant benefit obtained from having these operational fee-based functions housed within the same agency that oversees the overarching policies. Further, it is in no way apparent that OPM has a comparative advantage relative to other Federal entities in the management of information technology or contractual services. Also, in selling human resources and IT products to those agencies whose personnel practices it monitors, OPM is in a position that can lend the appearance of a conflict of interest.

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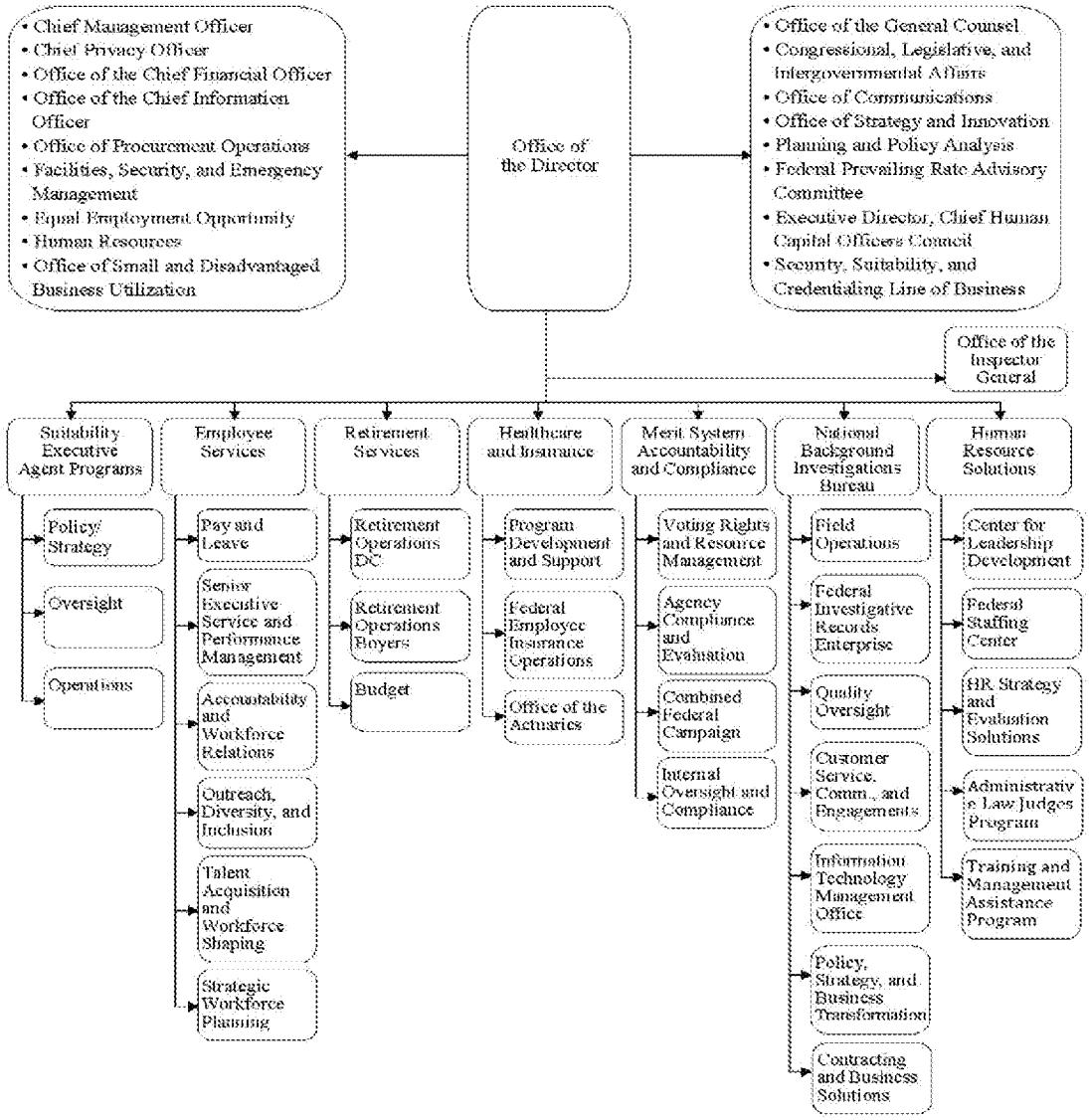
Achieving the End-State Vision

Achieving this vision may entail both legislation and administrative actions to transfer and/or delegate certain basic OPM functions, resources, and authorities. This includes moving peripheral functions to other agencies, and moving core policy units into the EOP. There would also be a change-management and capacity-building process, led by the Director of the Office of Management and Budget and the Director of OPM, to transform and elevate the organization. Fully and effectively achieving the end-state vision presented here would necessarily require a partnership with the Congress, including the granting of statutory authorities as necessary.

Current OPM Structure



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A New Approach is Needed to Transform the Workforce

Status Quo

- Focus on administering and protecting Title V, excluding other 1/3 of workforce
- Responsibilities for developing policy and selling services to agencies are under same organization
- Federal personnel policy and strategy is only management function located outside the Executive Office of the President
- Human Resource IT is held back by legacy IT systems and customized to Federal standards.

Future State Vision

- Focus on workforce strategy for whole of government
- Responsibilities for policy and strategy development would be separated from service offerings to agencies
- Integrate responsibilities for policy and strategy into the Executive Office of the President, similar to other functions like IT, procurement, financial management
- Human Resource IT is moved into cloud architecture and aligned with private sector standards

Enable effective strategy and workforce alignment through effective policy oversight and spreading adoption of leading practices.

New Organizational Structure

Organizational Roles

Plan for the Future of Government's Work: mission needs, critical skills, assessment of current resources, learning management, diversity and inclusion.

Create a Culture Focused on Mission Delivery and Performance: customer service indicators, organizational health and performance metrics, employee engagement indicators.

Focus on the Top Career Leaders: Identify top ~300 SES positions and develop leadership and executive competencies and strategies for preparing managers and leaders.

Modernize Compensation to Recruit and Retain: pay, benefits, retirement, leave, disability based on skills needed and market dynamics.

Align Federal HR standards to Private Sector: Enable agencies to leverage private sector solutions wherever possible.

Use "Data" to Inform Strategy and Actions: perform comparative analysis internal/external to Government including market research, identify leading practices and laggards for agencies.

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Consolidation of Federal Veterans Cemeteries

Department of Veterans Affairs

Summary of Proposal: This proposal would transfer responsibility for perpetual care and operation of select military and veterans cemeteries located on Department of Defense (DOD) installations to the Department of Veterans Affairs (VA) – National Cemetery Administration. This transfer would increase efficiency, limit mission overlap, and ensure that these cemeteries are maintained to national shrine standards to continue the recognition of service of those interred therein.

THE CHALLENGE

Currently, mission overlap exists in the oversight and operations of Federal military and veterans cemeteries. Specifically, VA maintains and operates 135 national cemeteries and 33 cemeterial installations, DOD is responsible for approximately 43 cemeteries located on active and inactive installations, the Department of the Interior (DOI) is responsible for 14 situated within national parks, and the Department of Agriculture (USDA) is responsible for one. In most cases, this mission overlap is inconsequential as the responsible agency has adequate infrastructure and support in place at each location, making each a suitable caretaker. However, at some facilities responsible agencies no longer maintain an active presence, presenting unique challenges for efficient oversight and warranting reconsideration of the status quo.

This proposal recognizes an opportunity to transfer responsibility for the operation and care of select post cemeteries, 10 of which are located on inactive facilities formerly occupied by the Department of the Army (Army) and one on a re-missioned open garrison (Fort Devens), to VA by leveraging the expertise and capabilities of the National Cemetery Administration (NCA). This consolidation will enable the Army to utilize Operations and Maintenance resources for other critical mission needs while reducing duplication of effort across Government.

THE OPPORTUNITY

For several decades, DOD has maintained "post cemeteries" on inactive bases shuttered as a result of various closure and re-missioning decisions – specifically, 10 former active Army facilities. In these cases, lack of an active Army presence makes efficient operations and maintenance challenging. The National Cemetery Administration (NCA), established by the Congress in the National Cemeteries Act of 1973 and one of the three administrations that make up VA, operates a large network of veterans cemeteries, making it better suited for this mission. In addition, one open garrison – Fort Devens, Massachusetts – has been re-missioned as an Army Reserve Forces Training Area and is included in this proposal.

In addition to serving as the interface for the public in the delivery of VA burial benefits, NCA operates and maintains the network of national cemeteries to "national shrine" standards. These standards include headstone realignment, irrigation and grounds improvements, and other facility upgrades to improve accessibility and visitors' experience. NCA's performance is substantiated by consistently high customer satisfaction ratings from veterans, family members, and visitors.

Consolidation will alleviate duplicative mission requirements and entrust operational control to an agency with more expertise in running cemeteries. This will allow more burial options for veterans and dependents at some of the transferred cemeteries by taking advantage of NCA's operational experience in maximizing the use of available space.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

VA, DOD, DOI, and USDA maintain approximately 226 Federal cemeteries where the remains of veterans and dependents from various eras and conflicts are interred. The NCA is responsible for 135 national cemeteries and 33 other cemeterial installations.

The remaining 58 cemeteries fall under the collective responsibility of DOD, DOI, and USDA as listed below. Not listed are numerous other State and/or tribal veterans cemeteries. Further, this inventory does not include American Battle Monuments Commission installations as nearly all are overseas and currently maintained to guidelines commensurate with "national shrine" standards.

Department of the Army (post cemeteries proposed for transfer)	Department of the Army	Department of the Interior National Park Service
• Vancouver Barracks Cemetery, WA • Fort McClellan Post Cemetery, AL • Fort McClellan Prisoner of War Cemetery, AL • Fort Lawton Cemetery, WA • Fort Douglas Cemetery, UT • Fort Worden Cemetery, WA • Fort Missoula Cemetery, MT • Fort Stevens Cemetery, OR • Benicia Post Cemetery, CA • Fort Sheridan Cemetery, IL • Fort Devens Cemetery, MA (active)	• Arlington National Cemetery, VA • U.S. Soldier's and Airmen's Home National Cemetery, Washington, DC • Aberdeen Proving Ground, MD • Fort Benning, GA • Fort Bragg, NC • Carlisle Barracks, PA • Edgewood Arsenal, MD • Fort Huachuca, AZ • Fort Knox, KY • Fort Leonard Wood, MO • Joint Base Lewis-McChord, WA • Fort Meade, MD • Presidio of Monterey, CA • Fort Riley, KS • Fort Sill, OK • U.S. Military Academy, NY • Watervliet Arsenal, NY • Fort Campbell POW Cemetery, KY • Fort Drum POW Cemetery, NY • Fort Gordon German POW Cemetery, GA • Schofield Barracks, HI	• Gettysburg, PA • Antietam, MD • Battleground, VA • Fredericksburg, VA • Yorktown, VA • Poplar Grove, VA • Fort Donelson, TN • Andrew Johnson, TN • Stones River, TN • Shiloh, TN • Andersonville, GA • Vicksburg, MS • Chalmette, LA • Custer, MT
Department of the Air Force	**Department of the Navy**	**Department of Agriculture**
• Fort George Wright Cemetery, Fairchild Air Force Base, WA • U.S. Air Force Academy, CO • F.E. Warren AFB, WY • Fort Crook/Offutt AFB Cemetery, NE • Volk Field, Camp Douglas, WI	• Maine Memorial, FL • Captain Ted Conaway Memorial Navy Cemetery, VA • U.S. Naval Cemetery, Great Lakes Naval Base, IL • Cuzco Beach Naval Cemetery, U.S. Naval Base Guantanamo Bay, Cuba • U.S. Naval Academy, MD	• Fort Reno Cemetery/POW Annex, OK

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Transfer of the 11 cemeteries italicized above from Army to NCA makes progress towards several Administration priorities, including, but not limited to: reducing redundancies and mission duplication across Government; streamlining operations and achieving efficiencies; increasing access to burial options for veterans and eligible dependents; and, providing veterans with benefits they have earned in service to the Nation.

This consolidation will constitute the largest transfer of cemeteries to VA since the National Cemeteries Act of 1973 (P.L. 93-43) established the system in place today. The proposal is limited to base cemeteries located on installations that no longer maintain an active personnel presence, as well as one re-missioned base (Fort Devens) where transfer would realize efficiencies. Although the effort is not conceived as a pilot, it will enable VA to develop and execute an implementation plan that could also inform future transfers. This proposal would not transfer cemeteries on other active DOD installations or those located within DOI national parks where support infrastructure and presence exists.

Transferring these facilities to NCA is the optimal good-government strategy, and is consistent with the National Cemeteries Act of 1973. NCA leads the way in providing a variety of world-class burial and memorial benefits for veterans and their families and has received the highest customer satisfaction rating among the public and private sector from the American Customer Satisfaction Index (ACSI) for six consecutive years. Upon transfer, these facilities will be maintained to the same high standards as other NCA cemeteries, which have garnered public praise. VA does anticipate that each of the 11 transferred cemeteries will need to undergo some minor infrastructure improvements (e.g., roads, irrigation and drainage, marker alignment, turf renovation, etc.).

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-F-000076
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Reorganizing Economic Statistical Agencies

Departments of Commerce and Labor

Summary of Proposal: The U.S. Statistical System is composed of 13 principal statistical agencies across the Federal Government. Three of these agencies—the U.S. Census Bureau (Census), the Bureau of Economic Analysis (BEA), and the Bureau of Labor Statistics (BLS)—account for 53 percent of the System's annual budget of $2.26 billion, and share unique synergies in their collection of economic and demographic data and analysis of key national indicators. Reorganizing these agencies under the Department of Commerce (DOC) would increase cost-effectiveness and improve data quality, while simultaneously reducing respondent burden on businesses and the public.

THE CHALLENGE

Census, BEA, and BLS are the three statistical agencies responsible for the vast majority of the economic and demographic statistics produced by the Federal Government. However, as separate agencies across multiple departments, current duplications in data collection efforts yield increased burdens on businesses and the public. For example, Census and BLS separately collect data on, and maintain different lists of, business establishments to support their statistical activities. Such duplication creates unnecessary burden on respondents, which only impedes the timely production and analysis of vital U.S. data that the public rely on to make everyday household, business, and policy decisions. Further, because these three agencies already work in close coordination with each other, their reorganization under one department would bring about efficiencies through the integration of not only data products, but staff services and IT systems, achieving cost savings while improving data quality and security.

Reorganizing these agencies under the direction of DOC's Undersecretary for Economic Affairs will provide the policy and management oversight necessary to coordinate and streamline the production of Federal economic statistics. To achieve this goal, planning would begin in 2019 with implementation in 2020, after the peak operations of the 2020 Decennial Census are complete.

THE OPPORTUNITY

This proposal would support three key opportunities for improvement:

- Reorganizing Census, BEA, and BLS within DOC would reduce redundancy by utilizing shared infrastructure – including modernized IT and human resource systems – resulting in more efficient collection and production of national data.
- Integrating survey operations, such as survey sample designs and respondent lists, would reduce respondent burdens for businesses and the public by decreasing redundant survey questions and consolidating existing surveys.
- Reorganization could also improve data quality by streamlining the approaches used to measure U.S. economic statistics, including capital investment, productivity, trade, and service industries.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Reorganizing Census, BEA, and BLS is logical because all three produce national-level economic and demographic indicators whose value extends far beyond the scope of their respective departments and programs. There is general agreement within the statistical community, the Administration, and among private stakeholders that consolidating these three agencies would reduce public burden and end duplicative practices, while simultaneously enabling a more coherent approach to developing the Nation's principal statistics. Numerous presidential, congressional, and other studies have recommended consolidation and coordination. In addition, many other nations with high statistical capacity, including Canada, the U.K., Australia, and New Zealand, have a much greater degree of centralization of statistical functions than the United States.

While there is a sound case for reorganization, the Administration acknowledges that there are risks. Maintaining trust in the accuracy, objectivity, reliability, and integrity of Census, BEA, and BLS products is essential to meeting the needs of a wide range of end users and other stakeholders. The reorganization will provide the opportunity to move to an open-source environment that will improve transparency and confidence in statistical products. Reorganizing these agencies under DOC's Under Secretary for Economic Affairs provides the best opportunity to preserve the quality and integrity of these products while also creating the greatest opportunity to improve the efficiency of the agencies. The Under Secretary already leads oversight activities of both BEA and the Census Bureau on high priority management, budget, employment, and risk management issues; advises Government officials on economic policy; and participates in interagency policy councils. Folding BLS into DOC would only strengthen the Under Secretary's ability to coordinate and integrate current work with the priorities and requirements of the Department and other Government entities. To mitigate any possibility of impacts to high priority programs, such as the decennial census, reorganization would not occur until late 2020, after nationwide field operations for the 2020 Census have been completed. The Administration will continue to study this proposal to ensure that a combined agency will not be less accountable or transparent to the American people than the current division of responsibility among multiple agencies.

Reorganization would focus on the following goals: achieving increases in operational efficiencies; reductions in respondent burden; enhancements in privacy protections; and improvements in data quality and availability.

Achieving Increases in Operational Efficiencies

The integration of data products and sharing of administrative services and IT systems could yield greater economies of scale, resulting in substantial increases in operational efficiencies. For example, BLS's headquarters lease is ending in Fiscal Year 2022. Rather than develop and finalize independent plans for relocation, BLS will explore options with Census and BEA to leverage office space as well as unique assets necessary to complete their mission, such as lock-up production facilities. In addition, Census has invested heavily in its IT infrastructure ahead of the 2020 Census and intends to expand that investment to the rest of the Bureau following its completion. Starting to plan for consolidation now would allow Census to integrate the operational requirements of BLS and BEA so that the planned expansion of their infrastructure could address the needs of all three agencies. This would also provide the most cost-effective opportunity to modernize older systems at BLS and BEA.

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Reductions in Respondent Burden

The potential to consolidate duplicative survey data collections and eliminate some collections and survey questions would produce tangible efficiencies for the public and the Federal Government. For example, BLS and Census currently conduct separate surveys on U.S. businesses and their activities, and because current law does not permit consolidation of the lists of business establishments, BLS and Census maintain separate lists of business establishments to support statistical activities. Consolidation of these agencies could allow for combining these surveys into a single data collection. Reorganizing these agencies within one department would also provide them with access to existing administrative data in a more efficient manner, which could lead to the elimination of certain collections while producing higher quality and more timely data. For example, current agreements between outside partners and Census, BEA, or BLS only permit the agency in the agreement to use the administrative data. Through a reorganization, the administrative data agreements with outside partners could be leveraged for use across a larger suite of programs and would reduce public burden and costs.

Enhancements in Privacy Protections

Privacy risks and concerns over the safeguard of information could also be optimally mitigated by consolidating these agencies. The proliferation of information about people and businesses online increases the risk of unintended respondent re-identification. Currently, BLS and Census each release numerous business data products, including data on employment and wages of industries and occupations, values of sales and inventories, and prices received by producers and paid by consumers, with each release adding incremental risk to this re-identification issue. Current law does not permit consolidation of the administrative source data used by each agency, and each set of data products provide unique functionality such that data users would be harmed by ceasing one of the products. Consolidating these products while maintaining the best features of both could reduce privacy risks while ensuring data users' needs are still met. Further, housing these agencies at DOC would increase collaboration and allow each agency to seamlessly develop, apply, and promulgate disclosure avoidance techniques across the suite of statistical data products.

Improvements in Data Quality and Availability

Consolidation would also allow each of the three agencies to access the source data utilized by the agencies in constructing their statistics. This could result in improvements to existing products as well as the production of new statistical products. If all source data resided in a single Department more granular data would be made available for input into key economic indicators, and could improve the timeliness of their releases. For example, GDP estimates could see reductions to the size of GDP revisions, and the Producer Price Index – released by BLS using Census inputs – could incorporate more current data and economic patterns in its estimates. Reorganization would also allow for production of new statistical estimates that would have been difficult to produce before, such as fully integrated statistics on goods and services, trade, and inbound and outbound foreign direct investment.

AMERICAN OVERSIGHT
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Consolidation of the Department of Energy's Applied Energy Offices and Mission Refocus

Department of Energy

Summary of Proposal: This proposal would consolidate the Department of Energy's (DOE) applied energy programs into a new Office of Energy Innovation in order to maximize the benefits of energy research and development and to enable quicker adaptation to the Nation's changing energy technology needs. It would also establish a parallel Office of Energy Resources and Economic Strategy, which would focus on strategic delivery of solutions that support U.S. energy dominance in access to resources and infrastructure. Finally, it would maintain the Office of Cybersecurity, Energy Security, and Emergency Response, which would protect energy infrastructure from increasingly sophisticated threats and ensure energy restoration following disasters.

THE CHALLENGE

DOE's core applied energy research and development (R&D) offices are currently organized by major energy technology or primary energy source, such as nuclear, fossil, and renewables. This structure emphasizes siloed, fuel type-driven R&D that can hinder the development of integrated solutions, inhibit effective collaboration, and impede the best possible research outcomes. DOE's current, entrenched applied energy program organizational structure parallels the stakeholder community, and thus the programs can be influenced by the strongly held beliefs of the technology and fuel champions of their respective areas, which have biases that are often counter to identifying solutions that are good for the Nation as a whole.

DOE also maintains a separate program called the Advanced Research Projects Agency-Energy (ARPA-E) that conducts applied research. While the program features positive aspects, such as coordination with industry and cross-cutting research, it makes little strategic sense that this entity exists independent of DOE's main applied research programs. Achieving energy dominance requires an integrated national energy strategy and scarce resources must be directed to address national concerns.

This proposal would consolidate DOE's applied energy research programs into a single Office of Energy Innovation that would take a holistic view of energy innovation to ensure Federal research keeps pace with the changing needs of the Nation's energy system while maximizing the value to the taxpayer. In parallel, an Office of Energy Resources and Economic Strategy would be established to capture the Department's expertise in monitoring, analyzing, and administering the Nation's physical energy assets and the Office of Cybersecurity, Energy Security, and Emergency Response established in 2018 would be maintained to address emerging threats to U.S. energy security from cyber, natural, or other sources.

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THE OPPORTUNITY

Organizing applied energy research under one unified office has the potential to reduce a practice of picking energy technology winners and losers and pitting fuel types against one another for Government funding and attention. Breaking down the rooted R&D silos could enable greater flexibility and efficiency in decision-making and enhance the Department's ability to set and achieve big goals. Revitalizing DOE's applied energy R&D in this manner also provides the opportunity to integrate the positive attributes of ARPA-E into DOE's core energy research rather than it being a wholly independent program. Many fields of research, such as materials, energy storage, and the overall enhancement of the grid's stability and baseload capabilities, span today's applied energy offices and would especially benefit from a fuel and technology-neutral program structure. With a unified Office of Energy Innovation, applied energy research could be directed to achieving nationally significant outcomes and breakthroughs, rather than incremental changes for individual fuel types that may have limited if any strategic connection to one another.

In addition, maintaining the Office of Cybersecurity, Energy Security, and Emergency Response and establishing the Office of Energy Resources and Economic Strategy in parallel with the new Office of Energy Innovation ensures that key missions of the Department are adequately addressed and prioritized.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under this proposal, DOE would create a single Office of Energy Innovation to tackle all applied R&D to further the Nation's energy dominance. The merger would include both the operational components and programmatic R&D activities of each applied energy office to maximize savings. The new office would emphasize sector and system-level outcomes and ensure a robust, systemic focus on early-stage R&D, where the Federal role is strongest. The proposal would also integrate into the blended organization some positive elements of the ARPA-E model, such as coordination with industry and ability to incorporate cross-cutting research into program outcomes.

To minimize the potential for simply creating new silos with different foci and to move away from the risk-averse tendencies of the long-standing programs, the new office would include an energy technology and fuel source-agnostic front-end program that invests in revolutionizing energy concepts, materials, and processes, as well as incremental improvements in existing technologies across energy sectors. It would also incorporate a mechanism to translate results to either longer-term integrated R&D programs within DOE or to the private sector. Projects could be initially short-term with defined milestones and priority could be given to crosscutting technologies or solutions that demonstrate a multi-dimensional approach or that otherwise maximize public benefit.

Rather than presupposing the fraction of the budget necessary for certain energy technologies or sources, the office would undertake a broader review of energy system needs and opportunities. All R&D would be required to compete for resources in the new environment, which would drive the best projects to the top of the list for limited resources, weeding out activities that are less efficient, duplicative, and do not adequately consider the crosscutting and diverse nature of the Nation's energy requirements.

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By elevating R&D decision-making to a system-wide, cross-sector level and implementing multi-disciplinary, multi-dimensional R&D programs, this proposal would not only make effective use of Federal funding but would also facilitate new technological advancements, some of which potentially would never be envisioned or achieved in a siloed environment.

By establishing a parallel Office of Energy Resources and Economic Strategy, the Department's expertise in monitoring, analyzing, and administering the Nation's physical energy assets capacity can be enhanced and streamlined to more effectively enable energy dominance. Through improved oversight and solution development for both the physical and market aspects of the nation's energy system, this office would promote multi-dimensional decision-making to better support resiliency, infrastructure improvement, and economic growth. Further, we cannot ignore emerging threats to U.S. energy security whether it be from cyber, natural, or other sources. To address this important issue, DOE established the Office of Cybersecurity, Energy Security, and Emergency Response (CESER) in 2018. In this proposal, CESER would be maintained to address this critical mission. While separate offices, both ERES and CESER would be tied to the Office of Energy Innovation and the three would work synergistically to achieve the system-wide, interdisciplinary vision and strategy.

This proposal seeks to take the action needed to break down existing stovepipes in the applied energy landscape and reap the benefits of that fundamental change, while protecting and enhancing other key energy mission priorities within the Department.

AMERICAN OVERSIGHT

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Divesting Federal Transmission Assets

Department of Energy and Tennessee Valley Authority

Summary of Proposal: This proposal would sell the transmission assets owned and operated by the Tennessee Valley Authority (TVA) and the Power Marketing Administrations (PMAs) within the Department of Energy, including those of Southwestern Power Administration, Western Area Power Administration, and Bonneville Power Administration. Eliminating or reducing the Federal Government's role in owning and operating transmission assets, and increasing the private sector's role, would encourage a more efficient allocation of economic resources and mitigate unnecessary risk to taxpayers.

THE CHALLENGE

The Federal Government owns, operates, and maintains over 50,000 miles of electricity transmission lines and related assets (substations, switchyards, etc.). The Federal Government's role in owning and operating transmission assets creates unnecessary risk for taxpayers and distorts private markets that are better equipped to carry-out this function.

The vast majority of the Nation's electricity needs are met through for-profit investor-owned utilities. Ownership of transmission assets is best carried out by the private sector, where there are appropriate market and regulatory incentives.

THE OPPORTUNITY

Reducing or eliminating the Federal Government's role in transmission infrastructure ownership would encourage a more efficient allocation of economic resources and mitigates risk to taxpayers.

The Fiscal Year (FY) 2019 Budget estimates that selling Federal transmission assets would result in net budgetary savings of $9.5 billion, in total, over the 10-year window.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Federal transmission assets account for roughly 14 percent of the Nation's transmission lines. [1] Collectively, TVA, Southwestern Power Administration, Western Area Power Administration, and Bonneville Power Administration own, operate, and maintain over 50,000 miles of transmission lines and related assets. By contrast, the vast majority of the Nation's electricity needs are met through for-profit investor owned utilities. The Federal Government's role in electricity production and marketing dates largely to the New Deal. Since then, the Federal Government has expanded its involvement to include owning and operating electric transmission assets. Today, a strong justification no longer exists for the Federal Government to own and operate these systems.[2] The private sector already meets the vast majority of

[1] Quadrennial Energy Review, "Transforming the Nation's Electricity System: The Second Installment of the QER," January 2017, p. A-34.

[2] See, for example, Congressional Budget Office study, "Should the Federal Government Sell Electricity?" November 1997, p. 13.

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the Nation's electricity needs. Private ownership of transmission assets could result in more efficient operations and capital improvements while reducing the subsidies (both implicit and explicit) that the Federal Government now provides to the respective regions' ratepayers.

Federal transmission infrastructure assets (lines, towers, substations, and/or right of ways) could be broken off from the generation assets and sold separately, and the private sector and/or State and local entities could carry out the transmission functions now provided by TVA and the PMAs. The Federal entities that would result after such sales could contract with other utilities to provide transmission service for the delivery of Federal power just as the Southeastern Power Administration, which does not own transmission lines, already does.

The private sector is best suited to own and operate electricity transmission assets. Private ownership of Federal transmission assets could result in more efficient operation, greater innovation, stronger regulatory oversight, and direct and/or greater access to private capital markets. Further, selling these transmission assets could encourage market efficiency resulting from competition and impose market discipline resulting from both shareholder and greater regulatory scrutiny. The sale of Federal transmission assets would result in more efficient allocation of economic resources and help relieve long-term pressures on the Federal deficit related to future Federal capital investment and spending on transmission.

Prior administrations also have recognized the policy merits of divestiture and have proposed to privatize the Federal electricity infrastructure a number of times. For example, in the FY 1987 Budget, President Reagan proposed privatizing the PMAs, stating, "Utilities are not normally a Federal responsibility." In the FY 1996 Budget, President Clinton also proposed to sell four out of five existing PMAs, and successfully sold the Alaska Power Administration in 1996. In the FY 2014 Budget, the Obama Administration announced it was undertaking a strategic review of options for addressing financial challenges at TVA, including a possible divestiture of TVA, in part or as a whole.

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Restructure the Postal Service

United States Postal Service

Summary of Proposal: This proposal would restructure the United States Postal System to return it to a sustainable business model or prepare it for future conversion from a Government agency into a privately-held corporation. Like many European nations, the United States could privatize its postal operator while maintaining strong regulatory oversight to ensure fair competition and reasonable prices for customers. The President's Task Force on the United States Postal System will make recommendations on reforms towards this goal in August 2018.

THE CHALLENGE

When the United States Postal Service (USPS) was created out of the Post Office Department in 1970, the Congress tasked it with binding the Nation together through correspondence; half a century later, that role has been increasingly supplanted by less expensive digital alternatives. USPS has extremely high fixed costs as a result of relatively generous employee benefits combined with a universal service obligation that is understood to require mail carriers to visit over 150 million addresses six days per week. Historically, this level of service was supported by a high volume of mail. Despite significant decline in volume in the internet age, the size of the delivery network has continued to grow to meet expectations of the current operating structure. USPS can no longer support the obligations created by its enormous infrastructure and personnel requirements. USPS already has over $100 billion in unfunded liabilities, a substantial capital investment backlog, has posted losses for over a decade, and has no clear path to profitability without reform. A new model that adequately finances USPS while meeting the needs of rural and urban communities, large mailers, and small businesses is needed.

THE OPPORTUNITY

A privatized Postal Service would have a substantially lower cost structure, be able to adapt to changing customer needs and make business decisions free from political interference, and have access to private capital markets to fund operational improvements without burdening taxpayers. The private operation would be incentivized to innovate and improve services to Americans in every community.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal would restructure USPS by aligning revenues and expenses to restore a sustainable business model and possibly prepare it for future conversion from a Government agency into a privately-held corporation. Like many European nations, the United States could privatize its postal operator while maintaining strong regulatory oversight to ensure fair competition and reasonable prices for customers. A private Postal Service with independence from congressional mandates could more flexibly manage the decline of First-Class mail while continuing to provide needed services to American communities.

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Profitability and Privatization: Considerations for the Future of USPS

In 2017, USPS experienced faster than expected declines in both First-Class Mail and Marketing Mail. First-Class Mail has declined 40 percent since 2001. Marketing mail is more stable, down only 10 percent since 2001, but is incredibly sensitive to price and market downturns. At the same time, USPS has continued to grow its package delivery business, particularly the last-mile delivery that is relatively cheaper for them because of the huge fixed network they must maintain to support mail delivery. However, the revenues from lower-margin package delivery and other competitive products cannot replace declining revenue from the market-dominant (monopoly) products in the long-run. This year, USPS continued its six-year string of defaults and for the first time defaulted on pension-related payments rather than just health benefit prepayments. USPS's current model is unsustainable. Major changes are needed in how the Postal Service is financed and the level of service Americans should expect from their universal service operator.

One successful model of Postal reform internationally has been to transition to a model of private management and private or shared ownership. USPS is caught between a mandate to operate like a business but with the expenses and political oversight of a public agency. A private postal operator that delivers mail fewer days per week and to more central locations (not door delivery) would operate at substantially lower costs. A private entity would also have greater ability to adjust product pricing in response to changes in demand or operating costs. Freeing USPS to more fully negotiate pay and benefits rather than prescribing participation in costly Federal personnel benefit programs, and allowing it to follow private sector practices in compensation and labor relations, could further reduce costs. A privatized Postal Service could be structured like an investor-owned utility and continue to be regulated by the Postal Regulatory Commission (PRC), a successor agency, or another Federal regulator such as the Federal Trade Commission, consistent with the existing models of privatization in Europe. Even with continued regulation, a privatized Postal Service would be more insulated from politics and more likely to succeed as a financially-viable business. A private entity would also have access to private capital markets to raise money for needed improvements like new vehicles without burdening taxpayers with additional liabilities.

USPS privatization through an initial public offering (IPO) or sale to another entity would require the implementation of significant reforms prior to sale to show a possible path to profitability. Most foreign posts that have been privatized have been profitable at the time of the sale. In contrast, USPS has lost over $65 billion since the last recession and recorded a $2.7 billion loss last fiscal year. To reach profitability, most international postal operations have gone through significant restructuring, including shrinking their physical and personnel footprints. In some cases, foreign governments have had to absorb legacy retirement liabilities in order to prepare a postal operator for sale. The existing unfunded liabilities in USPS's retirement programs total more than $100 billion. USPS owes an additional $15 billion to Treasury's Federal Financing Bank and has further liabilities to the Department of Labor's Workers Compensation program. According to the Postal Service's own estimates, the Agency is insolvent, with liabilities exceeding assets by more than $120 billion.[2]

[1] UK National Audit Office, The Privatisation of Royal Mail, April 2014, Pg. 16: *https://www.nao.org.uk/report/privatisation-of-royal-mail-plc/*

[2] 2017 Report on Form 10-K United States Postal Service, Balance Sheet, CSRS and FERS Unfunded Retirement Benefits, and PSRHBF Funded Status

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Forthcoming Recommendations by the Task Force on the United States Postal System

To address these major issues and identify solutions, possibly including private ownership, the President has issued Executive Order 13829: Task Force on the United States Postal System. The Task Force will conduct a thorough evaluation of the operations and finances of the Postal Service and make recommendations for reform consistent with this reorganization proposal. The Task Force will examine:

1. The expansion and pricing of the package delivery market and the USPS's role in competitive markets;
2. The decline in mail volume and its implications for USPS self-financing and the USPS monopoly over letter delivery and mailboxes;
3. The definition of the "universal service obligation" in light of changes in technology, e-commerce, marketing practices, and customer needs;
4. The USPS role in the U.S. economy and in rural areas, communities, and small towns; and
5. The state of the USPS business model, workforce, operations, costs, and pricing.

The recommendations will include administrative and legislative reforms to the United States postal system that promote our Nation's commerce and communication without shifting additional costs to taxpayers. The report will be available by August 10, 2018.

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DOT Mission Adjustments

Department of Transportation

Summary of Proposal: This proposal would reorganize the Department of Transportation (DOT) to better align the agency's core missions and programmatic responsibilities, reduce transportation program fragmentation across the Government, and improve outcomes. The proposal would spin-off Federal responsibility for operating air traffic control services and locks along the Saint Lawrence Seaway, integrate into DOT certain coastal and inland waterways commercial navigation activities and transportation security programs, and reassess the structure and responsibilities of DOT's Office of the Secretary.

THE CHALLENGE

While DOT is not in need of wholesale reorganization, the Department does administer several programs that do not fit neatly within its core missions of financial assistance and safety oversight. The most significant misalignment is where DOT still has operational responsibilities, principally the Federal Aviation Administration's (FAA) air traffic control services, and to a much smaller degree, the Saint Lawrence Seaway. DOT also administers two defense-related staff programs that are outside of its core missions. In addition, there is unnecessary fragmentation in transportation programs across the Executive Branch. For example, the U.S. Army Corps of Engineers (Corps) is responsible for coastal and inland waterways navigation, while the Department of Homeland Security (DHS) manages certain surface transportation security programs.

This proposal addresses these challenges. The proposal would spin off FAA's air traffic control services and the Saint Lawrence Seaway from the Government; transfer to DOT responsibilities for coastal and inland waterways navigation from the Corps; and integrate into DOT certain DHS programs related to surface transportation security, including transit security grants.

THE OPPORTUNITY

Spinning-off Federal responsibility for air traffic control services to a non-profit entity would better enable our aviation system to respond to consumer needs and modernize services. Having DOT take over responsibility for coastal and inland waterway navigational development would take advantage of DOT's strengths in infrastructure finance and would make DOT's maritime responsibilities analogous to DOT's role in other transportation sectors. Shifting commercial navigation to DOT would also create long-term opportunities to adjust ownership and financial relationships between the States and the Federal Government, resulting in more efficient project delivery outcomes. Consolidating within DOT surface transportation security programs would streamline the Federal Government's interaction with surface transportation agencies and operators, clarify the Federal Government's role in surface transportation, consolidate planning and grant processes for both safety and security investments, and facilitate more effective Federal inspections and interactions with relevant surface transportation agencies and operators.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

DOT, created in 1967, has one of the largest discretionary budgets (in terms of outlays) of any domestic Cabinet-level agency. It has a decentralized management structure in which the Office of the Secretary of Transportation (OST) coordinates the programs, regulatory activity, and research and development of nine operating administrations, or "modes." In 2017, the Department had total budgetary resources of $78 billion and employed 54,676 full time equivalents. DOT's modes generally focus on three primary missions:

1. Financial Assistance. Approximately 70 percent of DOT obligations in any given year are in the form of grants to States and localities, primarily for highway, transit, and airport infrastructure, though DOT has smaller grant programs for passenger rail and multi-modal projects (e.g., BUILD grants).
2. Safety Regulation. DOT ensures the safety of the aviation system (including aircraft, air traffic control, and emerging technology, such as drones or commercial space), motor vehicles, motor carriers, railroads, transit systems, pipelines, and the movement of hazardous materials.
3. Operations. Air traffic control operations constitute the single largest operational budget item, and also comprise a majority of DOT's workforce. DOT also operates a lock on the Saint Lawrence Seaway.

This proposal recognizes that most of DOT's activities are oriented around financial assistance to States and localities and safety oversight, that there are several programs within DOT that do not align with those two focus areas, and that several programs outside of DOT should be merged into the Department.

Air Traffic Control and Saint Lawrence Seaway

The most significant misalignment is in areas where DOT operates transportation systems, principally the FAA's air traffic control services, and to a much smaller degree, the Saint Lawrence Seaway. Both of those components could be spun off from the Government, which would allow them to have better governance structures and insolation from the political system, and allow them to better assess fees based on actual usage of their systems. Spinning FAA air traffic control services out of the Government, to a non-profit entity, similar to the Canadian system, has strong policy merits, evidenced by the approximately 60 countries that have shifted air traffic control responsibilities to non-governmental providers.

Maritime Consolidation

Unlike all other modes of transportation, DOT has a very limited role in the Nation's commercial maritime systems. The Maritime Administration (MARAD) is DOT's operating administration engaged in the promotion of the U.S. maritime sector, yet its mission is dominated by educating cadets at the U.S. Merchant Marine Academy and carrying out two defense-related programs designed to meet the Department of Defense's military sealift needs in a time of crisis. In contrast to DOT's other operating administrations, MARAD has no safety regulatory function and limited financial assistance activities, which leaves DOT under-represented in commercial maritime issues.

There are opportunities to add to DOT's responsibilities for coastal ports, inland waterways, and navigation permitting activities. Under this proposal, responsibility for coastal port dredging and operation of the inland waterway system, currently carried out by the Corps, would be shifted to DOT, which already has some limited expertise in the port and inland waterway sectors. Sifting these programs to DOT would also be an opportunity to reassess the type of Federal involvement in both sectors. Given DOT's

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extensive experience in providing financial assistance to major infrastructure projects, a new model of Federal financial assistance to ports may be a more efficient project delivery mechanism than direct Federal control, construction, and ongoing maintenance. A similar financial assistance model could be applied to the inland waterway system, though some portions may require continued Federal ownership, control and operation. In addition, transferring current U.S. Coast Guard responsibilities for permitting alterations to bridges and aids to coastal navigation to DOT would better align those functions with similar functions already carried out by DOT's.

Surface Transportation Security

DHS has two security-related surface transportation functions that would be transferred to DOT under this proposal: transit security grants currently administered by the Federal Emergency Management Agency (FEMA) and Transportation Security Administration (TSA) surface transportation inspection and guidance activities.

FEMA currently provides security grants to transit and rail operators. The Federal Transit Administration, which manages much larger financial assistance programs aimed at these same agencies and operators, could integrate FEMA's programs into its existing industry relationship. In fact, security and emergency preparedness are already eligible expenses in FTA's programs, highlighting the duplicative nature of the separate FEMA grants. Consolidating all transit and rail grant funding within DOT would eliminate confusion among transit agencies about which agency funds their emergent needs.

More generally, DOT has a strong focus on the safety of our Nation's transportation networks, while DHS is responsible for the security of those assets. However, both agencies have programs for the same non-Federal agencies, operators, and companies that own and manage surface transportation assets. Furthermore, the Federal Government traditionally provides guidance, financial assistance, technical assistance, and in certain cases, oversight and regulation for the surface transportation sector. The Federal Government has no operational role in managing or securing surface transportation assets, nor should it. That is clear in DOT's mission and history, however since its creation TSA has been pressured to expand its operational programs for surface transportation. Despite the compelling case for Federal aviation security operations, establishing a corresponding Federal role in surface transportation would be duplicative of non-Federal efforts, cost-prohibitive, and impractical to manage.

Currently, TSA has a small component ($129 million enacted in Fiscal Year (FY) 2018) dedicated to assessing threats to surface transportation facilities, encouraging security planning and threat reporting, overseeing compliance with certain rail security regulations, and disseminating best-practice guidance to transportation companies and government agencies. Under this proposal, TSA's surface-related programs would be incorporated into DOT, which interfaces directly and regularly on safety matters, ensuring that both safety and security are addressed appropriately. While DHS receives useful intelligence reporting from current TSA programs and outreach, many other Sector Specific Agencies who lead the collaborative process for other critical infrastructure security have shown they can collaborate to share intelligence as effectively as a DHS component. As part of this proposal, the Administration will ensure any reorganization does not degrade security.

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OST Organizational Structure

OST has traditionally focused on formulating national transportation policy and overseeing and supporting the Department's operating administrations. More recently, however, the scope of activities performed by OST has broadened significantly. Now, OST has programmatic responsibilities that have traditionally been carried out by operating administrations. For example, OST houses the Build America Bureau, which, among other responsibilities, administers transportation credit programs, awards INFRA grants, allocates private activity bonds, and communicates best practices and funding opportunities to project sponsors. OST also administers the BUILD grant program, which received a large increase in funds in the agency's FY 2018 appropriation.

Executing these programmatic responsibilities while simultaneously performing its more traditional oversight and management functions has been challenging and has stressed OST's organizational structure. Now that OST has performed these dual roles for several years, it is time to consider whether OST's organizational design is optimal for allowing it to most effectively carry out its statutory responsibilities. This proposal would include an assessment by the Administration and the Department of OST's organizational structure and programmatic responsibilities, including potential alternative structures.

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Reform Federal Role in Mortgage Finance[1]

Summary of Proposal: This proposal would transform the way the Federal Government delivers support for the U.S. housing finance system to ensure more transparency and accountability to taxpayers, and to minimize the risk of taxpayer-funded bailouts, while maintaining responsible and sustainable support for homeowners. Proposed changes, which would require broader policy and legislative reforms beyond restructuring Federal agencies and programs, include ending the conservatorship of Fannie Mae and Freddie Mac, reducing their role in the housing market, and providing an explicit, limited Federal backstop that is on-budget and apart from the Federal support for low- and moderate-income homebuyers.

THE CHALLENGE

The U.S. housing market is supported by a complex system of Federal subsidies and programs intended to make mortgage financing accessible to a wide range of homebuyers. However, this system is challenged by the operation of two privately-owned Government sponsored-enterprises (GSEs), Fannie Mae and Freddie Mac, in conservatorship, a condition that has been maintained since 2008, in addition to overlapping and sometimes conflicting Federal goals. The Federal role in support of housing finance is not effectively targeted to households in need of assistance or sufficiently accountable to taxpayers, as the costs and benefits of that support are unclear.

In response, this proposal would end the conservatorship of Fannie Mae and Freddie Mac and propose better tailoring of delivery of Federal programs. Policy makers should also pursue an approach that would level the playing field with the private sector to decrease the Federal subsidies supporting housing.

THE OPPORTUNITY

This proposal would reorganize the way the Federal Government delivers mortgage assistance and go beyond restructuring Federal agencies and programs by transitioning Fannie Mae and Freddie Mac to fully private entities. Competition to the duopolistic role played by the two privately-owned GSEs would be an essential element of reform to decrease moral hazard and risk to the taxpayer. Both Fannie Mae and Freddie Mac, as well as other competitive entrants, would have access to an explicit Federal guarantee for mortgage-backed securities (MBS) that they issue that is only exposed in limited, exigent circumstances. Such a guarantee would be on-budget and fully paid-for. This would also ensure that the Government's role is more transparent and accountable to taxpayers, minimize the risk of taxpayer-funded bailouts, and ensure that mortgage credit continues to be available in times of market stress for creditworthy borrowers.

[1] In order to propose changes in the Federal Government's role in housing finance, this proposal outlines policies related to the privately-owned GSEs and ending their conservatorship. Nothing in this paper should be construed as implying that the GSEs are agencies or instrumentalities of the Government nor that FHFA as conservator is operating as an agency of the United States.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under the current system, Fannie Mae and Freddie Mac, two privately-owned GSEs, buy and guarantee mortgages from lenders and sell them to investors as MBS. Although they are private companies, they are congressionally chartered, a unique status that has been viewed as conveying an implicit Federal backstop that has in turn lowered their cost of capital relative to similarly-sized institutions. In 2008, Fannie Mae and Freddie Mac were taken into conservatorship and received (and continue to receive) an explicit but limited backing from the Treasury under a Preferred Stock Purchase Agreement (PSPA), which gives access to capital funding that covers any loss the enterprises may incur. In their Federal charters and by action of their primary regulator, the Federal Housing Finance Agency (FHFA), Fannie Mae and Freddie Mac have goals of providing a certain amount of financing to low- and moderate-income borrowers. However, these affordable housing activities are not clearly accounted for on the Federal balance sheet.

In addition to the GSEs, other Federal programs provide mortgage support, contributing to a large Federal footprint in the housing market. The Department of Housing and Urban Development (HUD) Federal Housing Administration (FHA) provides mortgage insurance intended to aid borrowers traditionally underserved by the conventional mortgage market, including lower-wealth households, minorities, and first-time homebuyers. The Departments of Veterans Affairs (VA) and Agriculture (USDA) also administer mortgage insurance programs targeted to veterans and lower-income rural households, respectively. The loans guaranteed by FHA, VA, and USDA are in turn packaged into MBS that are guaranteed by Ginnie Mae, a Federal entity operated by HUD. Together, loans backed by the GSEs and Ginnie Mae comprised about 70 percent of mortgages originated in 2017.

All these entities, taken as a whole, form a complex and overlapping network of cross-subsidization, without clear accountability as to who is paying for, and who is receiving, housing subsidies. Although the Federal role in the housing market has helped to facilitate the availability of the 30-year fixed-rate mortgage, the current system has structural flaws that have also created distortions in home pricing that may actually hinder the goal of homeownership. This reorganization proposal, which includes broad policy and legislative reforms beyond restructuring Federal agencies and programs, would:

- Increase competition. The proposal would remove the Federal charter from statute and fully privatize the GSEs. A Federal entity with secondary mortgage market experience would be charged with regulatory oversight of the fully privatized GSEs, have the authority to approve guarantors, and develop a regulatory environment that is conducive to developing competition amongst new private guarantors and the incumbent GSEs, ensuring they would all be adequately capitalized and competing on a level playing field. If the GSEs lost some of the benefits that have led them to dominate the market, this would enable other private companies to begin competing in this space. The regulator would also ensure fair access to the secondary market for all market participants, including community financial institutions and small lenders.

- Increase transparency and accountability. Under this proposal, which would also involve entities outside the Executive Branch of the Federal Government, guarantors would have access to an explicit guarantee on the MBS that they issue that is only exposed in limited, exigent circumstances. Taxpayers would be protected by virtue of the capital requirements imposed on the guarantors, maintenance of responsible loan underwriting standards, and other protections deemed appropriate

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by their primary regulator. The regulator would set fees to create an insurance fund designed to take effect only after substantial losses are incurred by the private market, including the guarantors, in order to ensure the continued availability of mortgage financing through shifting economic cycles. The projected cost of this guarantee and other fees charged would be on-budget and accountable, resulting in reduced implicit taxpayer exposure.

- Align incentives and reduce overlap. Under this reform proposal, which would also require legislative and policy changes affecting the mandates of entities that are not part of the United States Government, the GSEs would focus on secondary market liquidity for mortgage loans to qualified borrowers, while HUD would assume primary responsibility for affordable housing objectives by providing support to low- and moderate-income families that cannot be fulfilled through traditional underwriting and other housing assistance grants and subsidies. To effectuate this, the newly fully-privatized GSEs would have mandates focused on defining the appropriate lending markets served in order to level the playing field with the private sector and avoid unnecessary cross-subsidization. A separate fee on the outstanding volume of the MBS issued by guarantors would be used specifically for affordable housing purposes, and would be transferred through congressional appropriations to, and administered by, HUD.

- Provide more targeted assistance to those in need. The proposal would be designed so that the affordable housing fees transferred to HUD would enable FHA to provide more targeted subsidies to low- and moderate-income homebuyers while maintaining responsible and sustainable support for homeownership and wealth-building. Some of the fees could potentially be used to support affordable multifamily housing or other HUD activities. All of this support would be on-budget and accountable.

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Create the Bureau of Economic Growth

Department of Commerce

Summary of Proposal: This proposal rethinks how the Federal Government can drive economic growth in concert with private sector investments in communities across the country. By coordinating and consolidating Federal economic assistance resources at the Department of Commerce (DOC), taxpayer dollars will receive a higher return on investment on projects that are transparent and accountable.

THE CHALLENGE

Federal economic assistance programs that serve States, localities, and Tribes are broadly dispersed among Federal agencies with different purposes, eligibility criteria, time horizons, and reporting requirements. As a result, communities must navigate a complicated web of rules and regulations to determine which programs they might be eligible for, comply with different application requirements on a variety of timelines, and report on performance measures that differ in definition and reporting periods.

Consolidating these programs within DOC provides an opportunity to streamline and consolidate standards and processes for eligibility and participation, including planning and reporting requirements.

THE OPPORTUNITY

This proposal establishes a Bureau of Economic Growth in DOC, consolidating existing economic development programs to provide a central place for grants and technical assistance to communities and entrepreneurs focused on job creation, business growth, and strengthening local economies. The new Bureau will better support and empower State, local, and tribal governments to spur their economies through locally planned development projects. The streamlined Bureau will also increase transparency in regional and local Federal spending, as well as encourage and facilitate complementary private-sector spending.

Some of the programs that will be consolidated include the Department of Housing and Urban Development's Community Development Block Grant program, the Economic Development Administration's Economic Development Assistance Programs, and rural business and community facility grants from the Department of Agriculture. As part of the Bureau's focus on creating job opportunities and supporting the local business community, it would absorb the economic development functions of the Delta Regional Authority, Denali Commission, and Northern Border Regional Commission. The new Bureau would also oversee technical assistance programs. These programs provide training, planning, and other business development assistance to help businesses succeed no matter where they are in their lifecycle, whether they are just starting out, looking to expand, or trying to access new domestic and international markets.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Federal Government can play an important role in bolstering economic growth, with its ability to undertake large-scale economic development projects and holistically analyze their impacts. It is uniquely positioned to help mitigate market failures, and can leverage resources in distressed communities when local/regional entities cannot. Unfortunately, the current Federal economic development model is fragmented, resulting in fractured regulatory requirements and jurisdictions, overlapping programs, redundancy, and waste.[1] Many programs and projects are unable to clearly demonstrate their impacts on measures of economic growth.

The Bureau of Economic Growth reorganizes several Federal economic development programs into discrete functions based on mission, capabilities, and delivery method – with the intent of increasing efficiency and accountability, and improving outcomes and services to citizens, business owners, and communities. Consolidating this assistance within DOC provides an ideal opportunity to streamline and consolidate standards and processes for eligibility and participation, including planning and reporting requirements.

The new Bureau will accomplish its mission via three operational arms – planning, grant-making, and technical assistance – as well as an office of Bureau-wide administration. The Planning Office will engage State, local, and tribal community development agencies/authorities, in addition to regional consortia of these entities. Its primary function will be to leverage these agencies' internal planning capabilities to identify each community's unique barriers to economic growth and set community goals that are specific, measurable, actionable, relevant, and time-bound. Through this planning process, these State, local, tribal, and regional agencies can establish the criteria and milestones by which to measure the effectiveness of any subsequently awarded grants.

After completing the planning process, applicants can apply to the Bureau's Office of Grant-Making for the funds to implement their plans in a manner consistent with their established goals. The Office of Grant-Making will craft criteria to assure that the implementation activities are sufficiently comprehensive, actionable, and consistent with the applicant's plan.

The Office of Technical Assistance will work directly with non-profit and educational organizations operating within the State, local, tribal, or regional areas to build capacity through strategic and operational training and dissemination of best practices in economic development to local businesses and practitioners. These non-profits will apply directly to the Office of Technical Assistance for funding for technical assistance activities that support the community economic development plan. In addition to providing funding, the Office of Technical Assistance could provide access to assets that support the non-profit's implementation. This direct engagement with non-profits will allow the Office of Technical Assistance to function in an efficient and scalable manner, without duplicating staff or other resources that already exist in the local community. Recognizing the unique challenges faced by small businesses, this proposal does not include the Small Business Administration's Office of Entrepreneurial Development, which provides planning and educational services exclusively to small businesses, within the new bureau.

[1] Government Accountability Office, "Action Tracker: Economic Development: Economic Development Programs," *https://www.gao.gov/duplication/action_tracker/Economic_Development_Programs/action1#t=3.*

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Centralizing these economic development programs and activities under DOC is advantageous for several reasons. DOC is already tasked with the missions of "promoting job creation and economic growth" and "leading the Federal economic development agenda by promoting innovation and competitiveness, and preparing American regions for growth and success in the worldwide economy." As such, Commerce is well equipped with resources and expertise to support the proposed economic development consolidation and advance economic growth.

Through its Bureaus of Economic Analysis and the Census, DOC has access to comprehensive economic data which can be used to inform economic development strategies, measure outcomes, and improve accountability. Additionally, DOC has wide-ranging capabilities within its offices and Bureaus which make it uniquely suited to address the intrinsically multi-faceted nature of economic development. For example, it can leverage technical expertise to assist businesses with existing international footprints, or those looking to export through trade functions like export assistance and attracting foreign direct investment; facilitate technological innovation and commercialization; and help businesses register and protect their intellectual property.

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U.S. Public Health Service Commissioned Corps

Department of Health and Human Services

Summary of Proposal: This proposal would transform the Commissioned Corps (Corps) into a leaner and more efficient organization that would be better prepared to respond to public health emergencies and provide vital health services. It would do this through a series of management improvements, including reducing the size of the Corps and building up a Reserve Corps for response in public health emergencies.

THE CHALLENGE

The Corps consists of approximately 6,500 uniformed public health professionals, who work alongside their civilian counterparts performing the same jobs but often receive higher total compensation. Corps officers receive military-like benefits, even though they have not been incorporated into the Armed Forces since 1952, and generally do not meet the Department of Defense's criteria for the military compensation system. Further, the Corps's mission assignments and functions have not evolved in step with the public health needs of the Nation.

The Fiscal Year 2019 Budget raised questions about the value of having Corps officers in roles that civilians can fill, given they are more expensive than equivalent civilians. Only a small percentage of Corps officers deploy for public health emergencies, and many officers encumber positions that could be filled by civilians. In addition, a 1996 Government Accountability Office (GAO) Report[1] raised questions about the need for Corps officers in positions that did not provide direct health services.

THE OPPORTUNITY

This proposal would reduce the Corps force from approximately 6,500 officers to no more than 4,000 officers, and create a Reserve Corps that can provide additional surge capacity during public health emergencies. These reforms would result in a Corps that is more appropriately equipped to provide critical public health services and support in public health emergencies.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Reduce the Size of the Corps

This proposal would reorganize the Corps through a number of administrative and legislative reforms that would reduce unnecessary positions within the Corps and utilize Federal funds more effectively. The Department of Health and Human Services (HHS) would hold the Corps to a new standard, and require that officers fill critical public health roles and/or respond to public health emergencies.

[1] Issues on the Need for the Public Health Service's Commissioned Corps. GGD-96-55: Published: May 7, 1996. Publicly Released: May 15, 1996

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Under this proposal, HHS would reduce the size of the Corps to no more than 4,000 officers. Specifically, the agency would: 1) civilianize officers who do not provide critical public health services or support in public health emergencies; 2) require that Corps officers initially work in a hard-to-fill area and continue to serve there, or deploy as needed in a public health emergency (at least once every three years); and 3) enforce standards for Corps eligibility and readiness.

Create a Reserve Corps

This proposal would also create a Reserve Corps--similar to those used by other uniformed service programs--that would deploy either in a public health emergency or to backfill critical positions left vacant during Regular Corps deployments. The Reserve Corps would consist of Government employees and private citizens who agree to be deployed and serve in times of national need. The Reserve Corps would be an integrated part of the HHS response to public health emergencies.

Budgetary Reforms

In addition to restructuring the Corps workforce, this proposal would more appropriately allocate the cost of Corps officers to ensure each agency pays its fair share for Corps officers moving forward. Currently, if an agency employs a Corps officer the agency does not pay the accruing retirement costs for that officer, even though it pays the accruing retirement costs of civilian employees. This can result in an agency employing a Corps officer instead of a civilian because the Corps officer appears less costly than is actually the case. This proposal would require agencies to pay the accruing retirement costs for Corps officers moving forward.

Under this proposal, the Corps would deliver on its mission in a more efficient and effective manner and spend taxpayer dollars more effectively. At the end of this transformation, the Corps would be leaner and have an improved ability to provide public health services and respond to public health emergencies.

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Improving NASA's Agility through Increased Use of Federally Funded Research and Development Centers

National Aeronautics and Space Administration

Summary of Proposal: This proposal would establish an accelerated process for determining whether one or more of the National Aeronautics and Space Administration's (NASA) Centers should be converted to, or host, a Federally Funded Research and Development Center (FFRDC). FFRDCs can potentially allow the agency to be more agile in rapidly responding to changing needs and in recruiting and retaining scientific and technical expertise.

THE CHALLENGE

The missions and programs of NASA are conducted across 10 geographically-dispersed Centers, augmented by several testing and support facilities. While nine of the Centers are Government owned and operated, the Jet Propulsion Laboratory is operated by the California Institute of Technology as an FFRDC.

In 2004, the President's Commission on Implementation of United States Space Exploration Policy found that NASA Centers: 1) needed to modernize their infrastructure; 2) lacked institutional incentives to align them with new policy; and 3) utilized often ossified personnel practices. The Commission recommended that NASA Centers be reconfigured as FFRDCs to enable innovation, work more effectively with the private sector, and stimulate economic development. With the advent of the President's National Space Strategy, a renewed look at the FFRDC operating model is warranted as part of NASA's broader strategy to meet the Administration's ambitious space objectives. This proposal would establish a process for determining whether one or more of NASA's other Centers should be converted to, or host, an FFRDC.

THE OPPORTUNITY

The new National Space Strategy and National Space Policy Directive 1 require the full agility of NASA, in concert with its commercial and international partners, in order to realize the President's goals to return American astronauts to the moon and follow with human missions to Mars. In order to bolster NASA's agility, increased use of FFRDCs could provide greater flexibility than civil servant organizations, potentially allowing them to better meet the agency's evolving needs.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Background on FFRDCs

FFRDCs are research institutions that are owned by the Federal Government, but operated by contractors. They are intended to provide Federal agencies with Research and Development (R&D) capabilities that cannot be effectively met by the Federal Government or the private sector alone, and can convey a number of benefits, including the ability to recruit and retain scientific and technical expertise, and to more rapidly respond to the R&D needs of a Federal agency than would be possible with a civil servant workforce.

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The new National Space Strategy and National Space Policy Directive 1 make examining the potential advantages of an FFRDC model at NASA particularly timely. FFRDCs may offer a powerful approach to enable NASA to better align its workforce skillsets with Agency priorities, while simultaneously engendering an entrepreneurial spirit that better allows NASA to infuse talent from industry and commercial partners.

FFRDCs offer a number of advantages over traditional NASA Centers in terms of their competitive compensation to employees, flexibility, and technical skills available to the Agency. They occupy a unique position in the Nation's R&D base: they are free from many of the outdated mechanisms inherent in the civil service, and can also perform work for non-Government customers. As a result, FFRDCs are noted for their technical excellence, strong integration with the U.S. industrial base, and agility. All of these are essential as NASA works to meet the bold objectives laid out in the National Space Strategy and National Space Policy Directive 1.

Process to Determine Best Role for FFRDCs

This proposal lays a process to determine if one or more of NASA's other Centers should be converted to, or host, an FFRDC. NASA would oversee this process and provide an analysis, including recommendations, to the White House by the end of August 2018 so that the outcome can be reflected in future budget and policy plans and proposals. NASA's analysis would draw from prior studies of this topic and evaluate the potential of an FFRDC to further the Administration's policy goals more effectively. In addition to studying whether one or more Centers could potentially be converted to an FFRDC in whole or in part, NASA would also establish whether it may be effective to perform new programs and projects using an FFRDC structure.

The additional analysis needed before increasing the use of FFRDCs will address the following:

- Although FFRDCs have several advantages over Government-owned and operated facilities, they can also have drawbacks. A 2017 report by the Congressional Research Service, for example, noted concerns with FFRDCs including mission creep, ineffective Federal agency oversight, and competition between FFRDCs and the private sector for Federal R&D funding.[1] The analysis will weigh the specific costs and benefits of establishing an FFRDC for particular NASA Centers.
- It is possible that a new FFRDC hosted at a Center may be effective in running new programs or projects that are part of the Administration's space policy but are not yet underway. The analysis will examine whether these programs could more effectively be run by establishing a new FFRDC.

Conversion of a Center, or parts of a Center's operation, to an FFRDC would require several steps related to developing the sponsoring agreement with the organization managing the FFRDC, and addressing human capital issues. The analysis will examine these steps and estimate their feasibility.

[1] Congressional Research Service, "Federally Funded Research and Development Centers (FFRDCs): Background and Issues for Congress," December 1, 2017.

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Management Consolidation of Federal Graduate Research Fellowships

National Science Foundation

Summary of Proposal: This proposal would consolidate the administration of graduate fellowships for multiple Federal agencies under the National Science Foundation (NSF) in order to reduce the total cost of administering those fellowships.

THE CHALLENGE

Multiple agencies are administering many different graduate research fellowships across the Federal Government. Some of the larger programs fund over a thousand fellowships annually while smaller programs support only a handful of fellowships each year. Each awarding agency devotes resources to administering these fellowships, but some are similar enough that their management could be consolidated at one agency, potentially resulting in lower costs.

This proposal would consolidate the administration of Federal graduate research fellowships for smaller fellowship programs at NSF. NSF would leverage the efficiency of its existing graduate fellowship program to coordinate the fellowship application, selection, and award processes for other agencies, and be reimbursed by the other agencies for this work.

THE OPPORTUNITY

Consolidating the management/administration of graduate fellowships for smaller agencies at NSF could lead to reduction of duplicative administrative efforts and yield savings across the Federal Government.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Graduate fellowships provide one or several years of funding support for students pursuing a Masters or Ph.D. degree. Awardees are selected based on a range of criteria, from their academic accomplishments to the broader societal impacts of their research work. Fellowships are a source of funding for student researchers in addition to research grants obtained by university faculty, and because fellowships tend to be highly competitive, they are viewed as prestigious in the scientific community. The Federal Government is by far the largest funder of graduate fellowships in the United States, but fellowships are also offered by foundations and private companies.

NSF awards the highest number of graduate fellowships of all Federal agencies (more than 1,000 new fellows every year), and has an efficient system in place to do so. For agencies with much smaller fellowship programs, using NSF's fellowship process instead of their own could be more efficient and produce savings if fellowship offices at other agencies can be downsized or eliminated. Even if NSF requires additional resources to process the increased workload, the Government-wide resources spent on administering graduate fellowships would be reduced compared to the status quo.

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An initial step to implement this proposal would be to take a thorough inventory of existing graduate fellowship programs across the Federal Government. At the same time, NSF would evaluate which types of programs and associated tasks would benefit from using NSF's expertise and grants management infrastructure. Depending on the number and size of other agencies' fellowship programs identified in the inventory, a phased approach could be implemented where less complex programs are the first to move under NSF management.

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Rationalize the Federal Real Property Approach

Government-wide Application

Summary of Proposal: The Federal Government is the largest single employer and owner of real property in the United States, and as such, has a huge impact on the Nation's communities. Despite these far-reaching implications, its management of that real property is a mixed bag of smart space use, underutilized assets, liabilities, and leases. The Federal Government can do a better job strategically managing these assets, including utilizing private sector best practices, to improve our communities, right-size the Federal real property portfolio, and provide better value and services to the taxpayer. This proposal encompasses moving Federal offices and jobs for better quality of life and a more capable workforce; a new budgetary mechanism for capital projects; better incentives for agencies to divest unnecessary assets; and smarter leasing practices.

THE CHALLENGE

Since 2004, the Federal Government has improved its real property management and has disposed of many properties that were no longer a needed. These actions have addressed low-hanging fruit, but many opportunities remain for agencies to improve their decision-making and identify transactions that provide greater value for the Government. Unlike the private sector, Federal agencies sometimes lack incentives to think strategically about their workforce and shi fting mission needs, and how those factors influence where they are located. Without transformative real property-related authorities, the Federal Government's ability to meet its mission needs and make smart real estate decisions will continue to stagnate and fall behind the private sector.

THE OPPORTUNITY

A combination of administrative and statutory changes would provide opportunities to optimize the Federal footprint by making smart investments in renovations and new facilities, driving down lease costs, and disposing of unneeded real estate through a streamlined process that results in the greatest return to the taxpayer. Together, these reforms would allow agencies to have the facilities they need to fulfill their missions and serve the American people, while at the same time freeing up unused or underutilized properties to generate a return for taxpayers and spur local economic development.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Title 40 Disposal Process Improvements

Title 40 of the U.S. Code governs the process by which most agencies seek to dispose of unneeded Federal real property. The Title 40 process is complex, with many required steps prior to the disposal of real property: vetting for surplus, excess, public benefit conveyance, and finally sale. GAO has highlighted that the complexity of disposal under Title 40 impacts the decisions that agencies make and can lead to decisions and outcomes that are not economically rational. In response, prior Administrations have proposed modest disposal reforms, but those proposals did not advance in the Congress. In December 2016, the Congress enacted legislation, the Federal Assets Sale Transfer Act (FASTA), which created a new Public Buildings Reform Board to review agency submissions for disposai, and also included some limited disposal process streamlining. While FASTA is a substantial step forward—and the enhanced visibility

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from the Board will generate additional interest—the legislation did not tackle the major impediments to accelerating and expanding agency disposals.

The Administration believes major new authorities are necessary to fully utilize the disposal process to return unnecessary Federal property back to productive non-Federal use. As part of its Infrastructure Initiative, the Administration proposed a series of improvements to streamline, accelerate, and incentivize the Title 40 disposal process. These improvements include: eliminating the public benefit conveyance authorities, allowing agencies to take unneeded Federal property directly to sale; retention of net proceeds of sale dedicated to real property use without further appropriation; and expansion of the allowable uses of the Government Services Administration (GSA) Disposal Fund to support agencies with the upfront costs of disposition in advance of making a report of excess. The Administration is proposing the elimination of all conveyance provisions, allowing surplus properties to go straight to market, maximizing the return to the taxpayer. Several Government Accountability Office (GAO) engagements since 2004 have highlighted the benefit of allowing agencies to retain some or all of sales proceeds associated with the disposition of Federal real property. Without this reform, agencies currently incur substantial work and costs to dispose of properties, with little to no financial upside for them, reducing their incentive to pursue such disposals.

Federal Capital Revolving Fund (FCRF)

The Administration recognizes that the Federal Government must have modern facilities to carry out agency missions and serve the American people. However, over the last decade, it has been difficult to secure the necessary appropriations to renovate existing buildings and construct major new Federal facilities, such as the replacement of the Federal Bureau of Investigation Headquarters facility in Washington, D.C. This inability to secure sufficient, timely funding to execute capital transactions often results in project cost escalation and costly lease extensions.

To address this, in the Infrastructure Initiative and the Fiscal Year (FY) 2019 Budget, the Administration has proposed creating a new funding mechanism for large, civilian real property projects that is similar to the capital budgets that States employ. The proposal would establish a mandatory revolving fund for the construction or renovation of Federally-owned civilian real property, thus allowing agencies to budget for acquiring major assets incrementally while operating within the established, transparent Federal budget rules. This proposal is supported within the FY 2019 Budget, providing $10 billion for the corpus of the Fund. GAO has conducted frequent reviews of real property acquisition methodologies and challenges encountered with funding large projects. In 2014, GAO supported a similar approach to this proposal; however, the Administration's proposal provides even more flexibility and cost savings opportunities that those identified by GAO.

Relocation Analytics

Due to mission and cost considerations, agencies are considering opportunities to reposition their real property footprints, including relocating staff and offices to locations outside of the National Capital Region. Unlike the private sector, which has considerable flexibility and often takes a holistic approach to real estate and corporate mission requirements, agencies do not do a good job thinking holistically about their mission, physical location, and how they could deliver services differently. The Administration believes there are many lessons that can be drawn from the private sector on how to assess changing

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organizational requirements and how real estate footprints can be adjusted given information technology and management practices. The goal of this effort, led by GSA, is to provide agencies with thought-process, tools, and data to drive smarter decisions in agency relocations, and work is already underway.

GSA Leasing Improvements

In addition to managing Federal buildings, GSA also engages in extensive leasing with private sector lessors, who provide office and other space to Federal agency tenants. GSA's lease portfolio includes approximately 180 million rentable square feet in more than 8,000 separate leases. In any given fiscal year, GSA executes an average of 25 prospectus-level lease transactions, defined as lease awards where the annual cost of the lease payments exceed more than approximately $3.1 million.

GSA has seen considerable improvement in their leasing practices in recent years, demonstrating significant reductions in the number of holdover leases and reductions in the size of the lease portfolio. However, more can be done to ensure that GSA makes smart leasing decisions, particularly when running lease replacement competitions. GSA will be undertaking two policy changes: executing longer, non-cancelable lease terms to secure lower rates, and undertaking a more rigorous cost analysis before executing space reductions to ensure cost effective decisions. GSA continues to assist other Federal agencies in making the most cost effective decisions under the Administration's Reduce the Footprint policy. Agencies are looking to reduce square footage and GSA helps to ensure that any reduction leads to a cost-effective solution.

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Consolidate and Streamline Financial Literacy Efforts

Summary of Proposal: More than 20 Federal agencies have some form of financial education or literacy program. To ensure effective allocation of Federal financial literacy resources and avoid unneeded overlap and duplication, this proposal consolidates and streamlines these programs.

THE CHALLENGE

The Federal Government spends an estimated $250 million annually on financial literacy and education programs and activities across more than 20 Federal agencies to educate Americans about a wide array of financial literacy and education topics. These programs lack meaningful coordination, clear measures of effectiveness, and are oftentimes overlapping or duplicative. Furthermore, very few agencies appear to monitor the effectiveness of their programs and only a handful of these programs have been formally assessed or evaluated for impact.

In addition to Federal programming, many non-federal organizations provide financial literacy services and resources, including nonprofit organizations, consumer advocacy organizations, financial services companies, employers, and State and local governments. Given the large number of participants served by Federal financial literacy and education programs, the Federal Government should consider the most effective ways to deliver these services while maximizing limited Federal resources and supporting the efforts of other public and private participants in this field.

The Financial Literacy and Education Commission (FLEC) was established by law in 2003 and is made up of the heads of 22 Federal agencies and the White House Domestic Policy Council. Chaired by the Secretary of the Treasury, FLEC is tasked to improve "the financial literacy and education of persons in the United States through the development of a national strategy." However, the FLEC has had limited success rationalizing Federal efforts to promote access to quality financial literacy and education tools for all Americans.

THE OPPORTUNITY

Consolidating and streamlining financial literacy efforts will increase Government efficiencies and reduce fragmentation among Federal programs. Reform would also improve coordination with entities outside of the Federal Government and develop a data-driven approach to financial education that will increase the impact of the programs and make financial literacy information more accessible.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal would require the Department of the Treasury (Treasury) to develop recommendations for Federal financial literacy and education activities that will be shared with the Office of Management and Budget before October 1, 2018.

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The Administration will consider streamlining and consolidation proposals as part of the Fiscal Year 2020 Budget, including but not limited to:

- Using an evidence-based approach to articulate a national vision that outlines the appropriate role for the Federal Government and leverages the current work of non-profit organizations, the private sector, and State and local governments.
- Elimination and development of programs based on how much knowledge participants are acquiring from the financial literacy and education program, as well as how likely the program is to result in behavior that leads to greater financial capability.
- Consolidation of financial literacy programs into fewer agencies, with a mandate that they consult with relevant experts in other agencies.
- Consolidation of financial literacy policy and research into a single agency or commission that would evaluate both existing programs and proposals for future programs.

Challenges Posed by Status Quo

In addition to the $250 million that the Federal Government spends annually on financial literacy and education programs and activities, $170 million is spent on technical assistance and education for entrepreneurs by the Small Business Administration, one component of which addresses financial literacy. Six of the more than 20 Federal agencies that administer financial literacy programs account for almost 90 percent of the Federal funds expended on financial literacy for individuals and households. Some areas of potential overlap and duplication among Federal financial education activities, include:

- **Financial Counseling:** The Bureau of Consumer Financial Protection (BCFP), the Department of Defense (DOD), the Department of Housing and Urban Development (HUD), the Department of the Interior, and the Department of Veterans Affairs all fund or provide general or topic-specific financial counseling.
- **Retirement planning:** BCFP, DOD, the Department of Labor (DOL), the Department of Health and Human Services (HHS), the Office of Personnel Management, the Social Security Administration, and Treasury all support activities that address retirement planning and decision-making.
- **Research:** BCFP, DOL, the Department of Education (ED), the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve Board, HHS, HUD, and Treasury are supporting (or have recently supported) research and evaluation of financial literacy and education.
- **Financial Education for military members:** BCFP, DOD, and the Federal Trade Commission (FTC) all administer financial education and counseling programs for military members and their families.
- **Financial Literacy for youth**: BCFP, ED, FDIC and Treasury all support initiatives that address financial literacy for youth.
- **Websites with financial education content:** Many Federal agencies manage duplicative web content on financial education (e.g., BCFP, FTC, the National Credit Union Administration, and Treasury).

However, limited evaluation is performed by Federal agencies on the effectiveness and impact of their financial literacy programs. For example, only three agencies have recently evaluated their programs using outcomes that measure changes in behavior. Most agencies only measure accessibility and utilization of their activities.

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Scope of Treasury's Planned Review of Status Quo

Currently, the FLEC is assessing the landscape of Federal financial literacy and education activities, with the goals of:

- Determining the appropriate Federal role and effective methods to support programs administered by non-profit organizations, the private sector, State and local governments, and others.
- Consolidating Federal financial literacy and education efforts, including streamlining overlapping or duplicative programs.
- Identifying best practices and eliminating ineffective programs, activities, or practices.
- Developing high-quality, consistent Federal financial literacy and education curriculum and resources.
- Developing an effective mechanism for oversight and governance of Federal financial education programs to strengthen effectiveness and eliminate the risk of future overlap, duplication, and ineffectiveness.
- Establishing governance and oversight to ensure that any new programs are aligned with the Government-wide vision.

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Streamline Small Business Programs

Small Business Administration and the Departments of Agriculture, Transportation, Treasury, & Veterans Affairs

Summary of Proposal: This proposal consolidates the various Federal programs that assist small business owners secure access to capital and Federal Government contracts into the Small Business Administration (SBA). In instances where a Federal lending or contracting certificate program is highly specialized or industry-specific, SBA's duplicative authority would be eliminated.

THE CHALLENGE

Small businesses play a critical role in our Nation's economic growth. Approximately half of the U.S. private-sector labor force – nearly 58 million Americans – are employed by our Nation's 30 million small businesses. Communities across the country rely heavily on the products, services, and jobs created by these Main Street businesses. Two of the most important ways the Federal Government supports small business creation and growth are by working with private lenders to provide capital access, and making Government contracting opportunities available to small businesses.

Unfortunately, the GAO has repeatedly identified the Federal Government's current model for operating these programs as needing increased coordination and harmonization, citing duplicative programs at SBA and the U.S. Departments of Agriculture, Transportation, Treasury, and Veterans A ffairs. Examples of issues that arise from duplicative programs include: inconsistent standards and processes for eligibility and participation; lack of consistent reciprocity between agencies and programs; and failure to realize efficiencies and economies of scale. Addressing these issues is critical for providing better service to America's small businesses, creating jobs, and maximizing the Federal Government's investments in communities.

THE OPPORTUNITY

The various Federal small business lending and Government contracting programs represent ideal candidates for consolidation, given the overlap in their mission and delivery method. Centralizing these programs would provide an opportunity to assess and streamline participation requirements such as eligibility criteria, application processes, and reporting. It would also help to ensure consistency in the application of small business certification criteria and reciprocal recognition across Federal agencies. Furthermore, it would optimize the value of the Federal Government's small business programs by achieving long-term cost efficiencies through centralized operations and oversight functions. Streamlining these programs and making them less burdensome would ultimately enable America's entrepreneurs to invest more of their time and hard-earned profits in operating and growing their businesses.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This consolidation will improve services to three major stakeholders: 1) business owners seeking financing or contracting certifications; 2) the lenders that service Government-guaranteed loans; and 3) the Federal agencies that contract with certified small businesses. It would help strengthen and streamline SBA's operations across two of its primary program areas: 1) capital access; and 2) Government contracting support.

Capital Access

Financing is a key component of starting, operating, and expanding a business. However, access to capital continues to be a hurdle for many entrepreneurs. Small business owners often do not have the same access to credit as larger businesses that can more readily take on a traditional loan from a bank. New entrepreneurs may not have a credit score that can guarantee them a loan, especially on a new or innovative product. Entrepreneurs in emerging markets are more likely to be denied credit and often rely on personal savings or credit cards to sustain their business. Furthermore, access to capital can be especially problematic for groups historically underrepresented in traditional commercial lending. The Federal Government helps mitigate these market failures through programs designed to offer creditworthy businesses the ability to obtain financing.

Through its Office of Capital Access, SBA fills gaps in the commercial lending market and ensures that small businesses are well positioned to access credit. It supports strategies that focus on providing reasonable credit terms and access to credit for minority-owned, women-owned, and veteran-owned small businesses and entrepreneurs. Where appropriate, other small business loan and loan guarantee programs would be folded into the SBA's Office of Capital Access. SBA's existing expertise in providing capital access to small businesses makes it the best agency to oversee this combined lending portfolio. In addition to streamlining assistance, this proposal would create the opportunity for more comprehensive and cost-effective program oversight and Federal credit risk management, including loan and lender monitoring, predictive risk assessments and mitigation activities, real time reporting, and enforcement activities.

Government Contracting Support

The Federal Government is the largest procurer of good and services in the world, spending hundreds of billions of dollars annually and averaging nearly $90 billion in contracts to certified small businesses each year. Contracting with the U.S. Government presents a large opportunity for small businesses, and the Congress has recognized its importance by establishing a minimum Federal contracts set-aside of 23 percent for small businesses. In addition, as a subset of this overall small business goal, the Government strives to award no less than 5 percent of contracts to small disadvantaged businesses and women-owned small businesses, and 3 percent to service-disabled veteran-owned small businesses and those in HUBZone locations. These purchasing decisions result in high-impact investments that help grow small businesses and stimulate local economies.

Duplicative programs that support small business contracting would be consolidated into the SBA's Office of Government Contracting and Business Development. In the event that any overlapping programs require industry-specific economic expertise, these programs would remain at their respective agencies, and the SBA would eliminate its duplicative authority. This proposal would create a "one-stop shop" within SBA for all Federal contracting certifications for both the participating small businesses and the Federal agencies seeking to meet their contracting requirements. This would result in reciprocal recognition of small business contracting certifications across all Federal agencies and make consistent standards and processes for eligibility and participation across programs targeting similar constituencies.

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The SBA currently provides expertise in this area, serving in an oversight role to ensure that the Government's contracting goals are achieved each year. It also reports on Federal efforts to stimulate technological innovation and commercialization through small businesses, and provides unique services like the surety bond guarantee to support contractors who need bonds to access contracting markets.

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Consolidation of Certain Protective Details

U.S. Marshals Service

Summary of Proposal: This proposal would consolidate protective details at certain civilian Executive Branch agencies under the U.S. Marshals Service (USMS) in order to more effectively and efficiently monitor, assess, and respond to potential threats. Threat assessments would be conducted by the USMS with support from the U.S. Secret Service (USSS). Determinations as to whether protection would be provided and its size and scope would be made by the USMS in consultation with affected agency heads.

THE CHALLENGE

The protective details of Government officials, including cabinet officials and some sub-cabinet officials, vary widely in size, scope, budget, training, and statutory authorization. To provide more effective and necessary security overall, this proposal would authorize USMS to manage protective details involving specified civilian Executive Branch agencies. Threat assessments would be conducted by the USMS with support from USSS and affected agencies upon request by the USMS. This proposal would not affect law enforcement or military agencies with explicit statutory authority to protect Executive Branch officials, including the Departments of Justice, State, Homeland Security, or Defense, USSS, or other non-civilian agencies. Instead, it would focus on standardizing protective details at civilian Executive Branch agencies that currently derive protection from a USMS deputation or other source, and assuring that a uniform and criteria-based determination of threat level and security need is centrally made.

THE OPPORTUNITY

The USMS currently provides for the protection of judicial and designated Federal Government officials by providing Deputy U.S. Marshals (DUSM) to serve in a protective capacity, and assists in the protection of other officials by deputizing Government employees of other agencies to perform this function. Currently, the USMS provides Deputy U.S. Marshals for the Secretary of Education and the Deputy Attorney General's protective details. In addition, the agency deputizes Government employees of the Departments of Labor, Energy, Commerce, Veterans Affairs, Agriculture, Transportation, Housing and Urban Development, the Interior, and the Environmental Protection Agency to assist in the protection of their cabinet- and sub-cabinet officials. While the USMS requires certain baseline training and law enforcement requirements in order to approve a deputation, individuals serving on protective details vary in background, training, and experience. Furthermore, these agencies have full autonomy in determining the size and scope of their details' activities, which vary based on a perceived threat and willingness to pay for protective services rather than the detection or assessment of existing threats.

The USMS currently exercises threat assessment responsibility for all matters related to members of the judiciary, court family, and other designated protectees through its Office of Protective Intelligence. The USSS currently exercises expertise in threat assessments through its National Threat Assessment Center (NTAC). NTAC provides guidance on threat assessment and training, both within the USSS and to law enforcement, public safety, and academic partners. Specifically, the Presidential Threat Protection Act of 2000 authorizes the NTAC to provide consultation on complex threat assessment cases or plans, provide training in the area of threat assessments, and implement programs to promote the standardization of

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Federal threat assessments, among other activities. The USSS is therefore well-positioned to support the USMS on best practices in protection and threat assessment, as needed. Based on these resources, a centralized analysis can be performed to determine the necessity for and extent of any protective detail.

Consolidation of resources related to certain protective details under one agency would leverage expertise of Government agencies trained in protective missions and threat analysis, ensure more efficient use of Government resources, and provide designated Government officials with appropriate protection tailored to their individual circumstances.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under this proposal, the USMS would be granted authority over designated protective details and provide its own personnel for the purposes of threat assessment and protection. Determinations as to whether protection would be provided and its size and scope would be made by the USMS, as delegated by the Attorney General in consultation with affected agency heads. The number of Deputy U.S. Marshals provided for any approved protection of an official would vary based on the individual's threat assessment and risk. This proposal would be phased in as necessary in order to avoid disruptive impacts to both USMS and protected officials. The Administration will consult with the Congress regarding any need for additional legislative authority. Further, the Office of Management and Budget will coordinate with the Department of Justice and affected agencies on budgetary implications and necessary implementation guidance.

Consolidation of certain protective details under USMS offers Government-wide benefits including, but not limited to:

Standardization of Protective Service Levels

Consolidating resources and authority for certain protective details under the purview of the USMS would standardize those protective details Government-wide. USMS would work with USSS as necessary to determine threat levels for covered Federal officials in a consistent manner across all agencies. Protectees would benefit from standard, high quality training, as well as the USMS' ability to set priorities and broader strategy across the force, an advantage over the current decentralized model. Operational de-confliction and coordinated processes would be easier and more efficient with fewer agencies providing protection for designated cabinet and sub-cabinet officials. Additionally, while the USMS requires general law enforcement training in order to approve a deputation, agency employees serving on protective details vary in background, capabilities, and experience. Providing DUSMs would ensure that every protectee has access to well-trained Federal law enforcement officials with appropriate experience and oversight.

New Efficiencies

Rather than employing separate protective details with separate resources and authorities, the USMS would professionalize and standardize this mission across multiple Executive Branch agencies.

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Small Grants Consolidation

U.S. Agency for International Development, Inter-American Foundation, and U.S. African Development Foundation

Summary of Proposal: The President's Budget proposes to consolidate the small grants functions, expertise, and grantmaking from the Inter-American Foundation (IAF) and U.S. African Development Foundation (ADF) into the U.S. Agency for International Development (USAID) beginning in Fiscal Year (FY) 2019. The consolidation would be a significant step to reduce the proliferation of Federal international affairs agencies that are operating today, while also elevating community-led, "local works" small grants as a development and diplomacy tool for the U.S. Government.

THE CHALLENGE

As a development and diplomacy tool, small grants allow the U.S. Government to engage directly with local organizations in poor and remote communities to support lives and livelihoods and build goodwill among local populations, often within foreign policy priority countries that the United States seeks to stabilize and/or assist in their journey to self-reliance. At present, multiple U.S. Government agencies provide small grants assistance; however, each faces unique challenges in doing so. Authorizations for carrying out small grants work are also long outdated or provided in annual appropriations only.

As the U.S. Government's lead development agency, USAID has experience in implementing small grants in political transitions, but its efforts to do so in long-term development contexts are more nascent, and often more labor-intensive per assistance dollar than traditional aid mechanisms. Meanwhile, IAF and ADF face the fixed overhead costs associated with running small independent agencies, which continue to comprise a significant share of their overall budgets, even as they have managed to keep variable costs per grant low.

THE OPPORTUNITY

This proposal would support the USAID Redesign's goal of helping countries on their journey to self-reliance, while also furthering the core mission of the foundations to support livelihoods in poor and remote communities across Latin America, the Caribbean, and Sub-Saharan Africa, leading to an aligned and enhanced approach to small grants for the U.S. Government. It would consolidate IAF and ADF's deep expertise, relationships, and functions into USAID, thereby enhancing USAID's capabilities while also reducing the duplication and overhead costs associated with having three agencies carry out small grants work. The proposal would better align the two foundations with U.S. foreign policy objectives and global development programs, while elevating community-led, "local works" small grants as a development and diplomacy tool and allowing for the sharing of best practices across USAID.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal is consistent with the Center for Global Development's report entitled A Practical Vision for U.S. Development Reform (2017), which advised re-visiting the role of the foundations, in light of their overlap in mission and function with USAID. The Center advised considering the transfer of the certain elements of the foundations' operating models into USAID, "potentially including outside advisory boards and flexible tools for grant-making to local civil society groups in developing countries." The Congress has long recognized the value in small grants as an assistance-delivery mechanism, from establishing IAF and ADF in the late 1960s and early 1980s, respectively, to introducing a directive in annual appropriations over the past decade to enhance USAID's capabilities in this area. This proposal would enable USAID to better achieve the intent of that directive.

Through the consolidation, USAID would capitalize on the existing expertise, capacity, relationships, and tools that ADF and IAF provide, including their regional and market segment emphases, in order to reinforce the U.S. Government's bilateral development efforts. In return, USAID would offer these programs a platform that would better integrate them with the Agency's existing global development programs, more cohesively serve U.S. foreign policy objectives, and increase organizational efficiencies through reducing duplication and overhead. The consolidation would also serve to elevate community-led, "local works" small grants as a development and diplomacy tool for the U.S. Government, and it would allow for the sharing and integrating of best practices across USAID through the proposed Development, Democracy, and Innovation Bureau. As part of the proposal, IAF and ADF would begin to wind down as independent foundations in FY 2019, and would transfer their grants and select programmatic staff to USAID.

In support of this consolidation proposal, the FY 2019 Budget requests a total of $55 million, across the following accounts:

- $40 million in State/USAID's Economic Support and Development Fund to support IAF and ADF's grantmaking via USAID, beginning in FY 2019 (with $20 million per region);
- $7 million in USAID's Operating Expenses account, to support the absorption of select programmatic staff from IAF and ADF in FY 2019; and
- $8 million for one-time costs to support the foundations' orderly closeouts in FY 2019, in ADF's ($5 million) and IAF's ($3 million) direct appropriations.

In recognition of the foundations' regional expertise, the FY 2019 Budget proposes merging IAF's grants and select personnel into USAID's Latin America and Caribbean Bureau, and ADF's grants and select personnel into USAID's Africa Bureau. The work previously performed by the foundations would be initially programmed out of stand-alone offices within the regional Bureaus, but would be further integrated into the regional Bureaus over time. Overseas, IAF and ADF's work would be fully integrated with USAID Missions. Certain cross-cutting functions (such as the monitoring and evaluation of small grants) would be housed centrally at USAID within the proposed Development, Democracy, and Innovation Bureau, so that such technical expertise and best practices could be leveraged for other regions and the Agency as a whole.

The proposal would also entail establishing a subcommittee under USAID's Advisory Committee on Voluntary Foreign Aid for IAF and ADF's former boards to remain involved with the foundations' work going forward and to advise the Administrator on small grant activities generally, and on the smooth transition of the foundations' functions.

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Transition to Electronic Government

National Archives and Records Administration (with the Department of Homeland Security and Social Security Administration)

Summary of Proposal: This proposal would transition Federal agencies' business processes and recordkeeping to a fully electronic environment, and end the National Archives and Records Administration's (NARA) acceptance of paper records by December 31, 2022. This would improve agencies' efficiency, effectiveness, and responsiveness to citizens by converting paper-based processes to electronic workflows, expanding online services, and enhancing management of Government records, data, and information.

THE CHALLENGE

Federal agencies collectively spend billions of dollars on paper and paper-based records management practices. Even after decades of effort, far too many Federal Government services are still primarily paper-based. This forces NARA and Federal agencies to devote resources to actively processing, moving, and later maintaining large volumes of paper records (requiring facilities, staff, and support contracts), even as electronic communication and systems have dramatically increased the volume of information agencies must manage. To date, efforts to address this issue have been inconsistent and ineffective across agencies.

The Federal Government must confront this challenge by taking a comprehensive, lifecycle approach to records management. On the front end, it must cease paper processes to the extent possible, which will enable more efficient and effective delivery of services. Then, on the back end, it must support streamlined and secure electronic records management. These actions will facilitate citizen services and benefit the taxpayer by creating efficiencies and preserving public access to Federal records.

THE OPPORTUNITY

As agencies implement electronic processes in place of paper, it will be easier for the public to connect with the Federal Government, and apply for and receive services, improving customer satisfaction. Electronic records will reduce processing times and decrease the probability of lost or missing information. For example, the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) currently ships most immigration applications among multiple facilities, such as lockbox and pre-processing centers, prior to adjudication, which is both costly and time consuming.

Electronic records will greatly improve agencies' ability to provide public access to Federal records, promoting transparency and accountability. Over the long term, this also will reduce agencies' records management and storage costs and streamline the records management process, freeing resources for other high priority activities. This will also allow agencies to provide more timely and accurate assistance to their customers.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Federal Records Act (FRA) authorizes NARA to issue Government-wide guidance to agencies on how to preserve their records and directs NARA to maintain a permanent archive of Government records that will be preserved indefinitely. NARA policies and regulations cover the entire lifecycle of records, from creation to use to storage or disposal. This proposal would use those authorities to drive agencies to reassess and modernize their paper-based processes Government-wide.

Currently, NARA holds more than 5 million cubic feet (equivalent to 12.5 billion pages) of archival records, and anticipates that an additional 3 million cubic feet of permanent records will be transferred by Fiscal Year (FY) 2030. Additionally, NARA's Federal Records Centers Program stores over 28 million cubic feet of Federal Government records on a temporary basis for other Federal agencies, costing agencies approximately $200 million annually in payments to NARA. Agencies also acquire records management and storage services from commercial providers. At the same time, agencies are trying to manage a surge in their electronic records. NARA managed archival electronic records equivalent to 12 billion pages in 2005, which grew to 34 billion in 2017.

However, the continuing need to support paper-based processes diverts resources away from investments in a modernized electronic records management system. Without focused attention to this challenge, NARA and agencies will face inadequate electronic records systems and protocols, leading to higher costs and lost records, as well as deficient practices and services for paper records.

This proposal would transition Federal agencies' business processes and recordkeeping to a fully electronic environment, and end NARA's acceptance of paper records by December 31, 2022. Establishing a deadline by which NARA will no longer accept paper records will force agencies to direct attention and resources to this issue in a way that has not occurred previously. To ensure this necessary transformation away from paper-based processes would occur across all of the Executive Branch, NARA will coordinate with Federal agencies to develop and provide the guidance, technical assistance, and services they will need to implement this proposal. The General Services Administration would play a supporting role by connecting agencies with commercial digitization services available in the private sector. This will allow agencies to more efficiently procure needed services, helping expedite the electronic records process.

U.S. Citizenship and Immigration Services Efforts to Expand Electronic Records

Even as the Administration moves toward electronic records management across the entire Federal Government, some individual agencies have already started to take critical steps toward this goal. For example, the USCIS National Records Center has centralized millions of paper records into a single facility, dramatically improving the integrity of USCIS' recordkeeping and cutting the time spent on file retrieval—a vital component of application processing—from weeks and even months to only a few days.

USCIS already offers electronic filing capability for a replacement green card (I-90) and application for naturalization (N-400). It also plans to achieve end-to-end digital processing for all of the immigration benefits it adjudicates by the end of 2020. This will include the ingestion of all applications and evidence through adjudication, decision making, and communication with applicants. USCIS will create digital immigration records at the point of receipt that serve as the official record throughout the immigration

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lifecycle. This will increase efficiency and reduce risk to the immigration system. To further eliminate paper, USCIS is moving to a fully automated Freedom of Information Act processing system. A subset of this electronic capability will be released to the public in summer 2018, and full deployment is scheduled to be complete by the end of 2018. Requesters will be able to file requests and receive responses online. These efforts also build on other important work USCIS has already done that uses electronic records to improve applicant services and increase efficiency, such as with its E-Verify system which electronically compares information from an employee's Form I-9, Employment Eligibility Verification, to data from DHS and the Social Security Administration to confirm employment eligibility.

Social Security Administration Efforts to Expand Electronic Records

The Social Security Administration (SSA) also is reducing paper processes, relying on an expanding suite of automated and online options to conduct business with the public. In FY 2017, the public conducted over 155 million transactions via the SSA website, rather than through paper forms. SSA expects the number of successfully completed transactions in FYs 2018 and 2019 to increase by 35 million each year over the prior year. Additionally, SSA estimates that in FY 2019 about 50 percent of those submitting SSA retirement forms, or about three million people, will use SSA's online services to complete their forms; this used to be a wholly paper-based, in-person transaction.

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Customer Experience (CX) Improvement Capability

Government-wide

Summary of Proposal: This proposal would transform the way Americans interact with the Federal Government by providing a modern, streamlined, and customer-centric experience for citizens, businesses, and other customers, comparable to leading private-sector organizations. The Office of Management and Budget (OMB) will provide leadership and establish a Government-wide capability to partner with Federal agencies to identify key customer groups (e.g., farmers, veterans), map their journeys from end-to-end and across agencies and programs, and improve their experience across delivery channels and organizational silos. This will be done in partnership with the U.S. Digital Service and the General Services Administration (GSA) Technology Transformation Service with contributions from specific involved agencies. This capability will also serve as a central resource to better manage organizational change and ensure reform proposals achieve mission, service, and stewardship objectives.

THE CHALLENGE

Americans expect well-designed, efficient Government services that are generally comparable in quality to that of leading private-sector organizations. Unfortunately, customer satisfaction with Federal services lags behind every other industry, as measured by the American Customer Satisfaction Index (ACSI), causing frustration for customers and higher costs for the Federal Government. While many agencies are taking action to improve their services, customer experience can lag when customer needs and journeys cross organizational silos. Whereas Government agencies execute their missions based on their specific authorities and responsibilities, customers tend to experience Government across stovepipes. For example, while the Federal Government strives to support small business growth and competitiveness, duplicative and inconsistent programs spread across five different Federal agencies have sometimes created confusion and extra work for the small businesses they mean to serve.

As individual agencies make investments – particularly information technology investments – maturing the capability to improve customer experience across agency silos will help the Government meet 21st Century needs and expectations. At the same time, improving customer focus can lead to greater efficiency and effectiveness in agency operations. This will require technical expertise, enhanced business processes, management support, and new Government authorities to create cross-agency, Government-wide solutions.

THE OPPORTUNITY

Establishing a Government-wide customer experience improvement capability would support existing agency efforts and create new Government-wide approaches to improve the way the public interacts with the Federal Government. In partnership with agencies, this new function would identify key Federal customers (e.g., veterans, students, farmers, retirees), map their journeys as they interact with Federal agencies, and work to streamline those interactions across delivery channels and organizational silos. It would work with Federal

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organizations that control resources and services and convene partner agencies and programs to harmonize business processes with a more holistic customer-centric model. In many cases, Federal agencies already devote considerable resources to customer experience, and these existing efforts will benefit from more end-to-end visibility into customer needs and access to broader perspectives and tool sets. Further, this capability will support the U.S. Digital Service (USDS) and other information technology modernization efforts by evaluating how Federal services are delivered and identifying priority opportunities to leverage technology to make service delivery more customer-centric and efficient. Not only has this approach been proven to improve services in the private sector, but it also offers opportunities to reduce overlap and fragmentation and reduce costs.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The application of these tools and approaches has been proven in the private sector. Leading practice in the private sector now trends to having an individual Customer Experience Officer reporting directly to the CEO, supported by teams that both advocate for customer needs at an enterprise level as well as embed practices into individual business units across the organization. These CX organizations have developed a clear set of standards, tools, and capabilities – such as the use of personas and customer journey maps – and have demonstrated their utility across diverse organizations and industries.

Applying these tools and capabilities to the Government has also been proven to work. Through USDS and GSA's Office of 18F, the Government has recruited top-tier talent in information technology and business process re-engineering. These individuals are helping the agencies that serve customers incorporate user-centered design into plans to modernize digital services – and demonstrating those investments yield a high return. For example, for many years small business owners have been extremely frustrated by slow, bureaucratic, paper-based processes at the Small Business Administration (SBA) that were not responsive to their needs. Due to the USDS team at the SBA, small businesses can now apply for Government Contracting Programs online in about 1 hour instead of days. They can also secure key information on locating their business by using a mapping application that updates in near real-time.

Further, individual agencies have developed enterprise-level customer experience capabilities that are delivering direct results to citizens, such as the Journeys of Veterans Map, which has become the centerpiece of the Department of Veterans Affairs' (VA) success in presenting one face to veterans. For example, veterans have historically had a frustrating experience navigating over 1,000 VA phone numbers and more than 1,770 VA contact centers across its many lines of business. To address this challenge, VA is now in the process of integrating backend data systems and providing veterans a single front door. It estimates that these efforts will produce a cost avoidance of approximately $2 billion dollars over five years while also improving veterans' experiences.

This proposal envisions building on these individual efforts by adding the capability to tackle customer experience challenges throughout the Government. To get started, this capability and relevant agencies will conduct research to identify the most significant opportunities for customer-centric change, develop customer journey maps which cross organizational silos, and then develop action plans to execute service improvements. As needed, agencies would partner with USDS and GSA's Technology Transformation Service to enhance their digital services. One particular area of focus would likely be the creation of user-focused Digital Front Doors – rebuilding Government web properties to focus less on Government structure and more on user experience. For example Farmers.gov, designed by the U.S. Department of Agriculture, delivers the information, tools, and first-hand advice built around the needs of the people who produce our food, fiber, flora, and fuel.

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This capability will also serve as a central resource to better manage organizational change. Managing process improvements across organizations is complex, especially given the legal structures, size, and cultures of Federal agencies. It will partner with agency leadership to support interagency change management, including project planning, convening interagency meetings and facilitating collaboration, and sharing best practices on change management.

AMERICAN OVERSIGHT

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Next Generation Federal Student Aid Processing & Servicing Environment

Department of Education

Summary of Proposal: The Next Generation (Next Gen) Financial Services Environment that will benefit Federal Student Aid's (FSA) customers and save taxpayer millions of dollars, will create an improved, world-class customer experience for FSA's more than 42 million customers, while creating a more agile and streamlined operating model. FSA's initial focus will be on modernizing capabilities related to the Free Application for Federal Student Aid (FAFSA®) form and the servicing and repayment of customer loans, with additional work to come to improve the experience throughout the student aid life cycle.

THE CHALLENGE

FSA helps provide educational opportunity for more than 42 million students pursuing higher education. It manages one of the largest consumer loan portfolios in the country, rivaling those of major financial institutions. FSA's customers deserve a world-class experience, but they do not consistently receive one today. Currently, customers interface with multiple brands and vendors throughout the student aid life cycle, creating a disjointed experience. Further, customers want additional capabilities and functionalities to enable them to make more informed decisions and make their loan experience easier and more accessible. The current student loan servicing environment is a major barrier to FSA's ability to provide outstanding service to borrowers and taxpayers.

THE OPPORTUNITY

The Department of Education is pursuing a new approach to FSA processing and servicing with a modernized, innovative, and integrated architecture that will benefit FSA's customers and save taxpayers millions of dollars. The Next Gen Financial Services Environment will create an improved, world-class customer experience for FSA's more than 42 million customers, while creating a more agile and streamlined operating model.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Next Generation Processing and Servicing Environment is being designed to meet customer expectations, improve how customers consume services and utilize different technology and media platforms, and further enhance borrower protections. The new system requires the separation of database housing, system processing, and customer account servicing so that cost efficiencies can be achieved and current state-of-the-art technologies can be deployed and evolve in the future. Through this market research, FSA has refined its strategy to implement the Next Generation Processing and Servicing Environment.

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Based on this research and discussions with a broad range of internal and external experts in student loan finance and information technology services, the Department has developed a plan for a Next Generation Financial Services Environment that will leverage best-in-business technology to improve customer experience and outcomes and drive savings for taxpayers by reducing FSA administrative costs. The key to this transformation will be a comprehensive, Department of Education-branded customer engagement layer that will create an environment through which the Department's customers will receive clear, consistent information and readily accessible self-service options at every stage of the student aid lifecycle. FSA will emphasize a mobile-first, mobile-complete strategy – enabling and encouraging customers to fulfill all their needs on mobile devices – complemented by web, phone, chat, and in-person capabilities.

This engagement layer will foster a life-long relationship with customers, from before they apply for aid as high school students through when they plan for their children and grandchildren's education. It will transform FSA into a trusted source of information and greatly simplify the process of helping customers choose the best options to help them manage their student debt. In addition, the creation of standardized systems, processes, and procedures—combined with the inclusion of clear performance expectations tied wherever possible to explicit contract incentives and disincentives—is expected to simplify oversight of vendor performance and better ensure compliance with consumer protection and customer service standards.

The Next Generation Financial Services Environment would provide customers a seamless, world-class experience with FSA from application through repayment, a mobile-first, mobile-complete experience that allows customers to seamlessly interact with FSA to make informed decisions about their educational experience, and improved back-end technology and operations, to allow FSA to innovate how it interacts with customers and the types of products and services it can offer.

FSA plans to leverage the latest in middleware, processing, data storage, and security to create a more efficient, cost-effective, and secure technical infrastructure. While Federal student loans are uniquely complex, the Department believes that leveraging modern commercial engagement and technical capabilities is likely to reduce FSA's operating costs over the long-term, once the solution is fully implemented.

FSA has issued and will continue to issue solicitations focused on account processing and loan servicing in 2018. Significant customer-facing milestones will be realized throughout 2019. The Department plans to have significant elements of the Next Generation Financial Services Environment in place prior to the expiration of the current servicing contracts in 2019.

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Solving the Federal Cybersecurity Workforce Shortage

Department of Homeland Security and the Office of Management and Budget

Summary of Proposal: The Federal Government struggles to recruit and retain cybersecurity professionals due to a shortage of talent along with growing demand for these employees across the public and private sectors. The Department of Homeland Security (DHS) and the Office of Management and Budget (OMB), working in coordination with all Federal departments and agencies, will establish a unified cyber workforce capability across the civilian enterprise. This Administration will work towards a standardized approach to Federal cybersecurity personnel, ensuring Government-wide visibility into talent gaps, as well as unified solutions to fill those gaps in a timely and prioritized manner.

THE CHALLENGE

The Federal Government struggles to recruit and retain cybersecurity professionals due to a shortage of, and growing demand for, cybersecurity talent across the public and private sectors. The workforce shortage compounds the Government's challenges in responding to a constantly evolving threat environment and achieving its many IT-dependent missions.

In the past, each Federal department and agency was responsible for addressing its own cybersecurity workforce gaps independently, which has led to disaggregated and redundant Federal programs. As a result, the Government lacks a comprehensive, risk-derived understanding of which cybersecurity skillsets the Federal enterprise needs to develop and which positions are most critical to fill.

Moreover, the manner in which departments and agencies recruit, hire, train, retain, and compensate cybersecurity personnel varies by agency. This uneven approach has created internal competition for talent, which in turn creates disparities and discontinuities that degrade agencies' ability to defend networks from malicious actors and respond to cyber incidents. A unified approach to attracting and retaining cybersecurity talent within the Federal Government would better support the Government's cybersecurity enterprise.

Finally, there have not been continuous, strategic investments made in U.S. education programs to strengthen a pipeline for future cybersecurity talent. The abundance of redundant Federal programs focused on strengthening cybersecurity education illustrates how the Government's role building the cybersecurity talent pipeline remains ill-defined.

THE OPPORTUNITY

This Administration can strengthen Federal cybersecurity and improve agencies' ability to carry out their missions by identifying and closing workforce gaps in the near term, and can ensure long-term viability by building the cybersecurity talent pipeline.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

To improve recruitment and retention of highly qualified cybersecurity professionals to the Federal Government, this Administration will develop a standardized approach to identifying, hiring, developing, and retaining a talented cybersecurity workforce in a timely and prioritized manner.

In the near term, this Administration will prioritize and accelerate on-going efforts to reform the way that the Federal Government recruits, evaluates, selects, pays, and places cyber talent across the enterprise.

Taking Stock of the Current Cybersecurity Workforce and Identifying Gaps

Human Capital personnel from across the Executive Branch are currently working with the Office of Personnel Management (OPM) to categorize the Federal cybersecurity workforce, using the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework (NICE Framework, as required by the Cybersecurity Workforce Assessment Act of 2015). By Fall 2018, the Federal Government will have catalogued the entire cybersecurity workforce to better understand our current set of knowledge, skills, abilities, and identify any gaps; this catalog will give us Government-wide insight into where our most pressing needs are, and, for the first time, enable the development of an enterprise-wide approach to the recruitment, placement, and training of cybersecurity talent.

Using the NICE Framework analysis, the Federal Government will be able to determine which workforce gaps are most critical to address the current cybersecurity threat landscape. DHS, as the lead agency for the protection of Federal IT networks, is best positioned to drive this prioritization with Federal agencies and OMB. By the first quarter of Fiscal Year (FY) 2019, all CFO Act agencies, in coordination with DHS and OMB, will develop a list of critical vacancies across their organizations. By the end of FY 2019, all CFO and non-CFO Act agencies will have a prioritized list of critical vacancies. OMB and DHS will analyze these lists and work with OPM to develop a whole-of-government approach to identifying or recruiting new employees or reskilling existing employees in FY 2019.

Developing Innovative Recruitment, Retention, and Mobility Strategies

As agencies prioritize their cyber workforce needs, they will likely need to adopt innovative hiring techniques to ensure the best and brightest cyber talent can seamlessly enter the Federal Government. To address this challenge, the Department of Homeland Security received authority, through the 2014 Border Patrol Pay Reform Act, to modernize the traditional personnel system. With this new authority, DHS is working to create a new Federal hiring system called the Cyber Talent Management System (CTMS), exempting DHS from many of the requirements and restrictions in existing law under Title 5 for hiring and compensation of cybersecurity professionals. With an agile and innovative personnel system, DHS will be better equipped to compete for cyber talent with the private sector—speeding up the hiring process, attracting talent from non-traditional educational backgrounds, using innovative tools to assess applicants, and offering more flexible performance-based compensation. DHS will also be able to align prospective cybersecurity talent to the most pressing cybersecurity needs and will allow these technical professionals to accelerate their careers as rapidly as their aptitudes allow. In order to implement CTMS, by the first quarter of FY 2019 OMB, through its Office of Information and Regulatory Affairs (OIRA), will work with DHS to promulgate the necessary regulatory notices. By the end of FY 2019, DHS will work

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with OMB and all Federal agencies to measure the performance of CTMS and determine how to expand the system so that all departments and agencies can leverage it to address their personnel gaps.

One of the main hindrances to a seamless entry into the Federal Government is the security clearance process. The success of this initiative partly hinges on the success of the Government's security clearance reform initiative, as discussed in a separate Executive Branch reorganization proposal in this Volume. In addition to the Government-wide security clearance solution, OMB, DHS, and OPM will work with agencies to review workforce characteristics to rationalize security clearance requirements in order to expedite the vetting and onboarding process.

The NICE Framework Federal workforce assessment is expected to confirm what has been known for some time: that cybersecurity employees' skills and competencies vary across the Government. OMB will consult with DHS to standardize training for cybersecurity employees, and will work to develop an enterprise-wide training process for Government cybersecurity employees.

As part of creating a modern hiring and compensation system that rewards cyber expertise, the Executive Branch should also evaluate opportunities to make cybersecurity positions more mobile than traditional Government jobs. Flexibilities that allow workers to easily move from one position to another, or from one agency to another, would appeal to cyber talent in the agile and fast-paced cybersecurity industry. This mobility is also useful during a major cybersecurity incident, allowing agencies to surge capacity for incident response activities. OMB, in coordination with departments and agencies, will develop a work plan to implement this initiative by the end of FY 2018. Departments and agencies will begin to exercise these authorities by the end of FY 2019.

As an alternative or supplement to surge capacity, a mobile workforce will allow agencies to surge capacity for incident response activities. OMB, DHS, and DOD will evaluate what workforce gaps might exist that would be needed during a major Federal cybersecurity incident to determine the requirements for a Federal cybersecurity reservist program. As part of this analysis, OMB, DHS, and DOD will evaluate the existing authorities of Federal agencies to rapidly mobilize talent, including those of the U.S. Digital Service, which recruits talent from the private sector. These organizations will also evaluate the feasibility of extending a reservist program to support non-Federal major cybersecurity incidents within the United States, such as those affecting critical infrastructure. These programs will be coordinated with existing cyber services, including those in the National Guard.

Reskilling Employees to Fill High-Value Cybersecurity Roles

In addition to hiring new cybersecurity talent, the Government must look for opportunities to maximize the potential of its existing workforce. This includes efforts to reskill employees whose skills have become less relevant due to automation. OMB, DHS, and OPM will build aptitude and skills assessments to identify and select current Government staff who can be reskilled to fill critically-needed cybersecurity jobs. By reskilling the current workforce, agencies will be able to quickly sift its workforce into the highest-priority vacancy gaps. OMB and DHS will establish a job reskilling work plan by the first quarter of FY 2019. OMB and DHS will then update the CIO Council on a quarterly basis on the implementation of the reskilling work plan.

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Building a Pipeline of Cybersecurity Talent

While solving the immediate needs of the Federal workforce is a major challenge, the Administration will also work to educate America's youth to build an enduring cybersecurity talent pipeline. As part of the FY 2020 Budget development process, OMB will evaluate options to rationalize the size and scope of current Federal cybersecurity education programs, including the National Science Foundation (NSF)'s CyberCorps, the Scholarship for Service program, the National Security Agency (NSA)/DHS Centers for Academic Excellence program, NSF and NSA's GenCyber Program, the Department of Labor's apprenticeship program, DHS's Cybersecurity Education and Training Assistance Program, the U.S. Army Cyber Center of Excellence, and the U.S. Navy Information Operations Command program, among others.

While the cybersecurity workforce shortage has been a known challenge for Federal agencies, no other Administration has taken a whole-of-Government approach to fixing it. OMB and DHS look forward to solving this major challenge through smart analysis and creative solutions.

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The GEAR Center

Government-wide

Summary of Proposal: This proposal would establish a public-private partnership to help the Government respond to innovative technologies, business practices, and research findings that present opportunities to improve mission delivery, services to citizens, and stewardship of public resources. The Government Effectiveness Advanced Research (GEAR) Center would be a non-governmental public-private partnership that would engage researchers, academics, non-profits, and private industry from disciplines ranging from behavioral economics, to computer science, to design thinking to use creative, data-driven, and interdisciplinary approaches to re-imagine and realize new possibilities in how citizens and Government interact.

THE CHALLENGE

Most Federal Government entities and programs were designed many decades ago, while still others have their organizational roots aligned to the missions of the 19th Century. Their designers could not have anticipated how technology and society would evolve or how the mission demands on the Federal Government would evolve in the 21st Century. Government has also been slower than the private sector to adapt operations to new realities. The bottom line is that the Government has fallen behind the curve, with reported decreases in trust[1] and lower customer satisfaction[2]. The inability to keep pace with the private sector on adoption of technology has likely contributed to these failures to meet expectations as well as inefficient use of resources. This proposal makes progress toward a future vision of a more efficient and effective Government that provides a level of service that citizens deserve.

Although disparate research is available in the public and private sector, there is little work directed toward providing a forward-looking view on how the operating entities of Executive Branch should evolve management practices for the 21st Century. The Executive Branch currently lacks the capability to work with State and local governments, businesses, and institutions of higher education to assess the long-term strategic needs of the Government enterprise, and to "test and learn" how to apply innovative approaches to meeting the mission, service and stewardship needs of the 21st Century. This capability is needed to effectively apply theory to practice in a low-risk environment.

THE OPPORTUNITY

The GEAR Center would be a public-private partnership bringing together experts from disciplines ranging from behavioral economics, to computer science, to design thinking, in order to take a creative, data-driven, and interdisciplinary approach to imagining and realizing new possibilities in how citizens and government interact.

[1] Pew Research Center, May, 2017, "Public Trust in Government Remains Near Historic Lows as Partisan Attitudes Shift."
[2] *https://www.theacsi.org/news-and-resources/customer-satisfaction-reports/reports-2017/acsi-retail-report-2017.*

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

To establish the GEAR Center, the General Services Administration (GSA) could, for example, issue a new Challenge under the America COMPETES Act[3], and as a parallel effort, issue a Request for Information (not leading to a traditional contract but to get more information on the art of the possible) to maximize input from the public, universities, and industry to show transparency while promoting innovation from the largest group possible.

New "Challenges" under the America COMPETES Act provide agencies with the authority to conduct prize competitions to spur innovation, solve tough problems, and advance their core mission. Prize competitions under this new statute may be funded jointly by more than one agency and by the private sector. These challenges can be monetary or non-monetary, and they allow for multiple phases of engagements, ideations, and competitions. The America COMPETES Act authority offers a flexible and fast method to obtain input from a wide swath of the public, including industry, non-profits, universities, and other entities.

Based on the results of the Challenge, the GEAR Center could be established at a university, think tank, or other prominent research institution as a public-private partnership to inform critical areas for programs and services to meet the needs of the American public. The GEAR Center would call upon researchers, academics, non-profits, and private industry to help test hypotheses, rapidly prototype new strategies and models, and help the Government anticipate and respond to changes in technology with implications for service to citizens and Government mission.

The Center would provide the Federal Government with the opportunity to not only catch up to where the private sector services and capabilities are today, but to lay the groundwork for where Government operations and services need to be in five, 10, or 20 years or more by bringing together researchers, academics, non-profits, and private industry to inform leaders in the Federal Government of the future delivery models for programs and services that meet the needs of the American public. This Center will enable the testing of hypotheses and shape future direction in order to help the Government anticipate and respond to changes in technology and society with implications for how the Government can better serve its citizens. For example, the GEAR Center could examine the impacts to Government that are likely to occur due to broader economic forces (e.g., self-driving cars, automation), improving service in programs that rate the worst in terms of public feedback (e.g., immigration system, farmers), and exploring strategies to leverage Big Data and manage data as an asset across Government silos.

Developing this capacity supports innovation as an engine to transform the public's experience with Government. Researchers will validate and/or develop improved ways to serve the needs and desires of the customers of Government services, and rethink the experience of Government-public interactions.

[3] The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act of 2007 or America COMPETES Act was signed by President George W. Bush and became law on August 9, 2007. This was an Act, "To invest in innovation through research and development, and to improve the competitiveness of the United States." On January 4, 2011, President Barack Obama signed into law the America COMPETES Reauthorization Act of 2010.

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Further, the GEAR Center would provide capacity to explore questions concerning how Government can best harness technological advances to address evolving challenges concerning citizen interactions with the Government, Federal workforce skill/reskilling requirements, the leveraging of Big Data, and collaboration with the private sector via grant-making, procurement and public-private partnerships. In addition, it would explore opportunities to better integrate public and private sector innovative fee for service and co-investment models to ensure that infrastructure for the digital age receives appropriate investments and attention.

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Transfer of Background Investigations from the Office of Personnel Management to the Department of Defense

U.S. Office of Personnel Management and Department of Defense

Summary of Proposal: That the National Background Investigations Bureau (NBIB), currently under the Office of Personnel Management (OPM), be transferred to the Department of Defense (DOD).

THE CHALLENGE

The placement and performance of background investigations for the Executive Branch has been an evolving and open issue for years.

- In October 2016, the National Background Investigations Bureau (NBIB) was established to succeed the Office of Personnel Management's (OPM) Federal Investigative Services (FIS). The NBIB absorbed the FIS's background investigation capabilities, inventory, and operational challenges, and began the conduct of background investigations for 95 percent of Executive Branch agencies.
- In August 2017, an implementation plan was provided to the Congress for DOD to conduct background investigations for DOD personnel, pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (P.L. 114-328).
- In December 2017, the NDAA for Fiscal Year 2018 (§925(b) of P.L. 115-91) was enacted into law, legislating a phased transfer of DOD background investigations conducted by NBIB from NBIB to DOD.

The pending transfer of DOD Investigations from NBIB comprises 70 percent of NBIB's background investigation volume and raises questions with Government-wide implications regarding the remaining 30 percent. With no easy or obvious answers regarding the placement of the 30 percent, the Security, Suitability, and Credentialing Performance Accountability Council (PAC) principal agencies (OPM, DOD, the Office of Management and Budget, and the Office of the Director of National Intelligence) initiated an interagency review to determine a path forward.

THE OPPORTUNITY

This proposal would transfer the NBIB background investigation program, currently under OPM, to DOD. The transfer provides the opportunity to achieve an efficient, effective, fiscally viable, and secure operation that meets all agencies' needs. It avoids a variety of potential problems inherent in splitting the existing program into two pieces, and provides the means to achieve bold, transformative reform in the manner in which background investigations are conducted. The opportunity exists to improve timeliness, strengthen management of sensitive information and ensure a more trusted workforce.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Administration recognizes that background investigations are critical to enabling national security missions and ensuring public trust in the workforce across the Government. The congressionally mandated transfer of 70 percent of NBIB's background investigation caseload has significant implications for the conduct of background investigations Government-wide. Additionally, the mandate comes at a time when significant challenges in security, suitability, and credentialing processing continue to adversely affect Government operations. The background investigation inventory has risen to approximately 725,000; the average Top Secret background investigation takes four times longer than the target completion date; and costs have risen more than 40 percent since Fiscal Year 2014. This is an unsustainable way to do business.

Now is the time for bold, transformational change in how we vet our workforce. To that end, the Administration has concluded that to achieve an efficient, effective, fiscally viable, and secure operation that meets the needs of the Executive Branch, it is necessary for the background investigation program to remain consolidated through a complete transfer of NBIB to DOD. Given the urgency and complexity of the issue, the Administration believes this transfer is the right thing to do because:

- Consolidation retains "economies of scale". Keeping the program together prevents unnecessary duplication of functions (e.g. headquarters, back office, etc.), removes operational complexity, and provides increased opportunities for centralization and specialization that will increase continuous process improvement benefits.

- Residing within DOD facilitates better leveraging of DOD's existing enterprise capabilities DOD already provides capabilities to the enterprise by servicing industrial security clearances for 31 agencies through the National Industrial Security Program, and manages adjudications for four agencies through the DOD Consolidated Adjudications Facility. DOD already has strong, established research and training programs under the Personnel and Security Research Center and Center for Development of Security Excellence, is developing continuous evaluation capabilities that will benefit non-DOD agencies, and has a global footprint that is well-suited to the increased need for international contact and employment investigations. Drawing on significant national security, IT, and cybersecurity expertise, DOD is also responsible for designing, building, securing, and operating, a suite of end-to-end vetting shared services to be made available to all Executive Branch agencies.

- Truly bold and transformational reforms are more achievable through consolidation. Despite improvements, the Federal government's vetting policies, processes, and tools, have failed to keep pace with emerging technological capabilities and opportunities to continuously identify, assess, and integrate key sources of information. Reform initiatives chartered by the Security and Suitability/Credentialing Executive Agents are underway to revamp the fundamental approach and supporting policy framework, overhaul the business process, and modernize the information technology architecture. Implementation of these reforms across a single, consolidated provider can best serve the sustainment of a trusted workforce for the Nation.

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The Administration will take the requisite executive actions to ensure the background investigation program remains consolidated within DOD. Transition planning and implementation over the next several years will be critical to success and will involve interagency cooperation and coordination. The PAC will provide oversight of that transition, and will continue to be accountable for ongoing reform of the broader Executive Branch vetting program, including background investigations. The existing Security Executive Agent (the Director of National Intelligence) and Suitability and Credentialing Executive Agent (the Director of OPM) will continue to fulfill their respective policy and oversight roles for the security, suitability, and credentialing enterprise.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520-18-0521-F-000134
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Strengthening Federal Evaluation

Government-wide

Summary of Proposal: Bringing evidence to bear in decision-making is a critical component of good government. However, there are large gaps and inconsistencies across Federal agencies in their ability to formally evaluate their programs. These reforms would expand upon existing capabilities and push agencies to adopt stronger practices that would generate more evidence about what works and what needs improvement in order to inform mission-critical decisions and policies.

THE CHALLENGE

Decisions about how best to allocate taxpayer dollars and improve government services involve a complex set of factors, including political priorities, resistance to change, and the availability of credible evidence. In many policy domains, however, we lack key information on program effectiveness that could help the Congress and the President make better decisions. Program evaluation is a valuable tool that can help us learn what works in order to focus limited funding on effective programs, discontinue programs that fall short of desired results, and identify ways to improve continually funded programs. For example, a decade of rigorous evaluations of the Maternal, Infant, and Early Childhood Home Visiting Program demonstrated positive impacts and future savings that warranted scaling up the program. In contrast, Project D.A.R.E., a substance abuse prevention program for adolescents, lost all Federal funding following several high-quality evaluations that determined the program was ineffective and in some cases had negative effects.

These examples illustrate how, absent program evaluation, we would not know whether what we think works, does in fact work. Yet, building evaluation into program design so that we can learn and improve is currently the exception rather than the rule, and there are no formal Government-wide incentives, expectations, or guidance to Federal agencies regarding program evaluation. We must increase the capacity of Federal agencies to conduct evaluation and fill a critical gap in the Federal government's ability to generate evidence about what works and how we can improve programs. This will lead to more and better information that the Congress and the President can use to make decisions about how to best spend taxpayer dollars and provide services for our citizens.

THE OPPORTUNITY

Passage of the Foreign Aid Transparency and Accountability Act of 2016 set an important precedent that our Nation must have expectations for monitoring and evaluating foreign assistance programs. OMB's guidance for these programs (see M-18-04) was a first step, but there is much more that can be done across Government. We must set standards for evaluation across all program activities and agencies so that Federal agencies, OMB, the Congress, and taxpayers have critical information about the effectiveness of Government programs and policies, which will lead to improved services, increased efficiencies, and a greater return on investment.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Congress is increasingly compelling agencies to focus funding on evidence-based programs that we know work. Executing this vision requires evaluation to answer essential questions regarding program effectiveness and cost-efficiency that cannot be answered through performance measurement, statistics, or data analytics alone. Unlike Federal statistical and performance functions, there is currently no formal Federal system or underlying infrastructure to support evaluation. As a result, there are many programs and policies across the Government for which we have no evidence on program effectiveness, thus making evidence-based policymaking difficult.

If we expect agencies to test innovative strategies and execute effective programs, we must enhance Federal agencies' ability to conduct program evaluation and other evidence-building activities. The bipartisan Commission on Evidence-Based Policymaking's recommendations and subsequent draft legislation would further these goals. However, many of the necessary improvements can be accomplished administratively. Doing so will require a change in Federal agencies' cultures and standard operating procedures so that program evaluation is integrated into program design, and evaluation experts are part of decision-making processes.

We must strengthen the role of program evaluation and better understand how we are investing in evaluation across the government. At minimum, OMB intends to ask Federal agencies to:

- Designate a senior official responsible for coordinating the agency's evaluation activities, learning agenda, and information reported to OMB on evidence. This official must have expertise and experience in program evaluation, which is a different skill set than performance, statistics, and other agency functions. One approach that has worked well in some agencies is to create a centralized independent evaluation office and designate a senior career official to lead this office who is given lead responsibility for evaluation at the agency. Other agencies have multiple sophisticated evaluation offices serving different components.

- Document the resources dedicated to program evaluation. If taxpayers, the Congress, or the Administration were to ask how much is currently spent on program evaluation, we would not be able to state an amount nor easily calculate a reasonable estimate. Absent this information, we cannot know where our investments in evaluation are adequate and where we are under- or over-investing.

We must also strengthen the Government's ability to build and use a portfolio of evidence, including results from program evaluations, to inform decision-making. To do this, OMB will provide direction and set expectations that encourage agencies to:

- Strengthen the quality of the information provided to OMB on evidence-building activities, including program evaluation, as part of the annual budget process. Currently, agency submissions vary greatly in quality and completeness. If improved, however, they could be a useful way for OMB to understand agencies' current and planned evidence-building activities, the evidence base behind key priorities, and evidence gaps that should be addressed. By designating a senior official at agencies with relevant experience responsible for this submission, OMB expects the quality and breadth of submitted information will improve and better inform the budget and policymaking processes.

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- Establish and utilize multi-year learning agendas. Learning agendas are a powerful tool that allow Federal agencies to strategically plan evaluation and other evidence-building activities over a multi-year period. The structured agenda setting process requires coordination within an agency to identify priority research questions and knowledge gaps. Learning agendas should be informed by key stakeholders and the public, and the resulting documents should be made available to the public to promote transparency and accountability. The studies, evaluations, and other learning that results from these agendas should be shared within the agency and with other stakeholders, OMB, the Congress, and the public in order to facilitate policy and program improvement.

A broad consensus has emerged regarding the importance of evaluation as a key part of evidence-based policymaking. We acknowledge the potential risk that establishing a more formal structure for Federal evaluation could introduce administrative rigidity and complexity in ways that may detract from innovation in the small number of agencies already excelling in this area. During implementation, however, we could mitigate this risk by allowing appropriate flexibility, recognizing the unique circumstances and capacities of various agencies, and soliciting input from stakeholders both inside and outside of the Federal Government.

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"Let President Trump reorganize the government like a business."

– Michelle
Delaware

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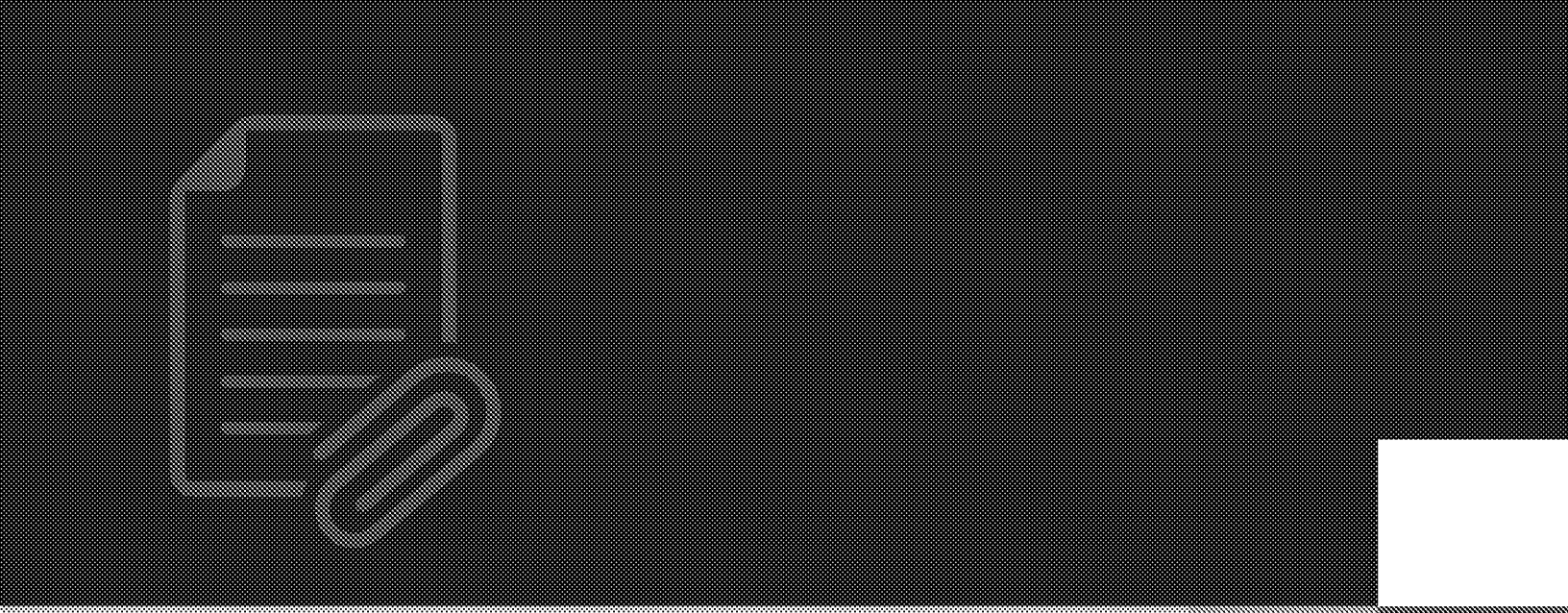

APPENDIX: AGENCY-SPECIFIC REFORM PROPOSALS

AMERICAN OVERSIGHT

DEPARTMENT OF AGRICULTURE

Reorganizing the Agricultural Marketing Service

As part of the U.S. Department of Agriculture's (USDA) internal reorganization effort, it has undertaken significant changes to the Agricultural Marketing Service (AMS) to improve customer engagement, maximize efficiency, and improve agency collaboration. The Packers and Stockyards Program, Federal Grain Inspection Service, U.S. Warehouse Act Program, and International Commodity Purchasing were transferred to the Agricultural Marketing Service as new program areas in FY 2018.

Realigning USDA's Mission Areas

The USDA has begun realigning and consolidating certain offices into more logical organizational reporting structures. The realignment has included the creation of an Under Secretary for Trade and Foreign Agricultural Affairs, an Assistant to the Secretary for Rural Development (RD), and an Under Secretary for Farm Production and Conservation. Additionally, USDA is merging the Center for Nutrition Policy and Promotion (CNPP) into the Food and Nutrition Service (FNS). These efforts will improve service delivery by providing a simplified one-stop shop for USDA's farmer and rancher customers, advance agricultural trade and address the needs of Rural America.

DEPARTMENT OF ENERGY

Streamline Environmental Management Headquarters Organization

This effort will review the Environmental Management (EM) organizational structure to identify opportunities to streamline the management team. EM will specifically review supervisor-to-worker ratios, skill gaps, and cost reduction measures such as consolidating facilities and reducing administrative support. This proposal focuses on completion of the EM clean-up mission in an efficient and cost-effective manner.

Consolidate International Staff Under Office of International Affairs

The Department is consolidating international affairs offices from DOE's applied energy programs into the headquarters Office of International Affairs. This effort centralizes staff and resources with technical expertise and foreign affairs policy knowledge to advise on and carry out the Department's international engagement efforts.

Merge Shared Service Centers and Other Activities

The Department continues to merge DOE's Human Resources Shared Service Centers, consolidate human capital functions across the DOE enterprise, and merge DOE training and development functions. This effort will streamline processes, reduce costs, and improve services.

Office of Science Restructuring

The Department of Energy's Office of Science is evaluating several proposals to merge and consolidate field and headquarters activities to improve efficiency and reduce costs. Potential options for consideration include: merging geographically associated site offices; reorganizing the Integrated Service Centers; realigning safety and technical services; streamlining the Office of Science organization; and reducing staff and/or administration support costs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Optimize National Institutes Health (NIH)

Restructure NIH's administrative functions to ensure operations are effective and efficient. This initiative represents the largest change management initiative in the history of NIH, and will align management with best practices and break down administrative silos through standardization of structures and processes agency-wide.

Consolidate Health Research Programs into National Institutes of Health (NIH)

Integrate the research of three programs into NIH – the Agency for Healthcare Research and Quality (AHRQ), the National Institute for Occupational Safety and Health (NIOSH), and the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) to improve research coordination and outcomes. These entities would be initially established as three new NIH institutes: the National Institute for Research on Safety and Quality; the National Institute for Occupational Safety and Health, including the Energy Employees Occupational Illness Compensation Program; and the National Institute on Disability, Independent Living, and Rehabilitation Research. NIH will assess the feasibility of integrating health services research activities more fully into existing NIH Institutes and Centers over time.

Reorganize the Strategic National Stockpile (SNS) to the Assistant Secretary for Preparedness and Response (ASPR)

Restructure the SNS from Centers for Disease Control and Prevention to ASPR to consolidate strategic decision making around the development and procurement of medical countermeasures, and streamline operational decisions during responses to public health and other emergencies and improve responsiveness. This reorganization is intended to enhance enterprise effectiveness by more fully integrating the Stockpile with HHS' other preparedness and response capabilities.

DEPARTMENT OF HOMELAND SECURITY

DHS Air & Maritime Programs

This proposal would identify efficiencies and budgetary savings to be achieved by eliminating unnecessary duplication between U.S. Customs and Border Protection and U.S. Coast Guard air and maritime programs. This could include facility consolidation, standardized data, enhanced domain awareness and coordination, and common future capability requirements.

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Coordinated Operations, Planning & Intelligence

This proposal will evaluate how DHS headquarters and components will produce information and intelligence that is comprehensive, current, coordinated, operationally-focused and analytically-defensible, and increase the effectiveness of coordinated operational plans and policies. DHS's Office of Intelligence and Analysis, the Office of Strategy, Policy and Plans, and Office of Operations Coordination will explore areas such as analysis overlap, duplication and/or fragmentation; joint and integrated strategies and operations; common operating picture (COP) and alert warning; and operations centers overlap, duplication and/or fragmentation.

National Bio and Agro-Defense Facility (NBAF) Transfer from DHS to USDA

This FY 2019 Budget proposal would transfer operational responsibility for the National Bio and Agro-Defense Facility (NBAF) from DHS's Science and Technology Directorate (S&T) to USDA's Agricultural Research Service (ARS) in FY 2019. DHS would finish the construction and commissioning of the laboratory facility, while USDA would operate the facility in the future.

Organizing Headquarters Functions

This proposal would identify how DHS Headquarters can more effectively align Business Support and Mission Support functions to support Homeland Security mission delivery by enabling: (1) strategic governance, oversight, policymaking, and internal and external coordination; and (2) strengthening service and delivery of the business support and mission support functions to the Department. In tandem, the DHS Management Directorate is advancing agency-wide initiatives such as field efficiencies, modernizing financial systems and processes, and SOC consolidation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Reform Rental Assistance

HUD is seeking legislative reforms to decades-old rent policies that are confusing and costly, and often fail to support HUD-assisted individuals in increasing their earnings. HUD's Making Affordable Housing Work Act would offer public housing authorities (PHAs), property owners, and HUD-assisted families a simpler and more transparent set of rent structures to reduce administrative burden, incentivize work, and place HUD's rental assistance programs on a more fiscally-sustainable path.

Consolidate Headquarters Offices

HUD spends approximately $11.8 million per year on four leases within walking distance of its main headquarters at the Robert C. Weaver Federal building. HUD is in the process of consolidating these satellite offices into the Weaver building, reducing its real property footprint and annual leasing costs.

DEPARTMENT OF STATE

Modernizing IT, HR Operations, and Data Analytics

The State Department seeks to advance information technology (IT) modernization, including: allowing real-time collaboration; strengthening workforce readiness and performance management; and improving enterprise-wide data availability. This will involve enhancing data analytics to better inform decisions and investing in and implementing cloud technologies to allow employees to work more easily from any location, improve cyber security, streamline work processes, and consolidate duplicative systems. Cloud implementation has been underway since the end of 2017. By the end of March 2018, the Department had already migrated 16.6 percent of user mailboxes to cloud-based e-mail. This effort will also seek to improve connectivity between the State and United States Agency for International Development (USAID) IT platforms, thus ensuring increased collaboration and information access to improve effectiveness and efficiency.

Leadership Development and Training

The State Department seeks to enhance leadership training and development opportunities. To this end, the Foreign Service Institute is working to modernize and expand formal leadership training for all levels of the workforce and is implementing a program of mid-level leadership projects. The Leadership Advisory Board is reviewing the Department's Leadership and Management Principles and promoting leadership development activities more broadly.

Special Envoys

The State Department is integrating selected envoys and special representative offices into the regional and functional bureaus, and eliminating those envoys and representatives that have accomplished their original purpose, or have overlapping roles and responsibilities. This effort will empower regional and functional bureaus' policy direction, provide clarity in reporting authority, and strengthen communication channels. In consultation with the Congress, 17 such offices are being realigned as of May 2018.

Enhance Global Presence and Policy Processes

The State Department seeks to improve oversight of the U.S. Government's global presence under Chief of Mission authority, including enhanced interagency coordination to foster increased collaboration and oversight. The goal is to ensure the most efficient allocation of personnel consistent with U.S. interests around the world. State and USAID will work together to advance targeted reforms in this area, where changes are mutually reinforcing and can be effectively synchronized to maximize benefits as appropriate.

Enhance Operational Efficiencies

The State Department is examining ways to enhance human resources service delivery in order to simplify processes and reduce wasted time. Enhancements will also strengthen real property management both domestically and overseas, and achieve efficiencies in our acquisitions process to improve service delivery. State and USAID will work together to advance targeted reforms in this area, where changes are mutually reinforcing and can be effectively synchronized to maximize benefits as appropriate.

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DEPARTMENT OF THE INTERIOR

Aligning DOI Regions Across Bureaus

The Department of the Interior (DOI) seeks to establish common regional boundaries for its bureaus and offices to provide better coordination across the department, focus resources in the field, and ultimately, improve mission delivery. Currently, each DOI bureau manages its responsibilities using regional structures that follow different geographical boundaries. This inconsistency slows coordination between DOI bureaus and offices, other Federal agencies, and the American public that DOI serves.

Improving Efficiency through Shared Services

DOI is working to collocate bureau offices wherever possible and to emphasize the use of shared administrative support services across its organizational units. This will drive more efficient use of resources and ensure employees within each region and at the local level receive adequate support. Better utilization of the Interior Business Center (IBC) and DOI's consolidated Financial and Business Management System (FBMS) will also further these objectives.

DEPARTMENT OF THE TREASURY

Consolidate Alcohol and Tobacco Enforcement at Treasury

The FY 2019 Budget proposes to transfer all alcohol and tobacco responsibilities from the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB). This transfer would leverage TTB's resources and expertise relating to the alcohol and tobacco industries and allow ATF to continue to focus on its firearms and explosives mandates, enabling both agencies to more efficiently and effectively carry out their core missions of protecting the public.

DEPARTMENT OF TRANSPORTATION

Shared Services

The Department of Transportation (DOT) is taking a comprehensive look at implementing a shared services model for acquisitions, human resources, information technology, and motor vehicle pools across the Department. DOT is also working to consolidate office space and leases.

OST Streamlining

DOT is committed to rightsizing the Office of the Secretary (OST), which plays a critical role in overseeing DOT's Operating Administrations (OAs). To better support the OAs, offices and positions will be consolidated in areas such as research and development.

Workforce Development

DOT workforce development grants will be transferred to the new Department of Education and the Workforce to centralize workforce development policy and to deliver more efficient and effective outcomes.

DEPARTMENT OF VETERANS AFFAIRS

Electronic Health Record Modernization

This will transition the Department of Veterans Affairs (VA) to a new Electronic Health Records (EHR) system allowing for interoperability between the Department of Defense (DOD) and VA, and other community providers. The new system will permit efficient exchange of patient health information as military servicemembers transition from DOD to VA healthcare, and will enhance the coordination of care for veterans. Having a veteran's complete and accurate health information in a single common EHR system is critical to that care, and to patient safety. The new EHR system will enable VA to easily adopt improvements in health information technology and cyber security, which VA's current system is unable to do.

Community Care

To ensure veterans get the right care, at the right time, with the right provider, the Trump Administration and VA have worked closely with the Congress and Veteran Service Organizations (VSOs) to create legislation to merge all of VA's community care efforts, including the Choice Program, into a single, streamlined Federal program. The new community care program will improve veterans' experiences and healthcare outcomes and transform VA into a high-performing and integrated 21st Century healthcare system for more than 9 million veteran enrollees.

Appeals Modernization

VA is undertaking an initiative to replace its current claims appeals process, adopted after World War I, which is slow, complex, and confusing for veterans to navigate. In an effort to enhance veterans' experience, VA is accelerating implementation of a new system under which veterans have the option to submit appeals using one of three lanes based on their unique circumstances.

Financial Management Business Transformation

This ambitious effort will transform VA's financial management business processes and systems using an integrated approach. A modern integrated financial management and acquisition solution will enhance transparency, data accuracy, and improve fiscal accountability across the department, and will provide opportunities to improve the care and services provided to veterans.

Legacy IT Systems Modernization

Many of the 130 legacy information technology systems that VA relies on to administer and deliver veteran benefits are no longer supportable, and do not meet security compliance standards or support new, more efficient business processes. In addition, the inability of these systems to interface with one another results in severe redundancies which, in turn, results in inefficiencies and impedes the department's customer service to veterans. Collectively, modernizing legacy IT systems will streamline benefit delivery and appeals processing, ensure compliance with new security and accessibility standards, and expand veteran self-service capabilities while also promoting greater transparency.

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ENVIRONMENTAL PROTECTION AGENCY

Tailoring State Oversight

The Environmental Protection Agency (EPA) will recalibrate resources devoted to oversight of State-delegated programs, including the role of EPA National Programs and Regions, and their respective levels of effort. EPA will recognize States as the primary implementers and enforcement authorities where States have authorized delegation of Federal environmental programs. With input from the Environmental Council of the States (ECOS) and the States, EPA will streamline, reduce, and tailor its oversight activities to focus on national consistency and technical assistance to States as needed.

Examining EPA Field Presence

After streamlining and tailoring State oversight activities, EPA will assess the best locations from which to provide key functions and services to customers. Some functions may be performed more effectively with enhanced proximity to customers, while others may be more efficient, but equally effective, if consolidated. EPA will assess owned space vs. leasing space for field operations.

Improving Management of EPA Laboratories

EPA will review the current laboratory enterprise in an effort to operate EPA's labs in a more strategic, corporate, and efficient manner. This project starts with the identification and implementation of an enterprise-wide framework to create a more agile work environment and manage lab capabilities and capacity to meet the scientific demands associated with achieving the Agency's mission more efficiently and effectively.

GENERAL SERVICES ADMINISTRATION

Federal Motor Vehicle Fleet Management

The Federal Government operates more than 400,000 motor vehicles, including cars, trucks, SUVs, buses, and other specialty vehicles. The cost of operating motor vehicles can vary widely among Federal agencies. The President's Management Agenda initiative on improving mission support services includes consolidating Federal fleet management. This will reduce taxpayer costs and introduce efficiencies into Federal fleet management. To achieve these objectives, the General Services Administration will conduct studies of agency fleets to identify recommendations on improving fleet management. The study will include analysis of operational, maintenance, and inventory data to assess whether centrally leasing and managing motor vehicles is more cost effective than separate agency ownership and management of vehicles. GSA studies will also identify opportunities for reducing the overall size of the Federal fleet through car sharing or other such shared activities.

NATIONAL SCIENCE FOUNDATION

Introduce Two Convergence Accelerators to Support Interdisciplinary Research

The National Science Foundation (NSF) will introduce two "Convergence Accelerators" that will facilitate the agency's funding of interdisciplinary research. The Accelerators will focus on "Harnessing the Data Revolution" and the "Future of Work at the Human-Technology Frontier." Staff, budget, and resources for the Accelerators will be realigned from the current directorates and offices. Accelerator directors will be part of the NSF scientific leadership team. With separate staff, budget, and resources, the Accelerators will be NSF's primary units for conceiving, funding, and managing NSF-wide interdisciplinary activities in these areas.

OFFICE OF PERSONNEL MANAGEMENT

Implement a 21st Century Approach to Federal Employee Records and Data Management

The Office of Personnel Management (OPM) seeks to establish a secure Employee Digital Record (EDR), with as close to live updates as technologically feasible. By creating a permanent EDR, OPM can drive a data collection strategy that, among other things, collects employee data once and uses it many times across the employee lifecycle. This will reduce redundancy, inefficient and inaccurate reporting, costly vendor management, and incomplete data that creates challenges in applying modern business processes to core HR functions.

NUCLEAR REGULATORY COMMISSION

Merge the Office of New Reactors (NRO) and the Office of Nuclear Reactor Regulation (NRR)

The Nuclear Regulatory Commission (NRC) recognizes that a merger of NRO and NRR will provide flexibility and improved agility to manage uncertainties associated with the workloads in both the new and operating reactor business lines. As part of the merger of NRO and NRR, the NRC will conduct an assessment of technical review functions to identify efficiencies and eliminate redundancies.

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SOCIAL SECURITY ADMINISTRATION

IT Modernization

The Social Security Administration's (SSA) IT Modernization Plan is a thoughtful and deliberate multi-year agency initiative to modernize SSA's major systems using modern architectures, agile software engineering methods, cloud provisioning, and shared services. SSA is embarking on an initiative to transform the way they design and build systems, and ultimately the way they work and serve the public. The IT modernization vision is to establish a fully integrated IT and Business team that delivers modern business platforms that improve our ability to respond more rapidly to changing needs at manageable costs. SSA will provide an enhanced customer experience for millions of beneficiaries across an expanded mix of service options in a cost effective and secure manner.

Eliminate In-Kind Support and Maintenance and the Holding Out Policy for SSI

This proposal simplifies administration of the Supplemental Security Income (SSI) program and reduces improper payments. The proposal eliminates the counting of In-Kind Support and Maintenance (ISM) in lieu of a flat rate benefit reduction for adults living with other adults. The proposal also ends the intrusive and burdensome "holding out" policy, which currently reduces benefits for couples that present themselves as married to the community.

Eliminate Services to Claimant Representatives

This proposal would eliminate the Federal Government as the middleman in the relationship between applicants and the representatives they voluntarily hire. It would eliminate administration of fee agreements, fee petitions, and claimant representative travel. The current workload is expensive, error prone, and not SSA's core mission. In FY 2016, SSA spent about $122 million on the activity, but collected only about $30 million (due to a statutory fee cap) to reimburse the trust funds. The $30 million collected is not currently part of SSA's administrative resources.

Establish a Consistent National State Disability Appeal Process

As resources permit, SSA plans to reinstate the reconsideration process in the disability determination services located in the 10 prototype States. Once fully implemented, SSA can return to a single nationwide appellate process. This change will allow claimants to receive benefits sooner at a lower administrative cost. In addition, it will provide some relief to SSA's hearings backlog.

Eliminate SSI Dedicated Accounts

This proposal facilitates financial independence by eliminating dedicated accounts for past-due benefits to SSI youth recipients. It also reduces the administrative burden of monitoring expenses from dedicated accounts.

Implement Metrics and Quality

The proposal would implement quantity and quality metrics for employees across SSA. This change will provide several significant benefits, including: improving productivity and accuracy; ensuring that employees are fully engaged in work and can learn from feedback about their work; ensuring efficient and effective use of taxpayer dollars; and helping managers better address both outstanding and poor performance.

Implement Standard Office Design

SSA is improving facility design to meet business requirements and reduce design and build costs for offices while at the same time evaluating the security of these offices.

Additional Footprint Reduction

SSA continues to find ways to increase real property efficiency and reduce the size of its real property portfolio. SSA will continue to co-locate offices, consolidate space while merging components, and ensure space savings when implementing telework.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Journey to Self-Reliance

USAID will realign its strategies, policies, and programs to more thoughtfully, strategically, and purposefully assist developing countries in becoming more self-reliant. USAID will reorient its relationship with partner countries by more clearly defining expectations up front, giving more clarity and focus to the objectives of assistance, and establishing tangible and meaningful goals to which partner countries can aspire.

Advance National Security

This USAID effort includes three components: operating more effectively in non-permissive environments; preventing violent extremism; and improving coordination with DOD.

Empower People to Lead

USAID seeks a human capital system that leverages and supports employees, enables a high return on investment, and supports workforce mobility and agility. This effort includes: management of human capital, workforce flexibility and mobility; knowledge management, streamlining coordinators; reviewing HR functions; and creating a culture of accountability and learning.

Respecting the Taxpayer's Investments

USAID will maximize how each and every dollar of the taxpayer's money is spent by developing systems and processes that allow for structuring USAID's presence domestically and abroad in the most efficient way possible.

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PHOTO CREDITS

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DOJ-FBI-18-0520, 18-0521-FBI-000145
18-cv-2422(FBI)-3320

“Reform is necessary to create more efficient and effective government.”

– **Nick**
Oklahoma

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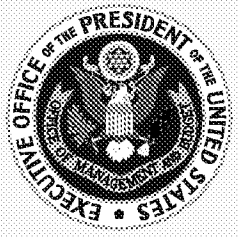

LEARN MORE
www.whitehouse.gov/omb/management/GovReform

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, July 20, 2018 8:32 AM
To: Haley, Richard L. (FD) (FBI); [redacted]
Subject: Infrastructure Package?

I will check with [redacted] to see if there is anything in Shuster's infrastructure package for New HQ, but I doubt it based on this article. ☹

[redacted]

Remember Infrastructure? Shuster Says He's Got a New Plan

July 19, 2018 – 5:01 p.m. By Jacob Fischler, CQ

House Transportation and Infrastructure Chairman Bill Shuster will introduce an infrastructure bill next week that will include new proposals to raise money, he said Thursday.

Shuster, R-Pa., would be making his proposal after the administration's infrastructure initiative early this year fell flat among lawmakers, and with two infrastructure bills — aviation reauthorization and water resources authorization bills — still incomplete. Shuster is retiring at the end of the 115th Congress.

He has acknowledged enacting a major bill in the second half of an election year would be tough. Floor time and congressional appetite for major bills are typically constrained. He said his proposal is to start "a serious discussion" and compared it to a 2014 tax proposal that laid the groundwork for the tax law (PL 115-97) enacted at the end of 2017. The measure will be "broad," laying out policy changes and ways to raise revenue, he said.

"It's going to obviously deal with the policy piece that we do, reforms, all kinds of stuff," he told CQ. "It's also going to deal with the pay-for. And it's going to be the usual things and some of the things are going to be a new way forward."

Shuster declined to give further details, including whether a gas tax increase would be part of

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the bill. Lawmakers regularly talk about the need for transportation infrastructure spending, but have struggled to find a way to pay for it for years. The Highway Trust Fund, the major source of money for roads and bridges, doesn't provide enough to pay for appropriations.

Shuster championed the spinoff of the air traffic control operation from the Federal Aviation Administration in the reauthorization bill (HR 2997) he steered through his committee last September. But he dropped the spinoff ahead of a push for a floor vote in February, as it became clear he lacked the votes. The Senate hasn't yet voted on its aviation bill (S 1405).

President Donald Trump campaigned on a pledge to deliver $1.5 trillion in infrastructure spending over 10 years, and to pay for it with a combination of asset sales, private partnerships and new programs. Trump's plan envisioned $200 billion in federal spending with the rest coming from state, local and private sources. Key members of Congress rejected it almost as soon as the administration disclosed it.

Additional transportation infrastructure spending from the current Congress has thus far come through the fiscal 2018 spending law (PL 115-141) and is on course to continue in the House and Senate fiscal 2019 Transportation-HUD spending bills (HR 6072 and S 3023).

In a June interview, Shuster said an infrastructure bill could be considered in a lame-duck period of Congress. He drew a parallel between his effort and that of former Ways and Means Chairman Dave Camp, R-Mich., whose 2014 tax bill in the months before his retirement didn't become law but laid part of the framework for future Republican tax overhaul proposals.

"If we can do it in a lame duck, that's not my call," Shuster said last month. "The main thing is having the conversation, kind of like Dave Camp did with his tax bill."

House Transportation-HUD Appropriations Chairman Mario Diaz-Balart, R-Fla., said Thursday he didn't know the details of what Shuster wanted to do, but promised to "work very closely" with him. "Ultimately, it's all subject to appropriation," he said.

The Senate's floor calendar for the rest of year is already so full that Majority Leader Mitch McConnell, R-Ky., canceled three of the four weeks of the August recess. No committee in the chamber has marked up major surface transportation legislation.

But Senate Environment and Public Works Chairman John Barrasso, R-Wyo., said this week he wanted to do both a water infrastructure and surface transportation infrastructure, citing Trump's

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prioritization of the issue.

"The president has promised to do infrastructure and we want to do water and we want to do surface transportation," he said Monday.

Sen. Thomas R. Carper, the ranking Democrat on Senate Environment and Public Works Committee, said he thought there was time for the Senate to do an infrastructure bill this year, and that Democrats were interested in it. But he added he was unsure if Republican leadership would agree.

"Water infrastructure, for sure," Carper, D-Del., told reporters Thursday. "Beyond that, I'm not sure. On our side, I think we're interested. But unfortunately, we're not running the show."

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Sunday, July 29, 2018 9:32 PM
To: [redacted] Haley, Richard L. (FD) (FBI); Young, Andrew N. (FLSD) [redacted]
Subject: Re: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

I am still kicking myself for not giving the D the brochure with the pics.

-

-------- Original message --------
From: [redacted] b6 -1 b7C -1
Date: 7/29/18 8:25 PM (GMT-06:00)
To: "Haley, Richard L. (FD) (FBI) [redacted] "Young, Andrew N. (FLSD) (FBI)" [redacted] b7E -1
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

-

-------- Original message --------
From: [redacted] b6 -1 b7C -1
Date: 7/29/18 9:23 PM (GMT-05:00) b7E -1
To: [redacted]
Subject: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

https://www.axios.com/donald-trump-obsession-fbi-building-headquarters-65d36fb9-b1a2-42ca-8cbd-3dbbe59de907.html

Scoop: Trump's obsession with the "terrible" FBI building

AMERICAN OVERSIGHT

Jonathan Swan 1 hour ago

Trump is obsessed with the FBI building. For months now, in meetings with White House officials and Senate appropriators intended to discuss big-picture spending priorities, the president rants about the graceless J. Edgar Hoover Building in downtown Washington, D.C.

Behind the scenes: In the midst of one rant about the FBI, he lit into the building. "Even the building is terrible," he observed to an Axios source. "It's one of the brutalist-type buildings, you know, brutalist architecture. Honestly, I think it's one of the ugliest buildings in the city."

- Another source said he was dead opposed to plans to move it out of D.C. "This is prime real estate, right on Pennsylvania Avenue," he said. "This is a great address. They need to stay there. But it needs a total revamp."
- That source said Trump told Chief of Staff John Kelly he wants to oversee the project at an excruciating level of detail: the cost per square foot, the materials used, the renovation specs, etc. He's treating it like it's a Trump Organization construction project, the source added.

The White House response: In response to my emails about this story, a senior official said, "POTUS has interest in the issue and has met with FBI officials, but more importantly the GSA [General Services Administration] team. GSA has concerns that the building can't be rehabilitated particularly given the security requirements and has relayed that to him."

- **What's next?** The FBI hasn't submitted a plan for a new building to Congress, and Congress hasn't appropriated any money for the project. The senior official added that the FBI leadership and work force would prefer to stay in D.C. and "are working with GSA for optimum design for the Bureau's needs and at lowest budget, fastest timetable, etc."

Be smart: To risk stating the obvious, it's highly unusual for the president of the United States to micromanage a building project.

- Responding to this story, White House press secretary Sarah Sanders said: "POTUS is always interested in building because he knows it better than anyone and has been very successful in it. He's found GSA to be on it, 'very impressive' and 'knowledgeable' are the phrases he has used."

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Sent from my iPhone

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, July 30, 2018 9:26 AM
To: Haley, Richard L. (FD) (FBI)
Subject: Re: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

Is there anything that you want us to prepare to position us to respond quickly if this catches fire? We've ordered more brochures.

[redacted]

-------- Original message --------
From: "Haley, Richard L. (FD) (FBI)" [redacted] b6 -1 b7C -1
Date: 7/29/18 9:44 PM (GMT-05:00) b7E -1
To: [redacted] "Young, Andrew N. (FLSD) (FBI)" [redacted]
Subject: Re: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

Thx. R

--

-------- Original message --------
From [redacted] b6 -1 b7C -1
Date: 7/29/18 9:25 PM (GMT-05:00) b7E -1
To: "Haley, Richard L. (FD) (FBI)" [redacted] "Young, Andrew N. (FLSD) (FBI)" [redacted]
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

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-------- Original message --------
From [redacted] b6 -1 b7C -1
Date: 7/29/18 9:23 PM (GMT-05:00)

AMERICAN OVERSIGHT

To: [redacted]
Subject: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

b6 -1
b7C -1
b7E -1

https://www.axios.com/donald-trump-obsession-fbi-building-headquarters-65d36fb9-b1a2-42ca-8cbd-3dbbe59de907.html

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Sent from my iPhone

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[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, July 31, 2018 8:11 AM
To: [redacted] Haley, Richard L. (FD) (FBI); Young, Andrew N. (FLSD) [redacted]
Subject: RE: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

They asked us for a response...we had no comment. ☺

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, July 30, 2018 9:26 PM
To: Haley, Richard L. (FD) (FBI) [redacted] Young, Andrew N. (FLSD) (FBI) [redacted]
Subject: Re: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

Washington Post picked it up....

https://www.washingtonpost.com/amphtml/business/2018/07/30/trump-intervenes-fbi-headquarters-project/?__twitter_impression=true

Trump intervenes in FBI headquarters project

By Jonathan O'Connell
July 30, 2018 at 4:34 PM

A net is in place to collect falling pieces from the exterior of the J. Edgar Hoover Building. The FBI has been seeking a secure new headquarters for more than a decade. (Matt McClain/The Washington Post)

President Trump has become personally involved in plotting a new FBI headquarters in downtown Washington, an interest that for now has left the project in limbo and the agency stranded in a building that no longer suits its needs, according to officials and people familiar with the administration's deliberations.

For years, FBI officials have raised alarms that decrepit conditions at its current

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headquarters, the J. Edgar Hoover Building, constitute serious security concerns. A year ago, federal officials had finally decided on three finalist locations in Maryland and Virginia, and Congress appropriated $913 million toward a project expected to cost more than $3 billion.

Six months after Trump entered the White House, his administration abandoned the plan, and it proposed in February that the government build a smaller headquarters to replace the Hoover building in downtown D.C. and move 2,300 other FBI staffers out of the Washington area altogether, to Alabama, Idaho and West Virginia. At the time, the decision baffled real estate experts and some members of Congress.

Those decisions, by the General Services Administration and the FBI, were made after Trump took a personal interest in the project, according to two people, who spoke Monday on the condition of anonymity because the discussions were meant to be private. One of them said Trump has frequently raised the issue of the FBI building and his desire for it to be torn down with appropriators. The website Axios reported Sunday that Trump was obsessed with the project and was "dead opposed" to plans to move it out of D.C.

Related: *In abrupt shift, federal government proposes keeping FBI downtown*

Trump has an unusual relationship with both the GSA and the FBI. The GSA is the landlord to his D.C. hotel, which sits a block away from the Hoover building, in a deal that is the subject of a federal court case. Trump has also been embroiled in a high-profile dispute with the FBI over its ongoing Russia investigation, having fired Director James B. Comey last year.

Before entering politics, Trump said he was considering bidding on the project himself.

"We'll be watching the FBI as to what's going to happen," Trump told The Washington Post in 2013. "Whether or not we will bid on it, we may, we may not. Now if we do as good a job as we will do with [the hotel], people may ask us about it."

The GSA said in a statement Monday that the decision to stay downtown was made by the FBI, which did not respond to requests for comment. White House press secretary Sarah Huckabee Sanders said it should not be surprising that the president, as a former real estate developer, would take a role in such a project.

"The President is interested in making sure taxpayer dollars spent on new buildings are being spent wisely and appropriately. He has been a builder all of his life and it should come as no surprise he wants to take the skills and great success he had in the private sector and apply it here," Sanders said in a statement.

Sen. Richard C. Shelby (R-Ala.) said Trump brought up the project with him in a meeting this spring and impressed upon him the importance of building the bureau a new headquarters downtown on what the president called a "beautiful" location.

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“I agreed with him. I told him I thought it was a good idea,” Shelby said in an interview Monday. “Said it’s something that we need to do for safety and everything that goes with it.”

News of Trump’s involvement prompted alarm among Democrats on Capitol Hill, however, with some suggesting the president’s business — which owns his hotel and from which he still benefits financially — may have motivated his interest. At a February hearing, senators sharply asked administration officials whether they were aware of any involvement from the president.

Sen. Chris Van Hollen (D-Md.) issued a statement Monday, saying “there is no question that the President stands to gain financially by keeping the FBI in its existing building and blocking any competition for the Trump Hotel from being developed there.”

"One has to wonder if the Trump administration’s decision to cancel the previous procurement process has anything to do with the proximity of the current FBI headquarters building to the Trump hotel on Pennsylvania Avenue,” Rep. Steny H. Hoyer (D-Md.) said in a statement Monday.

It is rare for a president to become involved in a single government contract, although Trump has taken an interest in others — for example, tweeting in late 2016 about Boeing’s contract to build new planes to be used as Air Force One.

So far, the Trump administration’s plan for the FBI — outlined in a 23-page slide deck — has picked up little traction. The Hoover site is not large enough to consolidate the bureau’s 11,000-person headquarters staff, and it would not be able to accommodate a remote truck inspection facility and detached central utility plant, other headquarters priorities. The plan would also require relocating the FBI twice (moving the bureau out and back again), creating costs the slides do not account for.

Sen. John Barrasso (R-Wyo.), who chairs the committee overseeing the GSA, said he has yet to receive an official prospectus for developing a new headquarters from the administration.

In the meantime, the FBI is stuck in a complex that was completed in 1975. Netting hangs on the Ninth Street NW facade to prevent broken concrete from hitting passersby on the sidewalk 160 feet below. Staffers on the 10th floor sit in a space designed to house 35 million fingerprint cards, which were relocated to West Virginia in 1995. There are more than $100 million in pending maintenance and repair needs.

Related: *Fallout from FBI headquarters decision leaves losers all around*

Maryland Gov. Larry Hogan said Monday he is aggressively lobbying the Trump administration to move the FBI headquarters to one of the two sites in Prince George’s County identified as finalists. The GSA had narrowed the list to Greenbelt and Landover in Prince George’s or Springfield in Fairfax County, Va.

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"We're still trying to push for it," Hogan said. "We've expressed our disappointment. We were at the White House fighting for it."

But some officials in Maryland and Virginia, who spent years preparing to accommodate a new campus, have given up.

"If there were going to be a move, we would love to have the FBI headquarters in Fairfax, but we've kind of moved on," said Sharon Bulova, chair of the Fairfax County Board of Supervisors.

This story has been updated to include Sen. Shelby's comments.

Erin Cox, Mike DeBonis, Antonio Olivo and Erica Werner contributed to this report

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Jonathan O'Connell covers economic development with a focus on commercial real estate and the Trump Organization. He has written extensively about Donald Trump's business, including how his D.C. hotel has affected Washington and what Trump hotels will mean to the Mississippi Delta. He joined The Washington Post in 2010.

Sent from my iPhone

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-------- Original message --------
From: [redacted]
Date: 7/29/18 9:25 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted] "Young, Andrew N. (FLSD) (FBI)" [redacted]
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

b6 -1
b7C -1
b7E -1

-

-------- Original message --------
From: [redacted]
Date: 7/29/18 9:23 PM (GMT-05:00)

b6 -1
b7C -1

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To: [redacted]
Subject: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

b6 -1
b7C -1
b7E -1

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Sent from my iPhone

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[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, August 7, 2018 4:43 PM
To: Haley, Richard L. (FD) (FBI)
Subject: Are you Tracking?

https://www.washingtonpost.com/business/2018/08/07/gsa-chief-may-have-misled-congress-about-white-house-involvement-fbi-headquarters-inspector-general-finds/?utm_term=.d4c22713a689&wpisrc=nl_buzz&wpmm=1

[redacted] Federal Bureau of Investigation | Office of the Deputy Director | Desk: [redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, August 7, 2018 4:13 PM
To: Haley, Richard L. (FD) (FBI); [redacted] Grant, Douglas S. (FD) (FBI); [redacted]
Subject: FYI In case you have not seen

https://www.washingtonpost.com/business/2018/08/07/gsa-chief-may-have-misled-congress-about-white-house-involvement-fbi-headquarters-inspector-general-finds/?utm_term=.c86736ca537d

[redacted] b6 -1 b7C -1 b7E -1

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Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Tuesday, August 7, 2018 5:14 PM
To: [redacted] b6 -1 b7C -1
Subject: Re: Are you Tracking?

Yep

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 8/7/18 4:42 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: Are you Tracking?

https://www.washingtonpost.com/business/2018/08/07/gsa-chief-may-have-misled-congress-about-white-house-involvement-fbi-headquarters-inspector-general-finds/?utm_term=.d4c22713a689&wpisrc=nl_buzz&wpmm=1

[redacted] | Federal Bureau of Investigation | Office of the Deputy Director [redacted]

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Haley, Richard L. (FD) (FBI)

From:	Haley, Richard L. (FD) (FBI)
Sent:	Tuesday, August 28, 2018 8:01 AM
To:	Boente, Dana (DO) (FBI)
Subject:	Re: Emailing: Review of GSA's Revised Plan for the FBI Headquarters Consolidation Project REDACTED - 508 compliant

Yes thx. R

-------- Original message --------
From: "Boente, Dana (DO) (FBI)" <DBoente@fbi.gov>
Date: 8/28/18 7:59 AM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: Emailing: Review of GSA's Revised Plan for the FBI Headquarters Consolidation Project REDACTED - 508 compliant

b6 -1
b7C -1
b7E -1

Rich, did [redacted] send you a copy?

Your message is ready to be sent with the following file or link attachments:

Review of GSA's Revised Plan for the FBI Headquarters Consolidation Project REDACTED - 508 compliant

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Boente, Dana (DO) (FBI) b6 -1 b7C -1

From:	Boente, Dana (DO) (FBI)
Sent:	Tuesday, August 28, 2018 7:59 AM
To:	Haley, Richard L. (FD) (FBI)
Subject:	Emailing: Review of GSA's Revised Plan for the FBI Headquarters Consolidation Project REDACTED - 508 compliant
Attachments:	Review of GSA's Revised Plan for the FBI Headquarters Consolidation Project REDACTED - 508 compliant.pdf

Rich, did [redacted] send you a copy?

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Office of Inspector General
U.S. General Services Administration

Review of GSA's Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project

August 27, 2018

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Introduction

On February 12, 2018, the General Services Administration (GSA) presented a revised plan for the Federal Bureau of Investigation (FBI) headquarters consolidation project to the Senate Committee on Environment and Public Works (Senate EPW Committee). The plan recommended razing the FBI's existing headquarters facility, the J. Edgar Hoover (JEH) building on Pennsylvania Avenue in Washington, D.C., and constructing a new headquarters facility on that site. This was a change from GSA's previous approach of seeking a campus facility for the FBI at a suburban location in the Washington, D.C., region.

The GSA Office of Inspector General (OIG) initiated this review on March 12, 2018, in response to a request from the Ranking Member of the House Committee on Oversight and Government Reform's Subcommittee on Government Operations. Our objective was to review GSA's decision-making process for the revised FBI headquarters project plan, including an analysis of whether the revised plan properly accounts for the full costs and security requirements of the project.[1] In the course of the review, we also encountered an issue concerning testimony GSA Administrator Emily Murphy provided on April 17, 2018, to the House Appropriations Subcommittee on Financial Services and General Government in response to questions regarding White House involvement in decision-making regarding the project. We included that issue in our review.

To conduct this review, we held 20 interviews, including with Murphy, GSA Acting General Counsel Jack St. John, GSA Public Buildings Service (PBS) Commissioner Daniel Mathews, and the Unit Chief of the FBI's Headquarters Program Management Office; reviewed over 50,000 GSA documents and emails concerning the FBI headquarters consolidation project; and reviewed congressional testimony of GSA and FBI officials in 2017 and 2018 concerning the decision to rebuild the facility at the JEH site.

Early in the review the OIG learned that during the course of GSA's decision-making on the revised FBI headquarters plan, Murphy met with the President on January 24, 2018, about the project. When we asked about the meeting, some GSA witnesses refused to answer any questions about this and other relevant White House meetings, and some of those said they were told or believed the information was subject to executive privilege. We sought to determine whether GSA took the position that executive privilege precluded sharing information with the OIG, which is part of GSA and within the Executive Branch. Ultimately, GSA's Acting General Counsel informed us that he received direction from White House Counsel's Office regarding the matter. He told us that pursuant to those directions, GSA employees were authorized to disclose to the OIG the existence of the White House meetings, discuss who attended, and discuss any high level agreements that resulted from the meetings;

[1] The OIG has been monitoring GSA's efforts related to the FBI headquarters consolidation since August 2013. On March 30, 2017, we issued Audit of PBS's Planning and Funding for Exchange Projects (Report Number A160024/P/R/R17004). The FBI headquarters consolidation exchange project was one of the projects that we reviewed in this audit. We reported that PBS had not fully factored risk into its planning for exchange projects and as a result, cancelled or chose not to pursue several exchange projects.

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but not to disclose any statements made by the President. We describe the information we received about the meetings in this report.

The revised plan for the FBI headquarters project presented to the Senate EPW Committee contains a cost comparison showing that the plan to raze and rebuild at the JEH site would be less costly than the cancelled FBI exchange procurement. However, we found that GSA did not include all of the costs in its analysis, and that the JEH demolish and rebuild plan would actually be more costly. We also found that GSA and the FBI intend to construct a Level V secure facility, but until the FBI finalizes a program of requirements it is not clear how this will be achieved. Finally, we found that Murphy's congressional testimony 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.

This report first describes background information regarding the FBI headquarters consolidation project and GSA's decision-making process for the revised project plan. It then assesses whether the revised plan GSA provided to the Senate EPW Committee properly accounts for the full costs of the JEH rebuild and the security requirements for the project. Finally, the report describes our concerns regarding Murphy's testimony before the House Appropriations Subcommittee on Financial Services and General Government on April 17, 2018.

GSA provided written comments to our draft report in a response dated August 10, 2018. GSA's comments are included in their entirety in ***Appendix A***. We also received comments from Administrator Murphy on the draft report. Because those comments were made in her individual capacity, we have not appended them to the report. In addition, we made excerpts of the report available to FBI officials for their review and comment.

We considered all of the comments we received and have addressed those relating to factual accuracy where appropriate in the body of this report. None of the resulting revisions affected our report conclusions. We respond to certain additional comments made by GSA and Administrator Murphy in ***Appendix B***.

Factual Background

Need for New FBI Headquarters

The FBI has occupied the JEH building since construction was completed in 1974. Since then, the FBI's operations and duties have evolved. In the wake of the events of September 11, 2001, the FBI expanded its mission to include greater national security responsibilities, including counterterrorism, counterintelligence, and cyber security. To accommodate its expanded mission, the FBI identified a need for a new headquarters facility in its 2005 Asset Management Plan.

In the 2009 Omnibus Appropriations bill, Congress directed the U.S. Government Accountability Office (GAO) to review the security concerns of the JEH building and associated offsite locations. In a report issued in November 2011, GAO found that actions were needed to address issues with the condition of the FBI headquarters. In response to that review, then FBI Associate Deputy Director Kevin Perkins noted: "[A] new consolidated FBI Headquarters facility

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is urgently needed, and we view this as one of our highest priorities for the foreseeable future." In a March 2013 hearing of the House Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, entitled "Proposal for a New Consolidated FBI Headquarters Building," Perkins referenced the November 2011 GAO report and stated:

> The FBI has implemented some countermeasures at the JEH building to improve the security of the facility, but those efforts are not a substitution for relocating FBI Headquarters employees to a location that affords the ability to provide true security in accordance with ISC [Interagency Security Committee] standards.

In assessing the concerns raised about the JEH building, GSA and the FBI recognized an opportunity to consolidate FBI personnel at JEH and other locations throughout the D.C. metropolitan area into one modern facility. GSA expected the new headquarters facility would save close to a million square feet in rentable space, eliminate the need for FBI leased space in the National Capital Region, and provide updated workplace solutions tailored to meet the FBI's needs.

GSA Plans Exchange of the JEH Building for a New Headquarters Campus

In December 2012, GSA announced its intent to find a new headquarters facility for the FBI. GSA's plan was to partner with a developer that would design and construct a consolidated headquarters facility in exchange for title to the JEH building and its land. In January 2013, GSA issued a Request for Information to garner reaction from members of the development community, local and state jurisdictions, and other interested parties regarding feasibility, issues, and considerations related to a potential exchange project structure.

In November 2013, the Request for Information was followed by a Request for Expressions of Interest for sites within the National Capital Region to be used for the development of a new FBI headquarters. GSA identified three sites where a new campus headquarters could be built: (1) Springfield, Virginia; (2) Greenbelt, Maryland; and (3) Landover, Maryland.

On December 19, 2014, GSA issued its Phase I Request for Proposals (RFP) for the government to select a short list of no more than five offerors to compete in the Phase II RFP. On October 13, 2015, GSA identified a short list of offerors to proceed to Phase II of the RFP. On January 22, 2016, GSA issued the Phase II RFP to these qualified offerors.

In the Fiscal Year 2017 budget request, GSA and the FBI requested a combined $1.405 billion to finance the headquarters project. GSA estimated that the $1.405 billion request, combined with the value of JEH and approximately $390 million in prior year appropriations, would be enough to fund the project. While the RFP allowed GSA to award the exchange agreement without full funding, GSA maintained that making the award without full upfront funding would put the project at risk.

In early 2017, GSA received developer proposals, which included proposed values for JEH. GSA did not deem the proposals fair and reasonable. GSA found that the proposals fell far short of

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the value assumptions that GSA had used when drafting the 2017 budget request. In May 2017, Congress appropriated $523 million for the FBI headquarters project, which was $882 million below the GSA and FBI request. GSA had not included any funding for the FBI headquarters consolidation in its Fiscal Year 2018 budget request, given its expectation that the Fiscal Year 2017 budget request would be fully funded.

GSA Cancels JEH Exchange and Develops a New Headquarters Plan

On July 11, 2017, GSA cancelled the FBI exchange procurement, citing a lack of funding as a main reason for the cancellation. The Senate EPW Committee held a hearing, "FBI Headquarters Consolidation Project – What Happened and What's Next," on August 2, 2017. The Senate EPW Committee directed then-Acting PBS Commissioner Michael Gelber to provide a new plan for the FBI's headquarters needs within 120 days.

On August 2, 2017, Christopher Wray was sworn in as the Director of the FBI. On August 3, 2017, Mathews was sworn in as the PBS Commissioner.

Following the August 2, 2017, Senate EPW Committee hearing, GSA and the FBI met regularly to discuss multiple acquisition strategies. Options considered included traditional construction, phased construction, and public-private partnership lease construction with a discounted purchase option or a ground lease-leaseback.[2] GSA focused on a financing strategy. GSA officials told us they believed that public-private partnership options could be used to finance the project in the absence of a multi-billion dollar upfront appropriation.

The Office of Management and Budget (OMB) is responsible for applying the budget scorekeeping guidelines (scoring rules) for federal real property transactions set forth in OMB Circular A-11. OMB uses the criteria in OMB Circular A-11 to determine whether a federal real property transaction scores as a capital lease or an operating lease. If the project scores as a capital lease, Congress must appropriate the full cost of the project, plus interest upfront, for the project to proceed. If the project scores as an operating lease, Congress need only appropriate the annual cost of lease payments, plus interest.

GSA's interpretation of the scoring rules allowed for a public-private partnership in the form of a ground lease-leaseback to score as an operating lease. GSA advanced its interpretation of OMB Circular A-11 as a matter of policy. As the November 30, 2017, due date for the plan to the Senate EPW Committee approached, the FBI headquarters project intersected with GSA's policy efforts. GSA officials viewed the FBI headquarters project as a mechanism to apply its broader interpretation of OMB Circular A-11. This interpretation of the scoring rules also presented a viable acquisition strategy for the FBI headquarters, according to GSA officials.

While GSA explored financing options, the FBI evaluated its program of requirements. In a November 6, 2017, conference call with GSA and local government officials, GSA communicated

[2] In a ground lease-leaseback, the government leases federally-owned land to a private entity, which would then construct a facility and lease the building back to the government. OMB Circular No. A-11, Preparation, Submission, and Execution of the Budget, governs the budgetary treatment of ground lease-leasebacks.

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that the FBI's program of requirements was unchanged from the exchange procurement.[3] In late November, the FBI informed GSA that it was developing a plan that reduced the cost and the scope of the project. A chronology created contemporaneously by GSA's Project Executive reflects that in early December 2017, the FBI advised GSA that the FBI planned to reduce its headquarters' personnel requirement by approximately 2,000 people by relocating them nationwide.

After reviewing a draft of this report, GSA commented that in a November 17, 2017, meeting between Mathews and an FBI Assistant Deputy Director, "[I]t became clear to GSA that the FBI was seriously considering the Pennsylvania Avenue site, at the direction of FBI's senior leadership."[4] In her separate comments on the draft report Murphy asserted that the FBI made the decision to stay at the JEH site well before Murphy met with the President. Many of the GSA witnesses we interviewed told us that the FBI under Wray's leadership decided against a suburban campus and in favor of remaining at the JEH site with reduced personnel requirements. Director Wray confirmed to the Senate Appropriations Committee, Commerce, Justice, Science, and Related Agencies Subcommittee that constructing a new building at the JEH site would allow the FBI to reside at the location that the FBI needed while providing the necessary security.[5]

It is not clear from the information GSA provided us precisely when GSA became aware of the FBI's interest in staying at the JEH site. As we describe below, GSA did not focus on the JEH site in its decision-making process until late December 2017 or early January 2018.

December 20, 2017, White House Meeting

On December 1, 2017, GSA received a 60-day extension from the Senate EPW Committee to provide the new plan for the FBI headquarters needs. The new deadline for the revised plan was January 29, 2018.

Murphy was sworn in as GSA Administrator on December 12, 2017. On December 14, 2017, after meeting with the FBI, Mathews emailed Murphy stating, "There are several things coming out of this meeting we need to discuss. WH has been talking to FBI too."

On December 20, 2017, Murphy met with White House Chief of Staff John Kelly and OMB Director Mick Mulvaney in response to a request from Kelly for an update on the FBI headquarters project. Mathews also attended the meeting.

Murphy told us that she and Mathews went to the meeting prepared to discuss campus options for the project. She said that when they began discussing the campus option, Kelly and

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[3] In a November 6, 2017, email recapping the conference call, the GSA Project Executive stated, "I reiterated that these were informal discussions to accommodate the FBI's internal briefings and that at this time the FBI program and requirements remain unchanged from the previous procurement. I also indicated that GSA is not currently looking for new sites."

[4] See ***Appendix A***, page A-2.

[5] Review of the FY2019 Budget Request for the Federal Bureau of Investigation, May 16, 2018.

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Mulvaney informed them that the FBI may no longer be seeking a consolidated campus. Murphy said that Kelly and Mulvaney told her that the FBI was concerned about the location of the headquarters. She said they also may have mentioned that the FBI was looking to stay in Washington, D.C. According to Murphy, Kelly suggested that GSA touch base with the FBI to get everyone on the same page. Murphy stated that Kelly and Mulvaney indicated that the goal was to make the FBI happy and that the FBI should be driving the requirement. Murphy noted that funding was a challenge to the project. Murphy also recollected that Kelly or Mulvaney may have mentioned that the President would want an update on the project.

Discussions Between GSA and the FBI About Keeping FBI Headquarters at the JEH Site

On December 20, 2017, Mathews sent an email to his FBI counterpart on the project and suggested a telephone conversation between Murphy and Wray. On December 21, 2017, Mathews received and passed to Murphy a slide presentation from the FBI regarding renovation options for the JEH building. On December 22, 2017, Murphy received a call from Wray. According to Murphy, Wray informed her in that call of the FBI's interest in remaining at the existing site.

On January 4, 2018, GSA and FBI officials met at the JEH building to discuss options for the FBI headquarters. According to then-GSA Associate Administrator and Acting Chief of Staff P. Brennan Hart III, the meeting was attended by himself, Murphy, Mathews, Wray, then-FBI Associate Deputy Director David Bowdich, and the Unit Chief of the FBI's Headquarters Program Management Office. In his interview, Hart characterized this meeting as the first time that GSA officials met with Wray regarding the project.

Hart informed us that during the January 4, 2018, meeting, GSA and FBI officials discussed plans to renovate the JEH building versus demolishing it and rebuilding on the same site. Murphy told us that at this meeting, FBI staff advised GSA that its headcount requirements had changed and the FBI believed it could stay at its current location and renovate JEH. According to Murphy, the FBI had hired a contractor to develop plans to renovate JEH which accounted for the reduced headquarters personnel count. The FBI presented the renovation plans to GSA. These plans recommended renovating one quarter of the building at a time while FBI personnel remained operating in the sections that were not undergoing renovation. Murphy told us the GSA team was surprised by this decision. Murphy said that up to this point, all discussions she was aware of had focused on a campus scenario for the FBI headquarters. She said that JEH was not GSA's preferred site and that a lot of work had gone into the campus concept.

According to Mathews, GSA communicated its concern to the FBI that if the FBI headquarters stayed at its existing site, it would be difficult to obtain congressional support for full upfront funding for the project. Mathews told us that, if the cost savings between a suburban campus site and the existing site were similar, Wray's preference was to remain at the JEH building. If the campus scenario offered significant savings, Mathews stated, Wray was not opposed to a suburban campus site.

One suggestion briefly discussed at the meeting was a plan to utilize a smaller site for FBI senior leadership in Washington, D.C., and a larger campus for FBI personnel. However, Hart told us

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that Wray wanted the FBI headquarters' personnel in one location. Murphy also told us that Wray stated that proximity to the Department of Justice (DOJ) was important to the FBI. Mathews stated that, by the conclusion of the January 4, 2018, meeting, he had not been able to persuade Wray to leave the JEH site in favor of the campus scenario.

Discussions Between GSA and the FBI About Renovation Versus Demolishing and Rebuilding

After the January 4, 2018, meeting, GSA and the FBI worked to develop options for the FBI to remain at the existing site. As GSA officials evaluated a renovation of the JEH building, they developed serious reservations. GSA officials raised concerns regarding cost, constructability, security, and impact on operations. For example, GSA officials noted that the deteriorating structure of the JEH building would make it problematic to harden the building. Mathews said that it would be "extremely difficult" to renovate while JEH was occupied. The PBS Office of Design and Construction advised him to disagree with a renovation, as it was a "bad idea." Mathews also noted that if a renovation required swing space (temporary office space during construction), it would be faster, cheaper, and more secure to demolish and rebuild.

Given the risks associated with renovation and the FBI's expressed desire to remain at the JEH site, GSA's efforts pivoted to developing a plan to demolish and rebuild at the JEH site. Murphy said she thought that PBS had identified the demolish-rebuild option at an earlier point in time, but had dismissed the idea then due to the FBI's personnel requirements. With the decrease in personnel requirements for JEH, Murphy said that demolish and rebuild was a viable option.

Murphy told us that sometime between January 4, 2018, and January 24, 2018, she discussed the demolish-rebuild option with Wray in a telephone call. Murphy said that Wray "liked the plan," but had some reservations. Murphy stated that she and Wray discussed concerns related to ensuring that the numbers were accurate and determining where to relocate FBI personnel. Murphy noted that Wray was particularly concerned that if the FBI left JEH, it would not be able to return after the rebuild was complete.

Murphy told us 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. At that point in time, no decisions had been made regarding funding.

White House Meetings on January 24, 2018

GSA emails and photographs reflect that Murphy, Wray, and others met with the President regarding the FBI headquarters project on January 24, 2018.

When we asked Murphy for information about the meeting, her private counsel stated Murphy was not authorized to discuss specific communications with the President. However, she was

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authorized to disclose the existence of White House meetings, attendees at the meetings, the topics of meetings with the President, and the outcomes of the meetings with the President.[6]

Murphy told us that she attended two meetings about the FBI project at the White House on January 24, 2018. The first meeting occurred in Kelly's office, and immediately preceded the second meeting. The second meeting was in the Oval Office with the President.

Meeting in Kelly's office. Murphy said that she attended the first meeting with Kelly, Mulvaney, Deputy Attorney General Rod Rosenstein, and Wray. Murphy told us that Mulvaney requested the meeting to ensure that everyone was on the same page prior to the meeting with the President.

Murphy said that during this meeting, Wray reiterated his 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. Murphy said that Rosenstein stated that close proximity between DOJ and the FBI headquarters was important to DOJ. Due to the unique security and operational requirements of the FBI headquarters, Murphy and Mulvaney provided assurances that the FBI would return to the site because the building would be designed and constructed to meet the FBI's specific requirements. Murphy stated that upon receiving this assurance, Wray agreed to the demolish-rebuild plan at the existing site.

According to Murphy, all involved in the meeting acknowledged the challenges to a demolish-rebuild plan. The challenges identified were obtaining authorization for the funding level and scope of the project, and securing appropriations for the project. Murphy recalled saying that White House assistance with the funding issues would be appreciated. Mulvaney indicated that all of the agencies needed to work together to secure funding and authorization. Murphy stated that she did not recall discussing a ground lease-leaseback option at that meeting.

Oval Office Meeting. Immediately following the meeting in Kelly's office, Murphy met with the President in the Oval Office along with Kelly, Mulvaney, Rosenstein, and Wray. The purpose of the meeting was to provide an update to the President regarding the FBI headquarters project.

According to Murphy, Mulvaney was the first person in the meeting to state that the plan was to demolish and rebuild the FBI headquarters at the JEH site. Murphy told us that the renovation option was not raised at the Oval Office meeting with the President.

Murphy described the conversation in the meeting as "back and forth" with "free flow discussion." Murphy told us that she, Wray, and Mulvaney explained how they collaborated to reach a decision to demolish and rebuild the FBI headquarters. They also discussed swing space, authorization, and appropriation challenges.

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[6] During Murphy's interview, her counsel also stated that the White House Counsel's Office had advised GSA's Acting General Counsel that the presidential communications privilege was being asserted. After reviewing a draft of this report, GSA commented that this was incorrect and that the White House had not asserted executive privilege. Rather, "[t]he White House informed the Administrator, through the Acting General Counsel, that she was not authorized to disclose the content of presidential communications from those meetings. A formal assertion of executive privilege, therefore, was not necessary to justify or explain the Administrator's refusal to disclose those communications." ***Appendix A,*** page A-8.

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Murphy said she presented the ground lease-leaseback as the best funding option because it was more cost effective than incremental funding. She said she also explained that the ground lease-leaseback was less cost effective than full upfront funding, but that GSA did not think that the project could secure full upfront funding.

Murphy told us that there was a general consensus in the room that the government should own the building. Murphy said that she distinguished a ground lease-leaseback option from a lease purchase option. She said she explained that the government would own the building at the end of the term of the lease under the ground lease-leaseback option. Under a lease purchase option, Murphy explained that the government would have the option of purchasing the building at the end of the term of the lease.

According to Murphy, the discussion included the challenges facing the project, such as potential resistance from local congressional delegations. There was a consensus to collaborate to find the funds, develop a legislative strategy, and locate swing space. Murphy told us that Wray was excited about the project; however, he had lingering concerns that the FBI would remain in the swing space, rather than return to the new building. Murphy told us that Wray was interested in making this happen as fast as possible and was grateful to be working together. Murphy said that Mulvaney agreed to work closely with GSA and the FBI on this project.

As described above, pursuant to guidance from the White House Counsel's Office, Murphy did not provide the OIG with information concerning any specific communications or direction from the President at the meeting. However, Murphy stated that at the end of the meeting, she understood that they were moving forward with the demolish-rebuild project at the JEH site, funded through a ground lease-leaseback. She also told us that immediately following the meeting, she communicated that understanding to GSA personnel involved in the project.

GSA emails, including emails from Mathews and Hart, 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.[7] Mathews told us he was not at liberty to talk about the meeting because it was a decision involving the White House. We asked Hart to explain references to the President's "direction" or "instruction" used in his emails. Hart told us he understood the "direction" was simply to execute the plan the FBI and GSA had recommended.

Discussions Between GSA and OMB Regarding Funding

Shortly after the January 24, 2018, White House meeting, OMB personnel raised objections to the ground lease-leaseback funding option due to scoring rules. GSA leadership endeavored to

[7] For example, a January 27, 2018, email from Hart to Mathews 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." In addition, a January, 28, 2018, email from Mathews to the Assistant Director of the FBI Finance Division states: "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."

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resolve the scoring concerns with OMB. However, according to Murphy, OMB ultimately determined that the ground lease-leaseback was not a viable option.

GSA continued negotiations with OMB on how to fund the project. On February 12, 2018, as part of the Fiscal Year 2018 budget negotiations, the Administration provided Congress with a list of additional items that Congress could consider funding in the budget. The list included $2.175 billion for the FBI headquarters project. According to GSA officials, OMB indicated to GSA that the FBI project would be funded as part of this budget "add-back." However, the Consolidated Appropriations Act, 2018, signed into law on March 23, 2018, did not include funding for the project.

Throughout the negotiations with GSA, OMB presented another option for funding the project – the proposed Federal Capital Revolving Fund. The $10 billion fund would be structured to allow federal agencies to meet large, upfront dollar obligations needed for large scale real property projects. However, the Federal Capital Revolving Fund has not yet been implemented and there is uncertainty as to whether Congress will approve it.

GSA and the FBI Submit Revised FBI Headquarters Plan

On February 12, 2018, GSA and the FBI provided the *FBI Headquarters Revised Nationally-Focused Consolidation Plan* (Revised FBI Headquarters Plan) to the Senate EPW Committee. The document outlined the Administration's plan to seek $2.175 billion to fund the demolition and construction of a new facility at the JEH site. The plan identified the next step as GSA submitting a prospectus to Congress. In the months since GSA and the FBI submitted this plan, Congress has questioned the agencies about it.

On February 15, 2018, the House Oversight and Government Reform Committee, Government Operations Subcommittee held a hearing, "General Services Administration – Checking in with the Government's Acquisition and Property Manager." At that hearing, committee members sought information regarding the reasons for rejection of the campus plan in favor of the demolish-rebuild plan.

Similarly, on February 28, 2018, the Senate EPW Committee held its "Hearing on Oversight: FBI Headquarters Consolidation Project." At the hearing, committee members expressed bipartisan concern about the revised plan. In response to a question regarding whether he was aware of conversations with the President about the project, Mathews indicated that he was not in a position to answer that question. Mathews was also asked whether he had any conversations or communications with the President or any senior White House staff about the project. Mathews answered that he had not spoken with the President, but later clarified that he had spoken with senior White House officials.

On April 17, 2018, Murphy testified before the House Appropriations Committee, Subcommittee on Financial Services and General Government regarding GSA's Fiscal Year 2019 budget. She was questioned about White House involvement in the FBI headquarters project and did not disclose the White House meetings.

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White House Meeting: June 15, 2018

On June 15, 2018, Murphy attended a meeting with the President at the White House to discuss the FBI headquarters project. Kelly; Rosenstein; Wray; Russ Vought, Deputy Director of OMB; Donald McGahn, White House Counsel; and Marc Short, White House Director of Legislative Affairs and Assistant to the President also attended the meeting. Murphy said the invitees discussed ongoing congressional pressure for a campus project and the funding challenges.

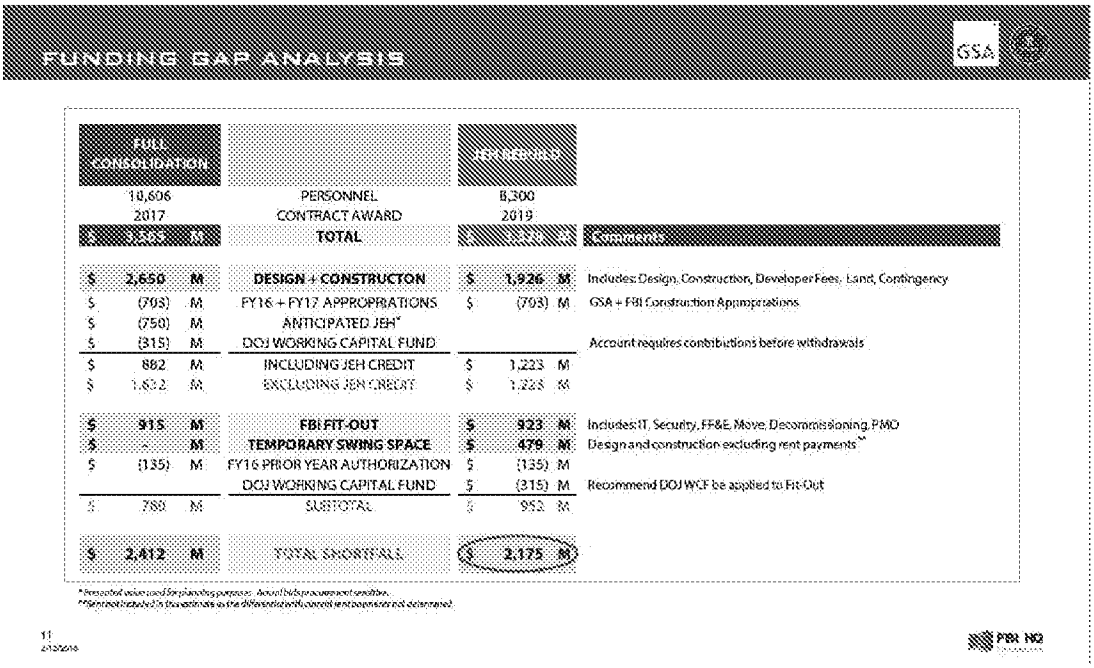
Issues

Project Cost Analysis

GSA and the FBI submitted the Revised FBI Headquarters Plan to the Senate EPW Committee on February 12, 2018. The Revised FBI Headquarters Plan estimated total costs of $3.328 billion to raze the JEH building and build a new headquarters on the site (JEH rebuild). The JEH rebuild is expected to house 8,300 personnel. According to the plan, taking into account previously appropriated funding, GSA and the FBI will require an additional $2.175 billion to move forward with the JEH rebuild.

The Revised FBI Headquarters Plan contrasts the cost of the JEH rebuild with the cost of the cancelled full consolidation exchange procurement (JEH exchange). Though the Revised FBI Headquarters Plan estimated the JEH exchange to have a higher cost of $3.565 billion, the JEH exchange was to be a larger facility and house more people. *Figure 1* is an excerpt from the Revised FBI Headquarters Plan that compares the cost of the previously cancelled JEH exchange (referred to as "full consolidation" in *Figure 1*) to the newly recommended JEH rebuild strategy. According to *Figure 1*, given the previously appropriated funding, GSA and the FBI would have required $2.412 billion in additional funding to move forward with the JEH exchange.

Figure 1 – Excerpt from GSA and the FBI's Revised FBI Headquarters Plan



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The Revised FBI Headquarters Plan does not include the full costs of the JEH rebuild. The Revised FBI Headquarters Plan does not accurately portray the costs and shortfall comparison between the previously cancelled JEH exchange and the JEH rebuild. The plan shows that the JEH rebuild would cost less and require less additional funding than the JEH exchange. However, we determined that the JEH rebuild will have a higher project cost and require more additional funding than the JEH exchange would have. We recreated the Revised FBI Headquarters Plan's Funding Gap Analysis for a more transparent cost comparison (see *Figure 2*). We discuss our recalculations in the subheadings below.

Figure 2 – OIG Recalculated Funding Gap Analysis

	JEH Exchange	JEH Rebuild
Total cost (from Revised FBI Headquarters Plan's Funding Gap Analysis)	$3.565 billion	$3.328 billion
Add: Non-JEH construction cost	-	$0.459 billion
Add: Personnel relocation cost (2,306 people)	-	$0.057 billion [8]
Total OIG Recalculated Cost	**$3.565 billion**	**$3.844 billion**
Less: Prior appropriations and DOJ Working Capital Fund (from Revised FBI Headquarters Plan's Funding Gap Analysis)	($1.153 billion)	($1.153 billion)
Less: JEH exchange value (market rate)[9]	[redacted]	[redacted]
Total OIG Recalculated Shortfall	[redacted]	**$2.232 - $2.691 billion [10]**

After reviewing a draft of this report, GSA asserted that that our analysis in *Figure 2* creates a misleading impression that a true comparison can be made between the JEH rebuild and the cancelled JEH exchange. However, GSA itself purported to compare the costs of those two scenarios in its Revised FBI Headquarters Plan's Funding Gap Analysis (see *Figure 1*). As we describe further below, GSA's purported comparison omits significant relevant items.

The JEH value was not factored into the funding needed for the JEH exchange. GSA did not account for the value that it would receive for JEH under the JEH exchange. Although GSA noted an anticipated $750 million value for the JEH exchange in the Revised FBI Headquarters Plan, it ultimately excluded that value in the JEH exchange total shortfall calculation. The anticipated JEH value should have been included in order to accurately show the total shortfall calculation. Furthermore, GSA should have used a more accurate JEH value, based upon proposals that GSA received from developers during the exchange procurement. To be most

[8] In response to our inquiry, the FBI estimated $57 million for personnel relocation costs. After reviewing excerpts of the draft report, the FBI stated that the estimate may range from $20 million to $60 million and will be dictated by the number of employees accepting a transfer.

[9] Redactions in this report represent either procurement sensitive information or non-Senior Executive Service personnel names.

[10] According to the Unit Chief of the FBI's Headquarters Program Management Office, the FBI has received some funding for three of the four non-JEH construction projects. Accordingly, we present a range for the total OIG recalculated shortfall.

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conservative in our recalculation, we incorporated the lowest JEH value proposed during the exchange procurement, [redacted] (see *Figure 2*).

The proposed exchange agreement between GSA and the developer under the JEH exchange supports our conclusion. In the exchange procurement, GSA would not have needed an appropriation for the agreed-upon value of JEH. The JEH value would have been designated by the developer and accepted by GSA in the exchange agreement. This JEH value would have been recognized in the latter years of construction of the new facility. The exchange procurement's Phase II Request for Proposals stated:

> As part of this procurement, Offerors are required, among other things, to establish the ***credit they will contribute toward the cost of the consolidated FBI Headquarters in exchange for JEH***. It is the Government's intent that this credit will be utilized toward the end of construction of the consolidated FBI Headquarters facility prior to substantial completion and payment of the Developer's profit or incentives. It is also the Government's intent to make regular progress payments to the Contractor during the construction phase of the project up to a defined Government contribution amount, as described and set forth in the Contract. [emphasis added]

Therefore, GSA would have known, before construction began, that it would not need to request funding for the JEH value under the JEH exchange. Because GSA would not need funding equal to the JEH value, it should have factored the JEH value in the JEH exchange total shortfall calculation.

The Revised FBI Headquarters Plan does not present per person costs in its cost comparison. Although the Revised FBI Headquarters Plan estimated the JEH rebuild would be a less costly option than the JEH exchange, it does not show that the JEH rebuild would cost more per person. The JEH exchange planned to house 10,606 personnel. However, the FBI adjusted the headquarters personnel requirement as part of its "nationally-focused consolidation," under which the FBI would move employees out of the National Capital Region and into facilities in Huntsville, Alabama; Pocatello, Idaho; Clarksburg, West Virginia; and Quantico, Virginia. Due to the plan to relocate employees out of the National Capital Region, the FBI reduced its headquarters headcount requirement to 8,300 personnel. A comparison of the total cost of the two project plans and the per person costs is displayed in *Figure 3* below:

Figure 3 – Comparison of Cost per Person

Project	Total Cost	Personnel Count	Cost/Person
JEH Exchange	$3.565 billion	10,606	$336,130
JEH Rebuild	$3.328 billion	8,300	$400,964

As shown above, based on GSA's cost estimates, the cost per person for the JEH Rebuild is higher than that of the JEH Exchange.

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Relocation and non-JEH construction costs are not included. The Revised FBI Headquarters Plan estimate of $3.328 billion for the JEH rebuild is understated because it does not capture relocation and non-JEH construction costs. The FBI estimated $516 million for these costs. The JEH exchange was planned to accommodate 10,606 personnel, while the JEH rebuild plan seeks to accommodate 8,300. In order to meaningfully compare the two plans, the Revised FBI Headquarters Plan should have accounted for the relocation and construction costs associated with housing the 2,306 personnel at other FBI facilities.

The FBI plans to move these 2,306 employees into facilities in Alabama, Idaho, Virginia, and West Virginia. However, the Revised FBI Headquarters Plan does not account for costs associated with relocating these employees. In response to our inquiry, the FBI estimated $57 million for employee relocation (see *Figure 2*).[11]

In addition, the Revised FBI Headquarters Plan does not account for costs associated with the construction necessary to accommodate the relocated headquarters personnel. FBI personnel stated that construction activities in Huntsville, Pocatello, Clarksburg, and Quantico are not solely attributable to the relocation of headquarters personnel. Rather, these construction activities are associated with the implementation of the FBI's broader space planning. The FBI estimated the construction "cost-share" for the personnel to be relocated under the Revised FBI Headquarters Plan as $459 million (see *Figure 2*).

We asked the FBI about the four locations where personnel may be relocated and the FBI provided the following responses:

- Huntsville, Alabama – The FBI recently secured funding related to the Huntsville site. The FBI plans to move approximately 1,800 personnel to Huntsville related to the Revised FBI Headquarters Plan. This does not represent all of the expansion that the FBI foresees at this site.
- Pocatello, Idaho – This project has been funded and construction is underway. The FBI estimates that Pocatello will accommodate approximately 250-300 personnel related to the Revised FBI Headquarters Plan.
- Quantico, Virginia – There is no construction currently at this site to accommodate individuals relocating related to the Revised FBI Headquarters Plan.[12]

[11] After reviewing a draft of this report, GSA stated that it included relocation costs in its Revised FBI Headquarters Plan as part of the costs associated with FBI Fit-Out and Swing Space. This is incorrect. The FBI Fit-Out and Swing Space costs do not include the $57 million associated with relocating 2,306 personnel to Alabama, Idaho, Virginia, and West Virginia.

[12] After reviewing excerpts of the draft report, the FBI commented that Quantico is not expected to see a net increase in the number of personnel as a result of the FBI's revised national headquarters strategy.

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- Clarksburg, West Virginia – This project has been funded and construction is imminent. The FBI is renovating its cafeteria in order to accommodate approximately 150-200 personnel related to the Revised FBI Headquarters Plan.[13]

After GSA and the FBI submitted the Revised FBI Headquarters Plan, GSA officials discussed internally and with the FBI whether these costs should have been included in the plan. A document internal to GSA suggests these costs should have been included in the Revised FBI Headquarters Plan, but that officials unintentionally omitted the information. Further, a GSA official involved in the cost estimating agreed with our conclusion that these construction costs should have been included in the Revised FBI Headquarters Plan.

As a result of excluding non-JEH renovation costs, the JEH rebuild cost in the Revised FBI Headquarters Plan is understated by $516 million.

Swing space cost estimates were appropriately excluded. Swing space, the temporary space for FBI personnel during construction, is one major cost item under the JEH rebuild plan that would not have existed under the JEH exchange proposal. Under the JEH rebuild plan, GSA will have to locate and renovate swing space for the FBI while the new headquarters building is under construction. Under the JEH exchange proposal, the FBI would have continued to occupy the JEH building while the new headquarters facility was constructed, and therefore swing space would not have been needed.

GSA appropriately included design and construction costs associated with the FBI swing space in its cost estimate comparison, but did not include the costs the FBI would incur in rent payments for the swing space. GSA personnel maintain that the costs associated with the FBI remaining in the JEH building and the cost of swing space rent would be roughly equivalent. If these costs were equivalent, there would be no need to include swing space rent in the Revised FBI Headquarters Plan. We compared the cost of operating and maintaining the current space at JEH with a market estimate for swing space rent and agree that the costs would be roughly equivalent.

Facility Security Level Analysis

Executive Order 12977 established the ISC in October 1995. The ISC revised *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* (ISC standard) in November 2016. The ISC standard defines the criteria and processes that those responsible for the security of a facility should use to determine its facility security level (security level) and provides an integrated, single source of physical security countermeasures for all federal facilities.

The FBI is responsible for determining security level and related countermeasures. According to the ISC standard:

[13] After reviewing excerpts of the draft report, the FBI commented that the renovation will convert a portion of its cafeteria into office space in order to accommodate the increase of approximately 150-200 personnel as part of the FBI's national facility strategy which is related to but not dependent on the new FBI headquarters project.

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> The responsibility for making the final [security level] determination rests with the tenant(s) who must devise a risk management strategy and, if possible, fund the appropriate security countermeasures to mitigate the risk:
>
> For single-tenant facilities owned or leased by the government, a representative of the tenant[14] agency will make the [security level] determination in consultation with the owning or leasing department or agency and the security organization responsible for the facility.

The ISC standard also states, "The facility's security organization will conduct a risk assessment to identify risk(s)….When a facility has one Federal tenant with [*sic*] law enforcement or security function housed in the facility, this entity should be selected as the security organization for the facility." In its 2011 report, *Federal Bureau of Investigation: Actions Needed to Document Security Decisions and Address Issues with Condition of Headquarters Buildings*, GAO noted that, "In cases where the FBI is the sole tenant in the facility, the FBI usually signs a waiver stating that the FBI is responsible for conducting its own assessments."[15] Furthermore, the ISC standard describes a building tenant's responsibility to mitigate or accept risk. Building tenants must fund security measures to reduce risk, or accept the assessed risk and potential consequences. Therefore, as the lone tenant for the new FBI headquarters building, it is the FBI's decision to fully mitigate or accept risk.

The FBI and GSA plan for a Level V facility. The ISC standard bases security level on a score of five factors:

- Mission Criticality;
- Symbolism;
- Facility Population;
- Facility Size; and
- Threat to Tenant Agencies.

The five factors carry equal weight and receive scores on a scale of 1 to 4. A Level IV security level results from a score of 18-20 points. A sixth factor, intangibles, is then applied and can raise or lower the security level by one level. After applying these criteria, the FBI rated the security level needed for the FBI headquarters at a Level V (very high risk). According to the ISC standard, "the criteria and decision-making authority for identifying Level V facilities are within the purview of the individual agency."

As of the date of this report, the FBI is drafting the program of requirements for the JEH rebuild. Therefore, we cannot verify the security level that the FBI calls for in the program of requirements, nor how the FBI and GSA intend to achieve it. However, FBI and GSA officials have confirmed their intention that the FBI headquarters will be a Level V facility.

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[14] The representative of the tenant agency approved by the department or agency to make such determinations (e.g., the Director of Security might make all determinations to ensure consistency).

[15] GAO-12-96, November 2011

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The program of requirements for the cancelled JEH exchange project, dated January 15, 2016, also called for a Level V facility. It stated, "Because of the symbolic nature of the client, the client mission, and performance of functions critical to the security of the United States a Facility Security Level V designation was selected for this campus." The FBI has confirmed that this Level V security level is not site dependent, but based upon the operations of the FBI headquarters.

Once the security level is determined, the facility's security organization should conduct a risk assessment to identify risk(s). The risk assessment should compare the baseline level of protection with the risks to the facility. If the risks are in line with the baseline level of protection, no customization is needed. If the risks exceed the baseline level of protection, the FBI must decide if a higher level of protection can be achieved, if a different location should be selected, or if risks will be accepted. Until the FBI completes a program of requirements and risk assessment for the project, it will not be able to confirm that the new facility can meet its security needs.

The ISC standard does not include a minimum setback distance requirement. For the FBI's Level V facility, a very high level of protection is required. This very high level of protection is associated with a set of baseline countermeasures. The current ISC standards outline 93 security countermeasures in seven categories:

- Site;
- Structure;
- Facility Entrance;
- Interior;
- Security Systems;
- Security Operations and Administration; and
- Cyber.

The current ISC standard does not explicitly state minimum setback criteria to achieve Level V security, but rather uses a more integrated design approach that recommends a combination of setback and hardening. This lack of minimum setback is a change from the prior ISC standard, and was prompted by the difficulty of obtaining setbacks in urban settings. The current ISC standard states:

> For future building construction (whether lease-construct or government-owned), this Standard shall be applied as part of the requirements definition process. The security organization will conduct a project-specific risk assessment during the requirements definition phase and recommend countermeasures and design features to be included in the design specifications. The FSC will determine whether the identified countermeasures will be implemented or risk will be accepted.[16] Those countermeasures will become part of the facility's design program requirements to

[16] FSC refers to Facility Security Committee. In the case of the FBI headquarters, the FSC includes representatives from the FBI and GSA. GSA is not a voting member of the FSC.

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> ensure required security measures are fully integrated into the configuration of the site and/or building design.
>
> Site security requirements for new construction, particularly setback, must be identified before a site is acquired and the construction funding request is finalized. This may prevent the selection of a site that lacks necessary features, especially sufficient setback, and help reduce the need for more costly countermeasures such as blast hardening.

Under the previous program of requirements for the full consolidation, the FBI was relying on facility setback as one of its main countermeasures. However, with the lesser setback at the JEH site, the FBI will have to integrate alternative countermeasures to achieve the desired level of security.

In response to our questions about the FBI's plans for security countermeasures for the JEH rebuild, an FBI official provided the following response:

> The urban location and site configuration will require [*sic*] new approach to meet FBI's operational and security requirements. This will include a varied approach including but not limited to increased hardening, greater application of perimeter protections, and progressive collapse requirements. It will also include re-positioning sensitive operations deeper into the core of the facility, operational and administrative changes and security mitigations as we adjust planning from a suburban campus to a limited metropolitan property location. The blast protection at the JEH will be revised to adjust to the level appropriate for being located in a metropolitan location.

Administrator Murphy's April 17, 2018, Testimony

Murphy told us that in advance of the House Appropriations Committee, Subcommittee on Financial Services and General Government hearing, she participated in a minimum of four preparatory sessions. Murphy said she thought she would be asked at the hearing if the White House was involved in the FBI headquarters project. She stated that the participants in the preparatory sessions agreed that she should try to answer the substance of the question without specifically addressing the White House meetings. If pressed, she would answer that "it would be inappropriate to comment on any discussions I had or did not have with the President."

On April 17, 2018, Murphy testified at the House Appropriations Committee, Subcommittee on Financial Services and General Government hearing. During the hearing, Murphy was asked about the FBI headquarters project by the Subcommittee's Ranking Member, Representative Mike Quigley:

> Representative Quigley: Thank you, Mr. Chairman. Thank you so much for being here and again for your service. To your knowledge when did the administration make the decision not to build the suburban FBI facility and instead rebuild where it is?

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> Murphy: That's – thank you, sir. It's my understanding when – and again I was confirmed in December of last year so I want to be clear that I was not involved with many parts of the decision but I want – I'm going to try and answer your question as fully and as completely as I may – as possible, that last July the – that GSA and the FBI working with OMB reevaluated the lease exchange that had previously been proposed for building a new FBI headquarters and prioritizing the need that there was a new FBI headquarters that was absolutely required. EPW asked – the Environmental and Public Works Committee – forgive me, asked GSA and the FBI to go back and provide them with a report, a plan on the alternatives given that it had also been 14 years since the original program requirements had been developed.

Murphy was then asked about White House involvement in the FBI headquarters project.

> Representative Quigley: Was anyone else – at the White House involved with briefing you or to your knowledge did the [P]resident or any of the other officials at the White House consult with any of these other agencies in the decision-making process?
>
> Murphy: Well, sir, the FBI was the one who came to me and said that there's – their requirements had changed, they no longer required a campus for 11,000 individuals, they were looking at a campus – they only had a requirement for about 8,300 individuals and based on that they wanted to put the J. Edgar Hoover site back into play. They actually requested that GSA consider renovating the building. In my conversations with GSA and then with the FBI we pushed back and didn't believe that was the right answer. We thought that the renovation of the building wasn't going to address setback issues and further given that it uses something called post-tensioned cabling to support it would-that any hardening we tried to do with the building wouldn't be successful and that would be a long-term project that was – it – put the FBI's initiative at risk. So, GSA then suggested that instead if the requirement was to stay in proximity to the Department of Justice and that location worked and it had the infrastructure in place that GSA proposed instead taking the opportunity to demolish the current FBI headquarters and rebuild on that site something that had (ph) the setbacks, that could do the – couldn't have hardening, that could meet the requirements of the FBI for that new reduced headcount.

We asked Murphy why she did not disclose the White House involvement in response to this question. Murphy answered that she did not think that was what Representative Quigley was asking. Murphy told us that she interpreted the question as asking how the location decision was made and who she worked with in making the decision. Murphy told us that her answer focused on the substance of the decision regarding the location of the FBI headquarters. Murphy told us that she believed her answer was truthful.

Immediately following her answer quoted above, Representative Quigley asked:

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> Representative Quigley: But again, to your knowledge was the [P]resident or anyone at the White House involved in those discussions either with your predecessors or people you're working with now or yourself?
>
> Murphy: Sir, to my knowledge – the direction that we got came from the FBI. They – it was the FBI that directed GSA as to what its requirements would be. We obviously did, given that it is a substantial budget request, we coordinated that request with OMB to make sure that – to provide for funding but the requirements were generated by the FBI.

When asked why she did not disclose White House involvement in response to this second question, Murphy told us that she was trying to answer where the "instruction" came from. She indicated that the instruction came from the FBI. Murphy also told us that Representative Quigley's opening question asked about the decision to build the FBI headquarters at the existing site, and that she thought that the follow-on question's reference to "those discussions" referred back to his opening question. As noted above, the opening question posed by Representative Quigley was "[t]o your knowledge, when did the administration make the decision not to build the suburban FBI facility and instead rebuild where it is?" Murphy said that she interpreted both of Representative Quigley's subsequent questions to relate to this question.

When asked why she did not give the answer that was agreed upon in the preparatory sessions, "it would be inappropriate to comment on any discussions she had or did not have with the President," Murphy told us that she thought that response would "derail" the hearings and not answer the substance of the question.

We found that Murphy's answers to the questions about White House involvement were incomplete and may have left the misleading impression that she had no discussions with the President or senior White House officials in the decision-making process about the project. Representative Quigley explicitly asked her whether any White House official briefed her or consulted with the other agencies in the decision-making process. She responded by describing discussions between the FBI and GSA about the FBI's desire to reconsider the JEH site and whether to renovate the existing building or raze and rebuild. The congressman then asked again whether the President or anyone from the White House was involved in "those discussions."

Despite her expectation going into the hearing that she would be asked about White House involvement in the project, and despite this second explicit inquiry about discussions with White House officials, Murphy again chose not to disclose the three meetings she had had with White House officials in advance of GSA's submission of the revised plan for the project. Nor did she state (as she told us she had been prepared to do) that it would be inappropriate for her to comment on any discussions she had or did not have with the President. Instead, she described discussions between GSA and the FBI and briefly mentioned coordinating funding for the project "with OMB." As a result, her testimony may have left the misleading impression that she had no discussions with the President or senior White House officials in the decision-making process about the project.

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Murphy told us that she understood the questions were about how the decision to locate the headquarters at the JEH site was made. Even assuming that was her interpretation of the questions, by Murphy's own account to us, the White House meeting on December 20, 2017, was an integral part of GSA's decision-making process on that issue. Murphy told us that at that meeting she and Mathews began presenting campus options for the project, but were told by Kelly and Mulvaney that the FBI was concerned about the location of the headquarters and may no longer be seeking a consolidated campus. She said they also told her that she should touch base with the FBI to get everyone on the same page, and that the goal was to make the FBI happy and the FBI should drive the requirement. After receiving that direction, Murphy talked with Wray and learned of his preference to stay at the JEH site with reduced personnel requirements. GSA and FBI personnel then began discussing options for staying at the JEH site. Similarly, Murphy's account of the January 24, 2018, White House meetings reflect that those meetings were also part of how the decision to rebuild, rather than renovate, the FBI headquarters at the JEH site was made.

Murphy told us that she believed her answers to Representative Quigley were truthful. We agree that her responses were literally true. However, we found that because she omitted any mention in her answers of her discussions with Kelly, Mulvaney, and the President during the decision-making process for the Revised FBI Headquarters Plan, her testimony was incomplete and may have left the misleading impression that she had no discussions with the President or senior White House officials in the decision-making process about the project.

After reviewing a draft of this report, Murphy requested that we remove all discussion of her testimony from our report. Murphy asserted that our conclusion is unfounded and unfair because the congressman's questions were "clearly limited" to the decision to maintain the location of the FBI headquarters at its present site. We disagree and believe the congressman's questions speak for themselves, as do Murphy's answers at the hearing. Murphy's answers went well beyond the decision not to build a suburban FBI facility.

In response to the congressman's first question about whether the President or any other White House official consulted with the agencies during the decision-making process, Murphy described at length the discussions GSA and the FBI had about the decision whether to renovate the JEH building or raze and rebuild on the site. Immediately after her description of those discussions about renovation versus raze and rebuild, the congressman again asked, "was the President or anyone at the White House involved in those discussions either with your predecessors or people you're working with now or yourself?" As described above, Murphy herself told us that at the January 24, 2018, meeting with Kelly and Mulvaney, she and Mulvaney assured Wray that the FBI could return to the JEH site after a rebuild, which helped persuade Wray to support the raze and rebuild scenario rather than the renovation option the FBI had been advocating. Under these circumstances, we cannot ignore Murphy's failure to disclose that she had discussed those very issues with the President and others at the White House.

In the alternative, Murphy requested that we delete our finding about her testimony and replace it with language she requested for inclusion in the report. For the reasons described in this section, we cannot do so.

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Conclusion

Our review found that GSA did not include all of the costs in its Revised FBI Headquarters Plan, and that the JEH demolish and rebuild plan would cost more than the cancelled JEH exchange. We also found that the FBI determined that the security level for the new FBI headquarters is Level V. However, the security level and the countermeasures cannot be definitively determined until the program of requirements is complete and additional risk assessments are completed. As the project progresses, the FBI will further define the specific security needs and the requisite countermeasures for the new FBI headquarters. Lastly, we found that Administrator Murphy's testimony before the House Appropriations Committee, Financial Services and General Government Subcommittee on April 17, 2018, was incomplete and may have left the misleading impression that she had no discussions with the President or senior White House officials in the decision-making process about the project.

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GSA

GSA Chief of Staff

August 10, 2018

MEMORANDUM FOR: CAROL F. OCHOA
INSPECTOR GENERAL (J)

FROM: ROBERT BORDEN
CHIEF OF STAFF (AC)

SUBJECT: Review of GSA's Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project

Thank you for the opportunity to review and respond to the draft Office of Inspector General (IG) report titled "Review of GSA's Revised Plan for the Federal Bureau of Investigation Headquarters Consolidation Project" (the Draft Report). Pursuant to your transmittal Memorandum dated July 27, 2018, the following comments are timely submitted by August 10, 2018.

As the mission of the IG is "to help the GSA effectively carry out its responsibilities and to protect the public interest by bringing about positive change in the performance, accountability, and integrity of GSA programs and operations," GSA wants to ensure that the IG's final report includes all relevant facts and accurately represents the events regarding GSA's decision-making process for the revised FBI headquarters project plan. GSA disagrees with a number of the initial findings, assumptions, and statements in the Draft Report and believes that the Draft Report in its current form contains multiple inaccuracies and incorrect conclusions. It is imperative that the Draft Report be amended to accurately reflect GSA's actions, as the FBI headquarters project is of great public importance, with critical national security implications. GSA has worked diligently with its FBI partners to ensure the project is managed in the best interest of our country.

GSA has several overarching concerns with the Draft Report. First, the chronology of GSA's decision-making process is incomplete, omitting key meetings and discussions between GSA and the FBI during the fall of 2017. Furthermore, the incomplete chronology inaccurately reports on several important facts, including the outcome of the briefing held on January 24, 2018. Second, the Draft Report incorrectly claims that the White House asserted Executive Privilege during the course of this review. Third, GSA disagrees with the "OIG Recalculated Funding Gap Analysis" and stands behind the project's cost analysis that the FBI and GSA submitted to Congress in the *FBI*

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Headquarters Revised Nationally-Focused Consolidation Plan (Revised FBI Headquarters Plan). Finally, and most notably, despite the IG's conclusion in its Draft Report that Administrator Murphy's April 17, 2018 testimony before the House Appropriations Subcommittee was truthful, the Draft Report includes wide-ranging, speculative allegations regarding that testimony which serve as an unnecessary distraction to the report's stated purpose of reviewing GSA's decision making process on the revised FBI headquarters project plan.

Chronology and Accuracy of Findings

The Draft Report misrepresents the chronology of events associated with issuance of the FBI's and GSA's February 12, 2018 Revised FBI Headquarters Plan.

By focusing on the few meetings at the White House, the Draft Report ignores numerous other meetings[1] and conversations held by GSA and FBI representatives prior to the initial December 20, 2017, briefing for the White House Chief of Staff. In the Draft Report, the IG suggests that the GSA/FBI project team was directed to shift planning efforts from other preferred site options at the behest of senior White House officials. This simply is not true. The shift in location was a direct result of the input and direction from senior leadership at the FBI, particularly during the months of October, November, December 2017, and early January 2018 (see GSA *Questions for the Record* response #34, 02/28/2018 Senate hearing).

GSA provided the IG with documents and testimony that show when and how the location evolved from a potential suburban campus site to the current Pennsylvania Avenue location. However, the Draft Report does not reference any of the meetings or communications with the FBI that occurred before the January 4, 2018, meeting with the FBI Director. These interactions include a November 17, 2017, meeting between the PBS Commissioner and FBI Assistant Deputy Director. At the November 17 meeting (more than a month before the December 20 White House briefing and two months before the January 24 White House briefing), it became clear to GSA that the FBI was seriously considering the Pennsylvania Avenue site, at the direction of the FBI's senior leadership.

[1] The GSA/FBI project team was in contact almost every day during this process. Dates of note for senior level interactions include the: October 10, 2017 GSA/FBI meeting as a part of Winchester, VA groundbreaking; October 12, 2017 PBS Commissioner's conversation with the FBI Director at the Atlanta (GA) field office opening; and October 25, 2017 tour of the FBI Headquarters for the GSA Administrator and PBS Commissioner by FBI officials. These meetings were in addition to calls and meetings between senior PBS and FBI officials on November 3, November 14, November 17 and December 7 prior to the GSA Administrator's confirmation on December 12, and additional contacts on December 14, and December 18, 2017. Calendar invitations and/or e-mails memorialize these interactions.

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As noted in the Draft Report, the December 20 briefing resulted in two additional conversations between GSA and FBI leadership: a December 21 telephone conversation between the PBS Commissioner and FBI Assistant Deputy Director, and the first conversation between the FBI Director and GSA Administrator on December 22. In both conversations, FBI officials reiterated their interest and desire to locate the new headquarters on Pennsylvania Avenue. As a result of these calls and meetings, the GSA/FBI project team began to evaluate options to address the FBI's space requirements at the Pennsylvania Avenue site (see Interagency Briefing presentations, dated December 21, 2017, and January 4, 2018, as well as Internal Agency presentation, dated December 28, 2017). Finally, the proposed downtown location was discussed at length at the January 4 meeting between the FBI and GSA, with FBI once again expressing their clear preference to remain at the Pennsylvania Avenue location.

The GSA and FBI representatives attending the January 24 White House meetings had already agreed and decided to locate the new headquarters at 935 Pennsylvania Avenue NW in Washington, DC. The only issues that had not been fully addressed prior to the January 24 White House meetings were whether GSA should renovate or demolish and then rebuild the FBI headquarters at its current site and how to finance the project (Federal appropriations or some type of public/private partnership). The claim that GSA and FBI "received direction from the President" (Draft Report, p. 6) at the January 24 meeting is unsubstantiated and conclusory. Further, the assertion is not supported by the section's conclusion, which does not attribute a decision to the President. Instead, the section's conclusion states that the IG's review of GSA emails reflected that some GSA personnel believed the meeting had resulted in a decision to fund the FBI headquarters project using a ground lease-leaseback. GSA asks that you remove this claim as its inclusion in the section's introductory paragraph creates a false and inaccurate impression.

The Draft Report's reference to a November 6, 2017, conference call (Draft Report, p. 4) with local officials (representatives from Prince George's County, MD), where GSA and FBI attendees made no reference to any programmatic requirement changes, implies that that these changes were not being discussed internally by Federal officials. That, too, is inaccurate. Since the August 2, 2017, Senate Environment and Public Works Committee hearing, the GSA/FBI project team had been evaluating a variety of options as the team drafted the plan requested by the Committee. The November 6, 2017, meeting was the fourth in a series of discussions with non-Federal government offices, which included the District of Columbia on October 18, Maryland on October 24, and Virginia on October 26, to review site and local planning opportunities following GSA's cancellation of the exchange procurement. Not discussing possible changes to the Federal Government's requirements at these meetings does not mean, as the Draft

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Report incorrectly implies, that the GSA/FBI project team was not considering these changes at that time.

The Draft Report (Draft Report, p. 3) identifies the number of offerors GSA selected for Phase II of the Request for Proposals. GSA previously has not made this number public and requests it be redacted in both places from the final version of the IG report.

Project Cost Analysis

GSA takes issue with the Draft Report's attempt to compare costs associated with the the February 12 Revised FBI Headquarters Plan with costs of the prior suburban consolidation plan.[2] As detailed above, FBI leadership made a clear, programmatic decision that its headquarters facility must remain at the current Pennsylvania Avenue site. This decision meant that any suburban consolidation, regardless of its cost, would not meet FBI's operational needs, and would not be pursued.

The Draft Report's inclusion and discussion of Figure 2 (the "OIG Recalculated Funding Gap Analysis") creates the misleading perception that a true comparison can be made between the costs of the "JEH Exchange" and "JEH Rebuild" scenarios (as so labeled in the Draft Report). In fact, this attempted comparison represents an "apples vs. oranges" exercise because the FBI's needs no longer can be satisfied through a suburban consolidation as was envisioned under the "JEH Exchange."

GSA stands behind the cost figures presented in the February 12 Revised FBI Headquarters Plan, as that plan and those figures accurately describe the costs to construct a new facility at the current location that meets FBI's current program requirements. GSA also believes the current plan represents the most cost-effective means of satisfying the FBI's stated needs. The Draft Report fails to identify any alternate housing and cost scenario that would meet the FBI's requirements in a more efficient or cost-effective manner.

GSA does not agree with the Draft Report's conclusion that the J. Edgar Hoover (JEH) demolish-rebuild plan would cost more than a full suburban consolidation. Pages 8 and 11 of the February 12 Revised Headquarters Plan clearly and accurately present the costs to construct a full suburban campus ($3.565 billion), and to demolish and rebuild a new headquarters on the current JEH Building site ($3.328 billion). The plan also accurately presents the appropriations currently available and the additional appropriations that would be needed to construct and occupy either of the facilities

[2] The February 12 Plan represented the first time GSA publicly disclosed the total costs of the prior suburban consolidation plan, which included the cost of fit out, a number that previously had not been shared.

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($2.412 billion and $2.175 billion respectively). The Draft Report does not dispute the accuracy of these figures.

Instead, the Draft Report assigns additional offsite costs to the JEH demolish-rebuild project, and credits potential sale proceeds of the JEH property to the suburban campus solution. These actions have the effect of improperly inflating the direct costs of the demolish-rebuild project and deflating the direct costs of the suburban campus solution from the actual costs of both projects. Presenting the project costs in this fashion is misleading and inaccurate. Therefore, the Draft Report's conclusion that the demolish-rebuild project would cost more than a full suburban consolidation is also inaccurate.

Specifically, Figure 2 of the Draft Report inaccurately suggests that the funding gap associated with the now-obsolete suburban campus solution is [redacted] due to a credit attributed to JEH exchange value. This statement, and the assumption underlying it, is not correct. GSA cancelled the prior FBI headquarters procurement, which included an exchange component, on July 11, 2017.[3] Thus, even if the FBI's headquarters needs allowed for a suburban solution, which they do not, GSA likely would not include an exchange as part of any such procurement. Additionally, any proceeds from the sale of the JEH site could not be claimed until the FBI takes occupancy of a new facility upon vacating the current site. As a result, any value that could be extracted from a sale of the JEH site would not be available until after the FBI's relocation, could not be used to reduce the amount of appropriated funds required to proceed with a full suburban campus and would require separate Congressional action to utilize these sales proceeds for this project. Moreover, as GSA learned through the previous procurement, including the JEH site in an exchange would significantly diminish the value of the property and would not be in the best financial interest of the taxpayer. The $2.412 billion figure presented by GSA is the correct amount required to proceed with the full suburban campus and not the [redacted] figure presented in the Draft Report.

The Draft Report is correct that the February 12 Revised FBI Headquarters Plan "... does not present per person costs in its cost comparison." (Draft Report, p. 11). This omission is because the Senate Committee's request for the Plan presented no such requirement, and doing so was unnecessary to the presentation of a project cost estimate for a facility meeting the FBI's current needs. The intent of the February 12

[3] The exchange procurement was cancelled due to the lack of appropriated funding. The complexities and value realization associated with the exchange component, as well as suggestions of rescission of then-available project funding, compounded the challenges associated with the project's funding strategy. These factors contributed to diminishing developer interest and undermined confidence in the Government's ability to successfully implement the exchange procurement. Regardless, GSA requests any JEH valuations from appraisals, bidders or otherwise should not be made public and be redacted from the final report since, notwithstanding the cancellation of the prior procurement, such information remains confidential and procurement sensitive.

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Revised FBI Headquarters Plan was to provide a recommendation on how to complete the new FBI Headquarters, as stated by FBI senior leadership, as well as the funding needs for this project. As was observed regarding Figure 2 of the Draft Report, GSA similarly believes that Figure 3 (Draft Report, p. 11), and its associated discussion, is misleading to the extent it is based on a flawed incorporation of figures associated with the cancelled exchange procurement. Revisions to this section are requested to address these cost-related errors.

Next, the Draft Report is not correct in stating that "[r]elocation … costs are not included" (Draft Report, p. 11). Pages 8 and 11 of the February 12 Revised FBI Headquarters Plan present move costs under the $923 million allocated for "FBI Fit-out" and under the $479 million allocated for "Swing Space." The "Swing Space" figure includes a footnote that addresses the rent payments associated with swing space, which the Draft Report agreed were appropriately excluded from the February 12 Plan. Accordingly, an additional $57 million (reflected in Figure 2 in the row titled "Add: Relocation cost") should not be included in Figure 2.

Regarding FBI relocation and remote site costs, the Draft Report states:

> FBI personnel stated that construction activities in Huntsville, Pocatello, Clarksburg and Quantico are not solely attributable to the relocation of headquarters personnel. Rather, these construction activities are associated with the implementation of FBI's broader space planning. FBI estimated the construction 'cost-share' for headquarters personnel as $459 million (see Figure 2). (Draft Report, p. 11-12).

GSA understands the FBI independently provided information on the status and funding composition of its other capital construction projects. As such, GSA is not able to evaluate the basis or accuracy of this "cost share" figure. Nonetheless, GSA does not believe these offsite costs should be attributed to the JEH demolish-rebuild project. They are independent and distinct costs, and should be considered separately.

GSA acknowledges discussions within the project team on how best to represent the costs of other FBI locations in Alabama, Idaho, West Virginia and Virginia (Draft Report, p. 12). However, GSA did not "unintentionally" omit this information from the February 12 Revised FBI Headquarters Plan, as suggested by the Draft Report. The Draft Report states, "… a GSA official involved in the cost estimating agreed with our conclusion that these construction costs should have been included in the Revised FBI Headquarters Plan." (Draft Report, p. 12). Notwithstanding the Draft Report's inclusion of one unnamed team member's opinion on this specific matter, GSA requests that the final report note that other GSA team members did not share this opinion. Moreover, and

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significantly, the February 12 Revised FBI Headquarters Plan presented GSA's position then, as now, on this issue and question.

In sum, GSA disagrees with the Draft Report's conclusion that "... GSA did not include all of the costs in its Revised FBI Headquarters Plan, and that the JEH demolish and rebuild plan would cost more than the cancelled JEH exchange" (Draft Report, p. 18). As discussed above, GSA stands behind the cost estimates to demolish the current JEH Building and construct a replacement facility on that site to meet FBI's headquarters space requirements. The Draft Report inappropriately inflates direct costs of the demolish-rebuild project and deflates the costs of the suburban solution. More importantly, the Draft Report seeks to draw a misleading comparison between a suburban housing strategy that does not reflect FBI's current stated requirements, and the February 12 Revised FBI Headquarters Plan that does address those requirements.

Facility Security Level Analysis

GSA has no comments on information presented in this section. The text regarding the workings of the Interagency Security Committee and Facilities Security Committee correctly represent GSA's and FBI's roles and responsibilities regarding this issue. The section also correctly states the work that remains regarding this matter.

References to Executive Privilege

The Draft Report incorrectly asserts in two places that the White House asserted the presidential communications privilege. It appears that this assertion is based on an alleged statement made by the Administrator's private counsel, who does not represent, and is not authorized to assert a privilege on behalf of, the White House, GSA or the United States. To the extent the Administrator's private counsel made that unauthorized statement, he was incorrect. In any event, his comments regarding executive privilege have no legal bearing or effect. We ask that your office remove the incorrect and problematic references to presidential communications privilege.

As the Acting General Counsel explained to your office on at least three separate occasions, the White House has not asserted executive privilege.[4] Instructions not to disclose confidential information within the Executive Branch are not assertions of privilege. In this case, the White House exercised its authority to control the dissemination of information about confidential meetings with the President and his senior advisors. The White House informed the Administrator, through the Acting General Counsel, that she was not authorized to disclose the content of presidential

[4] May 30, 2018 meeting between GSA Acting General Counsel Jack St. John, Counsel to the Inspector General Ed Martin and [redacted], with GSA Associate General Counsel Eugenia Ellison in attendance; June 19, 2018 interview of St. John [redacted] in attendance; and June 20, 2018 meeting between St. John, Martin, and [redacted], with [redacted] in attendance.

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dissemination of information about confidential meetings with the President and his senior advisors. The White House informed the Administrator, through the Acting General Counsel, that she was not authorized to disclose the content of presidential communications from those meetings. A formal assertion of executive privilege, therefore, was not necessary to justify or explain the Administrator's refusal to disclose those communications.

Administrator Murphy's April 17, 2018 Testimony

As the Draft Report found, Administrator Murphy's testimony on April 17, 2018, before the Subcommittee on Financial Services and General Government, of the U.S. House of Representatives Committee on Appropriations, was truthful. We disagree and object to the Draft Report's inflammatory suggestion that Administrator Murphy's answers to questions posed to her about White House involvement in the Revised FBI Headquarters Plan were incomplete or potentially misleading. The Draft Report did not find an intent by the Administrator to mislead, nor any evidence that her testimony did mislead. GSA was surprised by the inclusion of the section about Administrator's testimony in your review and asks that you remove it from your final report.

After reviewing 50,000 pages of documents and interviewing the Administrator on two separate occasions, your office concludes in the Draft Report that the Administrator's responses to Representative Quigley during the April 17, 2018, hearing were true. This statement, that she responded truthfully to the questions posed to her during the hearing, is the only conclusion in this section of the Draft Report supported by the facts as presented in the Draft Report. We find it puzzling and disappointing that your statement affirming the truthfulness of the Administrator's testimony is currently buried in the final paragraph of this section of the Draft Report behind speculative, and repetitive, conclusions that her testimony "may have left [a] misleading impression."

Additionally, the Draft Report states that the Administrator believed her answers were truthful. It is a GSA practice to review testimony transcripts following a hearing before a Committee of Congress. If GSA finds cause for clarification before or after reviewing a transcript, GSA submits a letter to Congress correcting the record, as Commissioner Mathews did after his February 28, 2018, hearing. Following this standard practice, GSA's Office of Congressional and Intergovernmental Affairs and the Administrator reviewed the April 17 testimony and, being satisfied that it was fully accurate, did not provide any further clarification to Congress.

Notwithstanding your office's suggestions that the Administrator's responses were incomplete or potentially misleading, the actions of the Subcommittee, and the

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Members who directed the questions to Administrator Murphy that are discussed in this section of the Draft Report, suggest otherwise. It is common practice for agencies to receive follow-up "questions for the record" (QFRs) following hearings such as Administrator Murphy's on April 17. Indeed, GSA did receive a set of QFRs following this hearing. It is significant and telling that none of the QFRs received by GSA following the hearing sought any follow-up, further explanation, or elaboration regarding the Revised FBI Headquarters Plan, including Administrator Murphy's responses related to White House meetings or involvement.

We do not believe it is necessary or appropriate for the Draft Report to include subjective characterizations and suggestions by your office regarding Administrator Murphy's testimony on April 17 when the Subcommittee, and the Members who participated in the hearing, are more than capable of raising such concerns themselves, and have decided, to date, not to do so.

Conduct Issues

GSA also has questions and significant concerns regarding the conduct of your office and staff in connection with the interviews conducted with GSA staff. Senior GSA officials promptly made themselves available to be interviewed, sometimes twice, to assist with your office's review, but many GSA officials left their interviews feeling the conduct of your office was inappropriate, outside of normal business practice, deceptive, and, at times, hostile.

The concerning conduct occurred primarily in a number of interviews in which your staff focused almost exclusively on meetings that occurred at the White House. During these interviews, GSA officials communicated to your office that they were not authorized to discuss presidential communications. We understand that your office may take a different view as to your authority to compel disclosure of all information, but it was disappointing that your staff chose, during those interviews, to employ bullying tactics that appeared intended to threaten, intimidate and coerce GSA officials into divulging those communications directly. Furthermore, despite a clear agreement between GSA's Acting General Counsel and your counsel that your office would not ask questions about specific presidential communications in subsequent interviews, your office disregarded that agreement and asked pointed questions about communications that were explicitly out of bounds.

GSA will continue to diligently engage and support your office's reviews of GSA programs and operations. Going forward, GSA asks that you help ensure the conduct of

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future IG interviews be more respectful and collegial.

Conclusion

In conclusion, it is imperative that the Draft Report be amended to accurately reflect GSA's actions, as the FBI headquarters project is of great public importance, with critical national security implications, and GSA has worked diligently along with the FBI to ensure it is managed in the best interest of our country.

First, GSA requests that the chronology of the decision-making be revised to include key meetings and conversations between GSA and the FBI in the fall of 2017 as detailed above, and that the inaccurate reporting in the section titled "White House Meetings on January 24, 2018" be removed.

Second, we ask that your office remove the incorrect and problematic references to presidential communications privilege.

Third, because the Draft Report inappropriately inflates direct costs of the demolish-rebuild project and deflates the costs of the suburban solution, GSA requests that the numbers in Figures 2 and 3 be adjusted as discussed above, and that the final report include a disclaimer that there cannot be a like-comparison between the costs of a suburban housing strategy based on the cancelled procurement that do not reflect the FBI's current stated requirements, and the February 12 Revised FBI Headquarters Plan that does addresses those requirements.

Fourth, GSA requests that you redact from public disclosure the figures and information identified above, as they continue to represent confidential or procurement-sensitive information not otherwise subject to public disclosure.

Finally, given that your office found the Administrator's testimony to be truthful, GSA asks that you remove the section regarding Administrator Murphy's testimony from your final report.

Thank you for considering GSA's proposed edits to your Draft Report. GSA asks for the opportunity to review the final report, as is customary, and the ability to respond with formal comments to be attached as an appendix. GSA looks forward to reviewing the final report and the continued partnership between GSA and your office.

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Appendix B – Response to Comments Regarding Role of the Office of Inspector General

The Office of Inspector General (OIG) has carefully considered the comments on our draft report submitted by GSA. We also considered comments submitted on behalf of Administrator Murphy in her individual capacity. We have addressed any comments relating to factual accuracy where appropriate in the body of the report.

This appendix separately responds to certain comments made on behalf of Administrator Murphy and the GSA that appear to reflect a fundamental misunderstanding of the OIG's role in initiating, staffing, and conducting this review.

First, Administrator Murphy has expressed the opinion that the OIG's initiation of this review in response to the request of a congressman whose district has an interest in the project indicates an improper purpose. This is misguided. Inspectors General regularly receive requests to conduct oversight from Members of Congress affiliated with either the majority or the minority party, and must regularly decide whether the subject matter of the request supports directing OIG resources to answer some, none, or all of the issues raised in the request. In this case, the OIG's decision to open the review reflects the importance of the FBI headquarters project and is wholly consistent with our past work in this area; and our definition of the scope of the review reflects our independent consideration of significant issues within our jurisdiction to address.

The FBI headquarters project is a longstanding, high-profile, taxpayer-funded, multi-billion dollar project that GSA has been spearheading for over a decade and the OIG has been monitoring since 2013. In March 2017, the OIG issued its Audit of PBS's Planning and Funding for Exchange Projects. The GSA's FBI headquarters project, which then anticipated exchanging the Hoover building to help finance construction of a new suburban campus, was among the exchange projects the OIG reviewed in this audit. The audit found that PBS had not fully factored risk into its planning for exchange projects and as a result cancelled or chose not to pursue several exchange projects. In July 2017, GSA cancelled the FBI exchange project.

When GSA subsequently presented its new plan to raze and rebuild the FBI headquarters at the Hoover site rather than continue with the suburban campus plan to which GSA had devoted years of planning and taxpayer funds, the change drew widespread public attention and bipartisan concern expressed at multiple congressional hearings. Under these circumstances, the suggestion that it was improper for the OIG to review GSA's decision-making process and the adequacy of its considerations of comparative costs and security is clearly wrong.

Second, Administrator Murphy suggests that the manner in which we exercised our oversight function -- conducting a multi-disciplinary review -- was improper. This argument rests entirely on the premise that a multi-disciplinary review is "not traditional," and therefore is a suspect use of OIG authority. This also is clearly wrong. The Inspector General Act authorizes Inspectors General to "make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the judgment of the Inspector General, necessary or desirable. 5 U.S.C. App. Section 6(a)(2). The Council of

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Inspectors General on Integrity and Efficiency (CIGIE) Quality Standards for Federal Offices of Inspector General (August 2012) state: "In addition to audits and investigations…OIGs may conduct, supervise, and coordinate inspections, evaluations, and other reviews related to the programs and operations of their departments and agencies." Likewise, the CIGIE Presidential Transition Handbook (October 4, 2016) concerning the role of Inspectors General states:

> [S]everal IGs have created offices that conduct special reviews, combining the multidisciplinary skills of investigators, auditors, evaluators, and lawyers. These special reviews are often hybrid reviews, involving potential misconduct by agency employees as well as systemic evaluations of an agency program or operation. Examples of such special reviews are the Department of Justice OIG's review of the treatment of detainees after the 9/11 attacks and the Peace Corps IG's review of the death of a Peace Corps volunteer in China.

Like others in the IG community, the GSA OIG has frequently used multidisciplinary teams to review GSA programs or operations. For example, the GSA OIG's Management Deficiency Report of the 2010 Western Regional Conference was completed by a team of investigators, auditors, and lawyers. More recently, a team of inspectors, investigators, and lawyers conducted GSA OIG's Investigation of Whistleblower Reprisal Complaint, which addressed a complaint that the former GSA Administrator retaliated against a senior GSA career official for making protected disclosures. The use of teams that leverage the skillsets of multiple disciplines within an OIG is one of the most effective ways to achieve the highest quality work in matters, like this one, that are not solely audits or investigations but contain elements of both.

Finally, the GSA's comments on the draft report contend that the OIG personnel conducting this review acted improperly in seeking information about White House meetings relevant to our review of GSA's decision-making process. This too is incorrect. As noted in the report, early in the review the OIG learned that during the course of GSA's decision-making on the Revised FBI Headquarters Plan, Administrator Murphy met with the President on January 24, 2018, to discuss the project. When we sought information about the meeting, however, we initially received inconsistent and unhelpful responses to our inquiries from GSA witnesses.

Some GSA witnesses readily described what they knew of the meeting, while others initially refused to discuss it or even acknowledge that a meeting had occurred. When we asked for the basis for these initial refusals, some witnesses, including Administrator Murphy, told us they could not comment on meetings they had or did not have with senior White House officials. Murphy also stated that she was told not to answer by GSA's Acting General Counsel, who she said told her that such answers were subject to executive privilege.

Contrary to GSA's suggestion, the OIG made no "agreement" with GSA's Acting General Counsel not to seek information relevant to this review. In fact, we sought to determine whether executive privilege was being invoked to preclude sharing of information with the OIG, which is

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part of GSA and within the Executive Branch. Murphy told us that to her knowledge the privilege had not been invoked. GSA's Acting General Counsel told us that the White House had not asserted the privilege, but that the presidential communications privilege was presumed to apply absent White House consent to discuss matters covered by the privilege. He refused, however, to discuss with us his guidance to GSA witnesses regarding the scope and parameters of any presumptive privilege.

Ultimately, after we continued to press for an explanation of the scope of any presumptive privilege GSA was relying upon to limit information provided to the OIG, the Acting General Counsel finally told us he had received direction from the White House Counsel's Office regarding White House meetings relevant to this review. He told us that pursuant to those directions, GSA employees were authorized to disclose the existence of White House meetings, discuss who attended, and discuss any high level agreements that resulted from the meetings; but not to disclose any statements made by the President. Murphy then participated in a second interview with the OIG, in which she provided us the descriptions of the meetings contained in this report, and we were able to conclude the interviews in this review.

Contrary to the GSA's suggestion, the OIG team acted professionally and courteously throughout its efforts to seek information relevant to this review. Had GSA acted earlier in formulating a consistent and clear position regarding the privilege issue, and been more willing to discuss the scope and parameters of the privilege with the OIG, we might have avoided any awkwardness associated with the need to conduct multiple interviews of some of the witnesses to obtain information relevant to this review.

In sum, the GSA OIG properly initiated, staffed, and performed this review.

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, August 31, 2018 8:33 AM
To: [redacted] Haley, Richard L. (FD) (FBI) [redacted]
Subject: Fwd: Google Alert - FBI new headquarters

[redacted]

Sent from my iPhone

Begin forwarded message:

From: Google Alerts <googlealerts-noreply@google.com>
Date: August 31, 2018 at 8:00:16 AM EDT
To: [redacted]
Subject: Google Alert - FBI new headquarters

FBI new headquarters

Daily update · August 31, 2018

VIDEO

President Donald Trump Intervened In Plan For FBI HQ Near His Hotel: IG Report
YouTube
President Trump was directly involved with the planning of a **new FBI headquarters** across the street from his Trump International Hotel, according to a ...

[redacted]

Flag as irrelevant

Critics say President Trump scuttled new FBI headquarters to avoid hotel competition
WUSA9.com
Now the question is: Did the president stop the plans?

[redacted]

Flag as irrelevant

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Donald Trump Directly Involved in FBI Headquarters Decision, Watchdog Report Says

YouTube

... move forward with a controversial plan to build a **new FBI headquarters** in the nationâ€™s capital, according to a government report issued Monday.

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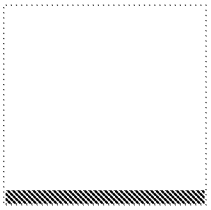

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Unsubscribe | View all your alerts

Receive this alert as RSS feed

Send Feedback

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Tuesday, April 18, 2017 7:37 AM
To: [redacted]
Subject: V2 for Hoyer
Attachments: Approach for Hoyer v2.docx

Changed approach based on Doug's feedback.

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Tuesday, April 18, 2017 8:56 AM
To: [redacted]
Subject: RE: V2 for Hoyer
Attachments: Approach for Hoyer v3.docx

Left tracked changes on so you can see suggested edits. I confirmed it all fits on a single page.

FBI Headquarters Consolidation-Program Management Office

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, April 18, 2017 7:37 AM
To: [redacted]
Subject: V2 for Hoyer

b6 -1
b7C -1
b7E -1

Changed approach based on Doug's feedback.

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

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[redacted]

b5 -1
b6 -1
b7C -1

From: [redacted]
Sent: Monday, May 1, 2017 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

Hey [redacted]

[redacted]

[redacted]

From [redacted]
Sent: Monday, May 01, 2017 1:37 PM
To: [redacted]
Cc [redacted]
Subject: FW: Budget

b6 -1
b7C -1
b7E -1

Hi all,
The below request came from Washington Post who is planning to write an article on the funding for the FBI HQ. I'm looking to find out if the below dollar amount is correct where we are right now in the process?

Thanks,
[redacted]

[redacted]

From: O'Connell, Jonathan [mailto:Jonathan.OConnell@washpost.com]
Sent: Monday, May 01, 2017 1:30 PM
To [redacted]
Subject: Budget

b6 -1,4
b7C -1,4
b7E -1

Hi [redacted]

I hope you're well. I am probably going to write something this afternoon about funding in the budget for the FBI headquarters. Looks to me like a total of $523 million, including $323 million provided through FBI and $200 million provided through GSA.

AMERICAN OVERSIGHT

If you or one of your colleagues have heard something different or would like to comment I would welcome that. Please let me know.

Cheers

Jonathan

Washington Post
office [redacted]
cell: [redacted]
Here are things I've written | Twitter @oconnellpostbiz

b6 -4

AMERICAN OVERSIGHT

[redacted]

b5 -1
b6 -1
b7C -1

From: [redacted]
Sent: Monday, May 1, 2017 2:12 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

Hey [redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Monday, May 01, 2017 2:04 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

b5 -1
b6 -1
b7C -1
b7E -1

Good afternoon.

[redacted]

Thank you,

[redacted]

From: [redacted]
Sent: Monday, May 01, 2017 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

b5 -1
b6 -1
b7C -1
b7E -1

Hey [redacted]

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, May 01, 2017 1:37 PM
To: [redacted]
Cc: [redacted]
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b6 -4

AMERICAN OVERSIGHT

b6 -1
b7C -1
b7E -7

[redacted]

From: [redacted]
Sent: Monday, May 1, 2017 2:13 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, May 01, 2017 2:06 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

[redacted]

Thanks,
[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, May 01, 2017 1:58 PM
To: [redacted]
Cc: [redacted]
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[redacted]

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AMERICAN OVERSIGHT

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b6 -4

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, May 1, 2017 3:57 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

Sounds good!

From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Monday, May 01, 2017 2:27 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Budget

Thanks, [redacted]

[redacted]

Thanks again,
[redacted]

From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Monday, May 01, 2017 2:12 PM
To: [redacted]
Cc: [redacted]
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[redacted]

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Sent: Monday, May 01, 2017 2:04 PM
To: [redacted]

AMERICAN OVERSIGHT

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Subject: RE: Budget

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Washington Post
office [redacted]
cell [redacted] b6 -4
Here are things I've written | Twitter @oconnellpostbiz

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, May 2, 2017 9:22 AM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI); Brown, Nancy S. (CJIS) (FBI); [redacted]
Subject: RE: Post Article

Hey [redacted]

It's in the report language (and not in the Bill). Apparently that piece was requested by Mr. Van Hollen from MD but only in GSA's language.

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, May 02, 2017 9:16 AM
To [redacted]
Cc: Grant, Douglas S. (FD) (FBI) [redacted] Brown, Nancy S. (CJIS) (FBI) [redacted]
Subject: Post Article

[redacted] the post says the budget language includes the following:

"It is the intent of Congress to provide funding in fiscal year 2018 necessary for the project to proceed expeditiously," the budget proposal reads."

<< https://www.washingtonpost.com/news/digger/wp/2017/05/01/trump-aims-to-fund-new-fbi-headquarters-but-congress-isnt-there-yet/?utm_term=.3d0ce432ce20>>

I'm assuming that language did NOT make it in? If it did that would be rather encouraging.

Thanks

[redacted] b6 -1 b7C -1 b7E -1

FBI Headquarters Consolidation-Program Management Office

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, May 2, 2017 10:04 AM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI); Brown, Nancy S. (CJIS) (FBI); [redacted]
Subject: RE: Post Article

Ok -- well appetite by Congress is good. As discussed -- we need to determine appetite by administration.

FBI Headquarters Consolidation-Program Management Office
[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, May 02, 2017 9:22 AM
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AMERICAN OVERSIGHT

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[redacted]

b6 -1
b7C -1
b7E -1

FBI Headquarters Consolidation-Program Management Office

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, May 2, 2017 10:08 AM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI); Brown, Nancy S. (CJIS) (FBI); [redacted]
Subject: RE: Post Article

I agree!

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, May 02, 2017 10:04 AM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI [redacted] Brown, Nancy S. (CJIS) (FBI [redacted]
Subject: RE: Post Article

Ok – well appetite by Congress is good. As discussed – we need to determine appetite by administration.

FBI Headquarters Consolidation-Program Management Office
[redacted]

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AMERICAN OVERSIGHT

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b6 -1
b7C -1
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FBI Headquarters Consolidation-Program Management Office

[redacted]

AMERICAN OVERSIGHT

Grant, Douglas S. (FD) (FBI)

From: Grant, Douglas S. (FD) (FBI)
Sent: Wednesday, May 24, 2017 4:15 PM
To: Brown, Nancy S. (CJIS) (FBI) [redacted] b6 -1 b7C -1
Subject: FW: GSA Administrator...

FYI.

From: [redacted] b6 -1 b7C -1
Sent: Wednesday, May 24, 2017 4:02 PM
To: Grant, Douglas S. (FD) (FBI) [redacted] Brown, Nancy S. (CJIS) (FBI) [redacted] b7E -1
Cc: [redacted]
Subject: GSA Administrator...

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[redacted]

[redacted]

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By Katherine Tully-McManus, CQ Roll Call

Democratic appropriators on Wednesday grilled the federal landlord of the Trump International Hotel in Washington on the legality of the terms of the lease and how President Donald Trump may eventually reap benefit from the arrangement.

The acting head of General Services Administration, Timothy O. Horne, faced questions from the House Appropriations Financial Services Subcommittee on the agency's fiscal 2018 budget request and ownership of the landmark Pennsylvania Avenue property that is in a 60-year lease with the Trump Organization.

AMERICAN OVERSIGHT

Trump International Hotel (Bill Clark/CQ Roll Call)

The GSA is requesting $10.5 billion for the agency in the coming fiscal year, though this request does not include a top priority — a new and consolidated headquarters for the FBI in the Washington area. The fiscal 2017 omnibus (PL 115-31) provided $200 million for the project, of the $759 million needed make an award and proceed with the project.

Democrats sought to focus on Trump's hotel, however, which has been a controversy since his election. The top Democrat on the panel, Mike Quigley of Illinois, called the hotel arrangement "troubling," saying that Trump has become "effectively both landlord and tenant," despite the lease agreement stating that no elected official can hold any part of the lease.

He and Matt Cartwright, D-Pa., argued that even though Trump would not get profits from the hotel until he is out of office, those profits still constitute a "benefit" that he would receive, which would violate the lease.

Horne said he supports the decisions made by the team at GSA who put together the leasing agreement with the Trump Organization. He stressed that the agency is "set up so the contracting officers make independent decisions so that senior leadership stays out of it."

"My role is to let the experts make those decisions. I'm not an attorney, I am not an expert in matters of ownership structure or contract law, but our contracting officer and our legal folks are," Horne said when pressed on his role in scrutinizing the decision.

Horne repeatedly told that panel that the Trump Organization is in compliance with the lease, having restructured its management to have the president's sons, who are not elected officials, in charge.

FBI Consolidation

Regarding the FBI headquarters plan, "This is a project we are very excited about," Horne told the panel. The project would consolidate about 11,000 employees across the region and 13 leases.

"The request was not included in the 2018 budget just because of the way the timing was, the omnibus passed three weeks ago, which was too late for us to add FBI into the budget for this year," Horne said.

When asked by Chairman Tom Graves, R-Ga., Horne said that a supplemental request could be possible as GSA "takes a look at all the options."

Horne laid out three new priorities included in the fiscal 2018 budget request: investing in federal infrastructure, enhancing security and delivering more efficient government.

Horne told the panel that of the approximately $82 billion the federal government spent on information technology in fiscal 2016, nearly 70 percent was spent on maintenance of existing systems, which are expensive and inefficient and pose cybersecurity risks. The $228 million for IT included in Trump's budget is for the Technology Modernization Fund, which will serve as a central platform for transitioning the government to new systems.

GSA wants more than $500 million to construct or renovate four land ports of entry in New York, California, Arizona and Washington state, each high on the Department of Homeland Security's priority list.

A database of government-owned properties that are underutilized, vacant or ready to be sold will be up and running by the end of 2017, according to Horne. The agency wants to reduce the government's real estate holdings. The agency is requesting $271 million for consolidation projects and $40 million for a fund that would be used to implement recommendations of the Public Buildings Reform Board.

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-FBI-000223
18-cv-2422(FBI)-3438

AMERICAN OVERSIGHT

18-cv-2422(FBI)-3439
DOJ-FBI-18-0520, 18-0521-F-000224

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Wednesday, May 24, 2017 4:22 PM
To: Grant, Douglas S. (FD) (FBI); Brown, Nancy S. (CJIS) (FBI) [redacted]
Cc: [redacted]
Subject: RE: GSA Administrator...

I listened this to this... the acting administrator also said the project would save taxpayers $33M/year

FBI Headquarters Consolidation-Program Management Office
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AMERICAN OVERSIGHT

[redacted] b5 -1 b6 -1 b7C -1

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Cc: [redacted]
Subject: RE: GSA Administrator...

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Sent: Wednesday, May 24, 2017 4:55 PM
To: [redacted] Brown, Nancy S. (CJIS) (FBI [redacted] b6 -1 b7C -1
Cc: [redacted] b7E -1
Subject: RE: GSA Administrator...

No [redacted] did not say anything about the talking points.

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, May 24, 2017 4:43 PM
To: [redacted] Grant, Douglas S. (FD) (FBI); [redacted] Brown, Nancy S. (CJIS) (FBI); [redacted]
Cc: [redacted]
Subject: RE: GSA Administrator...

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AMERICA'S OVERSIGHT

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AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-FBI-000227
18-cv-2422(FBI)-3444

Homeland Security's priority list.

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AMERICAN OVERSIGHT

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b6 -1
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b6 -1
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b7E -1

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AMERICAN OVERSIGHT

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Cc: [redacted]
Subject: RE: GSA Administrator...

The administrator also said they "are looking at all possible options" to advance the project.

[redacted]

--

-------- Original message --------
From: [redacted] b5 -1
Date: 05/24/2017 4:57 PM (GMT-05:00) b6 -1
To: "Grant, Douglas S. (FD) (FBI)" [redacted] 'Brown, Nancy S. (CJIS) (FBI)' [redacted] b7C -1
[redacted] b7E -1
Cc: [redacted]
Subject: RE: GSA Administrator...

[redacted]

From: Grant, Douglas S. (FD) (FBI)
Sent: Wednesday, May 24, 2017 4:55 PM
To: [redacted] Brown, Nancy S. (CJIS) (FBI) [redacted] b6 -1 b7C -1
[redacted] b7E -1
Cc: [redacted]
Subject: RE: GSA Administrator...

No, [redacted] did not say anything about the talking points.

From: [redacted] b6 -1
Sent: Wednesday, May 24, 2017 4:43 PM b7C -1
To [redacted] Grant, Douglas S. (FD) (FBI) [redacted] Brown, Nancy S. (CJIS) (FBI) [redacted] b7E -1
[redacted]
Cc: [redacted]
Subject: RE: GSA Administrator...

Do you know who put their talking points together? Is [redacted] involved in that process?

From [redacted] b6 -1
Sent: Wednesday, May 24, 2017 4:22 PM b7C -1
To: Grant, Douglas S. (FD) (FBI) [redacted] Brown, Nancy S. (CJIS) (FBI) [redacted] b7E -1
[redacted]
Cc: [redacted]
Subject: RE: GSA Administrator...

I listened this to this... the acting administrator also said the project would save taxpayers $33M/year

AMERICAN OVERSIGHT

FBI Headquarters Consolidation-Program Management Office

[redacted]

b6 -1
b7C -1
b7E -1

From: Grant, Douglas S. (FD) (FBI)
Sent: Wednesday, May 24, 2017 4:15 PM
To: Brown, Nancy S. (CJIS) (FBI) [redacted]
Subject: FW: GSA Administrator...

FYI.

From: [redacted]
Sent: Wednesday, May 24, 2017 4:02 PM
To: Grant, Douglas S. (FD) (FBI) [redacted] Brown, Nancy S. (CJIS) (FBI) [redacted]
Cc [redacted]
Subject: GSA Administrator...

b6 -1
b7C -1
b7E -1

Hey Doug and Nancy, see the article below. The Acting GSA Administrator testified today in front of the House Appropriations Committee and said that GSA is excited about building the New FBI HQ building. No money was included in the FY 2018 budget because of timing but that he thought a supplemental was possible. This may affect our discussion with GSA next week, right?

[redacted]

[redacted]

Democrats Press GSA on Trump Hotel Lease

By Katherine Tully-McManus, CQ Roll Call

Democratic appropriators on Wednesday grilled the federal landlord of the Trump International Hotel in Washington on the legality of the terms of the lease and how President Donald Trump may eventually reap benefit from the arrangement.

The acting head of General Services Administration, Timothy O. Horne, faced questions from the House Appropriations Financial Services Subcommittee on the agency's fiscal 2018 budget request and ownership of the landmark Pennsylvania Avenue property that is in a 60-year lease with the Trump Organization.

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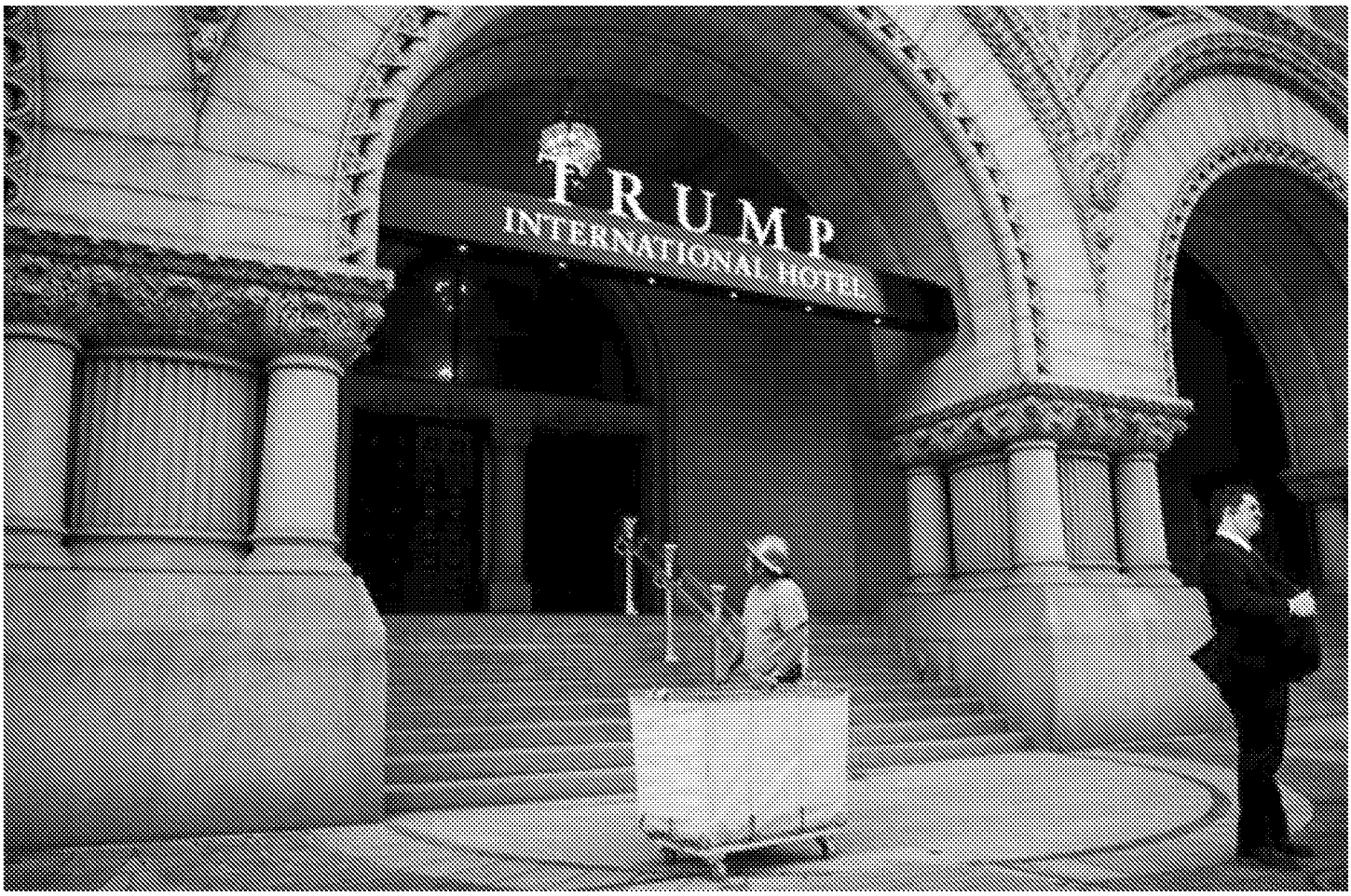

Trump International Hotel (Bill Clark/CQ Roll Call)

The GSA is requesting $10.5 billion for the agency in the coming fiscal year, though this request does not include a top priority — a new and consolidated headquarters for the FBI in the Washington area. The fiscal 2017 omnibus (PL 115-31) provided $200 million for the project, of the $759 million needed make an award and proceed with the project.

Democrats sought to focus on Trump's hotel, however, which has been a controversy since his election. The top Democrat on the panel, Mike Quigley of Illinois, called the hotel arrangement "troubling," saying that Trump has become "effectively both landlord and tenant," despite the lease agreement stating that no elected official can hold any part of the lease.

He and Matt Cartwright, D-Pa., argued that even though Trump would not get profits from the hotel until he is out of office, those profits still constitute a "benefit" that he would receive, which would violate the lease.

Horne said he supports the decisions made by the team at GSA who put together the leasing agreement with the Trump Organization. He stressed that the agency is "set up so the contracting officers make independent decisions so that senior leadership stays out of it."

"My role is to let the experts make those decisions. I'm not an attorney, I am not an expert in matters of ownership structure or contract law, but our contracting officer and our legal folks are," Horne said when pressed on his role in scrutinizing the decision.

Horne repeatedly told that panel that the Trump Organization is in compliance with the lease, having restructured its management to have the president's sons, who are not elected officials, in charge.

FBI Consolidation

Regarding the FBI headquarters plan, "This is a project we are very excited about," Horne told the panel. The project would consolidate about 11,000 employees across the region and 13 leases.

"The request was not included in the 2018 budget just because of the way the timing was, the omnibus passed three weeks ago, which was too late for us to add FBI into the budget for this year," Horne said.

When asked by Chairman Tom Graves, R-Ga., Horne said that a supplemental request could be possible as GSA "takes a look at all the options."

Horne laid out three new priorities included in the fiscal 2018 budget request: investing in federal infrastructure, enhancing security and delivering more efficient government.

Horne told the panel that of the approximately $82 billion the federal government spent on information technology in fiscal 2016, nearly 70 percent was spent on maintenance of existing systems, which are expensive and inefficient and pose cybersecurity risks. The $228 million for IT included in Trump's budget is for the Technology Modernization Fund, which will serve as a central platform for transitioning the government to new systems.

GSA wants more than $500 million to construct or renovate four land ports of entry in New York, California, Arizona and Washington state, each high on the Department of Homeland Security's priority list.

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A database of government-owned properties that are underutilized, vacant or ready to be sold will be up and running by the end of 2017, according to Horne. The agency wants to reduce the government's real estate holdings. The agency is requesting $271 million for consolidation projects and $40 million for a fund that would be used to implement recommendations of the Public Buildings Reform Board.

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, May 24, 2017 4:43 PM
To: [redacted] Grant, Douglas S. (FD) (FBI); Brown, Nancy S. (CJIS) (FBI); [redacted]
Cc: [redacted]
Subject: RE: GSA Administrator...

Do you know who put their talking points together? I [redacted] involved in that process?

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, May 24, 2017 4:22 PM
To: Grant, Douglas S. (FD) (FBI); [redacted] Brown, Nancy S. (CJIS) (FBI); [redacted]
Cc: [redacted]
Subject: RE: GSA Administrator...

I listened this to this... the acting administrator also said the project would save taxpayers $33M/year

FBI Headquarters Consolidation-Program Management Office
[redacted]

From: Grant, Douglas S. (FD) (FBI)
Sent: Wednesday, May 24, 2017 4:15 PM
To: Brown, Nancy S. (CJIS) (FBI); [redacted] b6 -1 b7C -1 b7E -1
Subject: FW: GSA Administrator...

FYI.

From: [redacted]
Sent: Wednesday, May 24, 2017 4:02 PM
To: Grant, Douglas S. (FD) (FBI); [redacted] Brown, Nancy S. (CJIS) (FBI [redacted]
Cc: [redacted]
Subject: GSA Administrator...

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[redacted]

[redacted]

Democrats Press GSA on Trump Hotel Lease

By Katherine Tully-McManus, CQ Roll Call

Democratic appropriators on Wednesday grilled the federal landlord of the Trump International Hotel in Washington on the legality of the terms of the lease and how President Donald Trump may eventually reap benefit from the arrangement.

The acting head of General Services Administration, Timothy O. Horne, faced questions from the House Appropriations Financial Services Subcommittee on the agency's fiscal 2018 budget request and ownership of the landmark Pennsylvania Avenue property that is in a 60-year lease with the Trump Organization.

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, June 12, 2017 10:14 AM
To: [redacted]
Subject: FW: new HQ article

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, June 12, 2017 10:14 AM
To: Haley, Richard L. (FD) (FBI) [redacted]
Subject: new HQ article

http://abcnews.go.com/Politics/trump-insider-pursuing-bid-fbi-building-contract-raising/story?id=47981206

[redacted] Strategic Initiatives Unit | Office of Private Sector
[redacted]

Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Suite 6431
Washington, DC 20535

AMERICAN OVERSIGHT

Brown, Nancy S. (CJIS) (FBI)

From:	Brown, Nancy S. (CJIS) (FBI)
Sent:	Thursday, July 13, 2017 4:49 PM
To:	[redacted]
Subject:	GSA Meeting Notes
Attachments:	July 13 2017 Regroup after the Procurement cancellation.docx

b6 -1
b7C -1

[redacted]

My notes from the meeting.

Nancy

AMERICAN OVERSIGHT

[redacted] b5 -1 b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, July 18, 2017 11:25 AM
To: [redacted]
Subject: RE: FBIHQ McKinsey Workforce Study
Attachments: 20160520_Final_output_workforce_workstream_vf.pdf

[redacted]

I sent this on the high side as well. The attached report is Unclassified~~//FOUO~~. This is the original report, however, I have made edits since the submission of this report, [redacted] Please let me know if you need the updated report or if this will do for the review.

Please let me know if you have any questions.

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, July 18, 2017 10:57 AM
To: [redacted]
Subject: FW: FBIHQ McKinsey Workforce Study

Can you send this to me?

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

-----Original Message-----
From [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, July 18, 2017 10:25 AM
To: Grant, Douglas S. (FD) (FBI) [redacted]
Cc: Haley, Richard L. (FD) (FBI) [redacted]
Subject: FBIHQ McKinsey Workforce Study

Dear Doug,

Per our conversation this morning, could you please forward me the FBIHQ Consolidation Workforce study that was conducted by McKinsey. I'd like to review it this Friday.

I spoke with Rich and he is comfortable with me seeing the assessment.

Thanks,

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, July 19, 2017 8:06 AM
To: [redacted]
Subject: Notes to be Combined
Attachments: 7.13.17 GSA-FBI Meeting Next Steps.docx; July 13 2017 Regroup after the Procurement cancellation.docx

As discussed.

Thanks.

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, July 19, 2017 9:53 AM
To: [redacted]
Subject: RE: Notes to be Combined
Attachments: Combined Meeting Notes- GSA & FBI Meeting Next Steps 7-13-17.docx

Here is the combined notes.
[redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, July 19, 2017 8:06 AM
To: [redacted]
Subject: Notes to be Combined

As discussed.

Thanks.

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, July 19, 2017 11:52 AM
To: [redacted]
Subject: RE: Notes to be Combined

Great work, thanks.

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, July 19, 2017 9:53 AM
To: [redacted]
Subject: RE: Notes to be Combined

b6 -1
b7C -1
b7E -1

Here is the combined notes.
[redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, July 19, 2017 8:06 AM
To: [redacted]
Subject: Notes to be Combined

As discussed.

Thanks.

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

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[redacted]

b6 -1,3
b7C -1,3
b7E -1

From: [redacted]
Sent: Wednesday, July 19, 2017 11:54 AM
To: [redacted]
Subject: Combined Notes (one more look)
Attachments: Combined Meeting Notes- GSA & FBI Meeting Next Steps 7-13-17.docx

Sorry for the extra step, we received Nancy's notes from our first meeting so we combined them with the notes you provided. Just wanted you to see it one more time before I send it out to the team. Next time I'll get these out quicker and will less work...

[redacted]
Unit Chief - Resource Management & Control Unit HQ Consolidation PMO [redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Tuesday, July 25, 2017 8:56 AM
To: [redacted]
Subject: EPW Prep
Attachments: Senate EPW Prep.docx

Here are the potential questions I shared with you yesterday... will work on the TPs this afternoon.

r/
[redacted]

FBI Headquarters Consolidation-Program Management Office
[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, July 27, 2017 8:37 AM
To: [redacted] Young, Andrew N. (FLSD) (FBI)
Subject: FW: Draft GSA Testimony for Aug 2
Attachments: CC037246-Draft EPW Hearing Testimony on the FBI Project for OMB review.....docx

Here is GSA's draft testimony for Wednesday.

-----Original Message-----
From: [redacted]
Sent: Wednesday, July 26, 2017 5:25 PM
To: Haley, Richard L. (FD) (FBI) [redacted] Grant, Douglas S. (FD) (FBI) [redacted] b6 -1,3 b7C -1,3 b7E -1
[redacted]
Subject: Draft GSA Testimony for Aug 2

See attached. I will offer edits -- you should, too.

Thanks!

[redacted]

[redacted] Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President [redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, August 2, 2017 9:00 AM
To: [redacted]
Subject: Use Prospectus for Project Facts
Attachments: resolution_18_dc_-_fbi_hq_consolidation_fy17.pdf

You might also pull 'project facts' directly from the prospectus submitted

FBI Headquarters Consolidation-Program Management Office

[redacted]

AMERICAN OVERSIGHT

PROSPECTUS – CONSTRUCTION
FBI HEADQUARTERS CONSOLIDATION
NATIONAL CAPITAL REGION

Prospectus Number: PNCR-FBI-NCR17
Congressional Districts: MD 4,5
VA 8

FY 2017 Project Summary

The General Services Administration (GSA) proposes construction of a new federally owned facility of approximately 2.1 million rentable square feet (RSF)[1] to provide a consolidated Headquarters for the Federal Bureau of Investigation (FBI) in the National Capital Region (NCR). The FBI Headquarters facility will bring together employees from the J. Edgar Hoover Building (JEH) and 13 leased locations across the NCR into a new, modern and secure facility tailored to fully support FBI's national security, intelligence and law enforcement missions. The proposed GSA construction funding in this prospectus will partner with construction funding requested in appropriations to the FBI, FY 2016 enacted appropriations, the value of the JEH exchange and other available FBI resources to support the construction cost of the FBI Headquarters facility.

FY 2017 Committee Approval and Appropriation Requested

(Design, Construction, and Management and Inspection).....$759,000,000

Overview of Project

As an intelligence-driven and a threat-focused national security organization with both national security and law enforcement responsibilities, the mission of the FBI is to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.

The proposed FBI Headquarters facility will consolidate FBI personnel from the JEH and 13 leased locations. The proposed facility will accommodate approximately 11,000 personnel, resulting in an open-plan workspace environment to include state-of-the-art IT infrastructure as required by the FBI's national security mission. The facility will be built to meet ISC Level V security specifications on one of three previously identified sites. Initial programming provides 6,697 to 8,155 structured and unstructured parking spaces[2] for official vehicles, employees, and visitors.

At the time of project initiation, the FBI was housed in 21 locations throughout the NCR, including JEH, occupying an aggregate total of 3,029,709 rentable square feet. Over the

[1] This prospectus references an estimated total rentable square feet. The total rentable square footage will vary depending upon the final rentable to usable factor which will be determined by the winning bid, design and selected site.

[2] The actual amount of parking required will be dependent upon final site selection and the availability of alternate means of transportation.

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DOJ-FBI-18-0520, 18-05218-000432(FBI)-3636

PROSPECTUS – CONSTRUCTION
FBI HEADQUARTERS CONSOLIDATION
NATIONAL CAPITAL REGION

Prospectus Number: PNCR-FBI-NCR17
Congressional Districts: MD 4,5
VA 8

intervening years, FBI has taken a number of actions resulting in a decrease in the agency's footprint. Today, FBI Headquarters functions in the NCR are housed in 14 locations, totaling 2,930,552 rentable square feet. Staff in each of these 14 locations will be consolidated into the new FBI Headquarters facility. The precise RSF for the new FBI Headquarters facility will vary based on the final R/U factor which is dependent upon the winning bid, design and selected site.

Location and Site Area

The project includes conveying title to JEH to the winning bidder in exchange for a newly constructed FBI Headquarters facility at one of the three previously identified potential sites in Greenbelt, MD, Landover, MD, and Springfield, VA.

Greenbelt ..... 61 acres
Greenbelt – Comprised of approximately 61 acres of land owned by the State of Maryland and the Washington Metropolitan Area Transit Authority (WMATA), and controlled by GSA pursuant to a purchase option agreement. Located at the Greenbelt Metrorail Station, in Prince George's County, Maryland.

Landover ..... 80 acres
Landover – Comprised of approximately 80 acres, privately owned, and controlled by GSA pursuant to a purchase option agreement between GSA and the current site owner. Located at the site of the former Landover Mall, in Prince George's County, Maryland.

Springfield ..... 58 acres
Springfield - Comprised of approximately 58 acres of federally owned land under the custody and control of GSA. Located at the current site of the GSA Franconia Warehouse Complex in Fairfax County, Virginia.

Building Area

The proposed transaction allows the bidders to submit proposals to construct the FBI Headquarters facility on one of the three sites described above. Bidders have the opportunity to submit proposals on one, two or all three of the identified potential sites.

Building (excluding parking) ..... 2,100,000 RSF

Bidders are required to accommodate parking consistent with the number of spaces required for each location: 6,697 spaces for Greenbelt; 8,155 spaces for Landover; 7,039

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-F-000246
18-cv-2422(FBI)-3637

spaces for Springfield, each inclusive of 425 official vehicles (including Bureau Cars and FBI police). Distribution between structured and unstructured parking will be dependent upon the site and the proposal made by the bidder.

Project Budget

The costs of the consolidated FBI Headquarters facility will be supported by: (1) FY 2016 enacted funds from the Omnibus Consolidated Appropriations Act, which included $180 million in FBI construction funding, $135 million in resources made available from the FBI's prior year balances, and $75 million in GSA FBF construction funding; (2) the value realized from the exchange of the JEH; (3) the President's Fiscal Year 2017 budget proposal of $759 million in construction funding within the GSA FBF; and (4) the President's Fiscal Year 2017 budget proposal of $646 million in the FBI's Construction account. Combined, these funds should ensure that GSA is in a position to award the project on schedule in FY 2017, and support the design and construction of the full consolidation. It is anticipated that outfitting and transition costs will be addressed by the FBI in future years.

Schedule	**Start**	**End***
GSA Construction Management/Oversight Activities	FY 2016	FY 2022
Design and Construction	FY 2017	FY 2022

(*Identified end dates for both management and oversight, and design and construction are estimates. Actual schedules will be established following award with the winning bidder during design development.)

Tenant Agencies

Federal Bureau of Investigation

Justification

The FBI is in urgent need of a consolidated Headquarters facility to support information sharing, collaboration, and integration of strategic priorities. Currently, FBI Headquarters elements are dispersed over 14 locations in the greater Washington, DC area. This dispersion and fragmentation has created significant challenges to effective command and control and to facilitating organizational change. Dispersion diverts time and resources, hampers coordination, decreases flexibility, and impedes the FBI's ability to rapidly respond to ever changing, asymmetric threats. The FBI needs a consolidated Headquarters facility and operations center to support information sharing, collaboration and integration of strategic priorities. By consolidating into a single location, FBI will

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DOJ-FBI-18-0520, 18-0521-F-000247 18-cv-2422(FBI)-3638

realize significant mission synergies, and greatly increase workforce and mission security compared to the varying risk scenarios existing throughout the current facilities.

The FBI has occupied JEH since 1974. The approximately 1.8 million rentable square foot (2.4 million gross square foot) JEH sits on 6.7 acres of land fronting Pennsylvania Avenue and is a prime location for office, retail, and residential uses. The building was designed at a time when FBI operated differently, and it cannot be redeveloped to provide the necessary space to consolidate the FBI Headquarters components or to meet the agency's physical security and current and projected operational requirements. Furthermore the IT infrastructure in JEH has reached capacity and cannot be expanded further. These challenges can best be addressed through consolidation and by providing a flexible infrastructure capable of supporting multiple IT systems. The JEH was not designed to support today's FBI mission that includes an increased emphasis on national security.

JEH and virtually all of the 13 offsite leased facilities do not meet the applicable Interagency Security Committee (ISC) Standards. Senate Report 110-397 – Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2009, concluded that JEH does not meet the ISC physical security criteria. As the central facility for the management of intelligence and national security programs, the FBI Headquarters facility must have high reliability and survivability of utilities and infrastructure.

Due to the critical need for continuous operations of the FBI, the consolidated FBI Headquarters must be resilient to safeguard the mission it houses and remain operational and capable in the event of local or regional emergency. The facility must provide the FBI the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions. In order to achieve resilience, the program includes utility and building systems redundancy, back-up power generation and water storage requirements, and energy and water efficiency targets. Requirements for utility redundancy include dual feeds for communications, electric service, potable water, and natural gas. Where appropriate, delivery of building services must also be redundant to ensure continued operability in the event of a disruption internal to the facility.

Summary of Energy Compliance

The consolidated FBI Headquarters facility will be designed to attain a Gold rating in the Leadership in Energy and Environmental Design (LEED) Building Design and Construction (BD+C) rating system, as required by GSA policy for new Federal

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DOJ-FBI-18-0520, 18-05218F-000248 18-cv-2422(FBI)-3639

facilities. Furthermore, it will be LEED Operations and Maintenance (O+M) "ready" to ensure that the building systems are operated and maintained efficiently over the long term, protecting the government's investment.

Energy and Resources – Design, construction, and ongoing operation of the facility will minimize the impact on the environment and the utilization of energy and other scarce and non-renewable resources. The project will consider operational requirements, and focus on strategies that support energy surety goals, incorporating principles of energy source diversity, onsite renewable energy, energy storage, net-zero energy readiness, and micro-grids, as appropriate, informed by mission goals and life-cycle cost analyses.

Sustainability – Design and construction of the facility will achieve a minimum of LEED Gold rating in the BD+C v4 rating system. The new facility will comply with all applicable federal sustainability requirements. It will also consider operational requirements, and incorporate principles of passive design, onsite management of storm-water and waste, resource efficiency, human health and well-being, and life cycle costing.

Reliability and Resilience – The facility will be designed to have high reliability and survivability of utilities and infrastructure. It will include efficient, state-of-the-art HVAC, lighting, power, security, and telecommunications systems and equipment that require minimal maintenance and are designed with backup capabilities to ensure minimal loss of service or downtime. Design of the site and buildings will include principles of energy and water surety, and resistance and resilience to climate change. Incremental climate change impacts, extreme weather conditions, and/or other extreme events, will result in minimal disruption to the mission of the FBI Headquarters complex and the safety of its occupants. The building enclosure systems and critical building systems will be designed to optimize performance and resilience in response to potential extreme events and conditions.

Prior Appropriations

Prior Appropriations			
Public Law	**Fiscal Year**	**Amount**	**Purpose**
114-113	2016	$75,000,000	Construction Management and oversight activities and other project support costs
Appropriations to Date		**$75,000,000**	

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-F-000249 18-cv-2422(FBI)-3640

PROSPECTUS – CONSTRUCTION
FBI HEADQUARTERS CONSOLIDATION
NATIONAL CAPITAL REGION

Prospectus Number: PNCR-FBI-NCR17
Congressional Districts: MD 4,5
VA 8

Prior Committee Approvals
None

Alternatives Considered
The proposed state-of-the-art FBI Headquarters facility is a unique asset, built to the Government's specifications in the form of a detailed Program of Requirements. The proposed facility will meet the long term needs of the FBI. GSA analyzed the modernization and redevelopment of JEH, but in addition to being cost prohibitive, the current facility as sited is not capable of meeting the square footage, security setback, or operational requirements of the FBI. A leased alternative is not cost-effective given FBI's 46 year history in the current location and the stated 50+ year requirement for the proposed facility. A leased alternative is not considered to be cost effective and the 30 year present value of such alternative was not analyzed.

Recommendation

CONSTRUCTION

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DOJ-FBI-18-0520, 18-0521-F-000252 18-cv-2422(FBI)-3641

PROSPECTUS – CONSTRUCTION
FBI HEADQUARTERS CONSOLIDATION
NATIONAL CAPITAL REGION

Prospectus Number: PNCR-FBI-NCR17
Congressional Districts: MD 4,5
VA 8

Certification of Need

The proposed project is the best solution to meet a validated Government need.

Submitted at Washington, DC, on February 8, 2016

Recommended: _____
Commissioner, Public Buildings Service

Approved: _____
Administrator, General Services Administration

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-F-000251
18-cv-2422(FBI)-3642

[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, October 13, 2017 2:13 PM
To: [redacted]
Subject: RE: Current progress
Attachments: Draft ADD Advisory Board Slides_v2.pptx

Added the following:

[redacted]

FBI Headquarters Consolidation-Program Management Office
[redacted]

-----Original Message-----
From: [redacted]
Sent: Friday, October 13, 2017 11:27 AM
To: [redacted]
Subject: Current progress

b6 -1
b7C -1
b7E -1

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Monday, October 16, 2017 12:16 PM
To: [redacted]
Subject: FW: Draft GSA Testimony for Aug 2
Attachments: CC037246-Draft EPW Hearing Testimony on the FBI Project for OMB review.....docx

[redacted]

-----Original Message-----
From: [redacted] b6 -1,3 b7C -1,3 b7E -1
Sent: Thursday, July 27, 2017 8:37 AM
To [redacted] Young, Andrew N. (FLSD) (FBI)
[redacted]
Subject: FW: Draft GSA Testimony for Aug 2

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-----Original Message-----
From: [redacted]
Sent: Wednesday, July 26, 2017 5:25 PM
To: Haley, Richard L. (FD) (FBI [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
[redacted]
Subject: Draft GSA Testimony for Aug 2

See attached. I will offer edits -- you should, too.

Thanks!
[redacted]

[redacted] | Senior Policy & Budget Analyst, Office of Management & Budget |
Executive Office of the President | [redacted]

AMERICAN OVERSIGHT

b6 -1
b7C -1
b7E -1

From:
Sent: Monday, October 16, 2017 3:35 PM
To:
Subject: RE: draft
Attachments: FBI HQ Program for ADD Advisory Committee 10-16.2.docx

-----Original Message-----
From:
Sent: Monday, October 16, 2017 3:33 PM
To:
Subject: RE: draft

b6 -1
b7C -1
b7E -1

FBI Headquarters Consolidation-Program Management Office

-----Original Message-----
From:
Sent: Monday, October 16, 2017 2:57 PM
To:
Subject: draft

Background done... working requirements now

FBI Headquarters Consolidation-Program Management Office

AMERICAN OVERSIGHT

[redacted]

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b7C -1
b7E -1

From: [redacted]
Sent: Monday, October 16, 2017 3:41 PM
To: [redacted]
Subject: for editing
Attachments: FBI HQ Program for ADD Advisory Committee 10-16.2.docx

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, October 16, 2017 4:24 PM
To: [redacted]
Subject: RE: for editing
Attachments: FBI HQ Program for ADD Advisory Committee 10-16.2_R2.docx

[redacted]

As requested, with track changes.

[redacted]

-----Original Message-----
From [redacted]
Sent: Monday, October 16, 2017 3:41 PM
To: [redacted]
Subject: for editing

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, October 20, 2017 4:14 PM
To: [redacted]
Cc: [redacted]
Subject: NEW HQ - Acquisition Process
Attachments: Draft Slide for Process v5.pptx

Hi [redacted]- attached is a mockup of the 6th board. We can discuss more on Monday and I'm sure you both will have creative adds to contribute.

Also [redacted] wanted to ask if you could super impose his face on the dude pushing up the rock?

Thanks
[redacted]

Btw: board #5 is the urban campus

FBI Headquarters Consolidation-Program Management Office
[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1,4 b7C -1,4

From: [redacted]
Sent: Monday, October 23, 2017 1:46 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Latest 'Mountain Slide'
Attachments: Mountain Board.pptx

Here you go! The formatting is a bit messed up as a result of the conversion but it should work for your purposes.

[redacted] | JACOBS | Buildings + Infrastructure | Urban Design + Planning | [redacted] | www.jacobs.com

-----Original Message-----
From: [redacted] b6 -1,4 b7C -1,4 b7E -1
Sent: Monday, October 23, 2017 1:02 PM
To: [redacted]
Cc: [redacted]
Subject: [EXTERNAL] Latest 'Mountain Slide'

[redacted] can you send me a draft PP of the mountain slide? I want to use it for a mockup of the financial data I'm going to display on the mountain image?

[redacted]

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

January 29, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030015TH STREET NW,
WASHINGTON, DC 20005-1503

Civil Action No.: 1:18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

256 pages were reviewed and 12 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of nonexempt portions of Bates-stamped documents, 18-cv-2422(FBI)-3946 through 18-cv-2422(FBI)-4201. The enclosed documents represent the 10th interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

Please be advised that the Record/Information Dissemination Section (RIDS) is operating at reduced staffing levels amidst the ongoing COVID-19 national emergency. The enclosed FOIPA release represents a work product that could be generated for you under these unprecedented circumstances. We appreciate your patience and understanding as we work to release as much information, to as many requesters as possible, as this emergency continues

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Civil Action# 18-cv-02422

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AMERICAN OVERSIGHT

[redacted]

From: [redacted]
Sent: Tuesday, January 16, 2018 5:04 PM
To: [redacted]
Cc: [redacted]
Subject: Draft Slides for Tomorrow's OMB Meeting on New HQ
Attachments: EPW Presentation_2018-1-16_v1.pdf

b6 -1
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[redacted]

Per AD Haley's request, attached are the draft slides on the New HQ project due to the Senate EPW Committee by 1/29. AD Haley will be discussing the slides with OMB tomorrow and asked that I send a copy over to the ADD and yourself.

Thanks,

[redacted]

AMERICAN OVERSIGHT

[redacted]

Subject: Call w/GSA on New HQ (Direction from POTUS)
Location: [redacted]

b6 -1
b7C -1
b7E -1

Start: Thursday, January 25, 2018 8:30 AM
End: Thursday, January 25, 2018 9:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: [redacted]
Required Attendees: [redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

Subject: Call w/GSA on New HQ (Direction from POTUS)
Location: [redacted]

Start: Thursday, January 25, 2018 8:30 AM
End: Thursday, January 25, 2018 9:30 AM
Show Time As: Tentatively accepted

Recurrence: (none)

Meeting Status: Not yet responsed

Organizer: [redacted]
Required Attendees: [redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Thursday, January 25, 2018 9:36 AM
To: [redacted]
Subject: RE: Call w/GSA on New HQ (Direction from POTUS)

No problem – you heard the important bits.

[redacted]

FBI HQ Consolidation

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, January 25, 2018 9:01 AM
To: [redacted]
Subject: RE: Call w/GSA on New HQ (Direction from POTUS)

We had to jump off the call for a 9am meeting.

[redacted]

-----Original Appointment-----
From: [redacted]
Sent: Thursday, January 25, 2018 8:14 AM
To: [redacted]
Subject: Call w/GSA on New HQ (Direction from POTUS)
When: Thursday, January 25, 2018 8:30 AM-9:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: [redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, January 29, 2018 2:01 PM
To: Grant, Douglas S. (FD) (FBI) [redacted]
Cc: [redacted]
Subject: WBJ Exclusive Article- Hoover Stays

Exclusive: GSA may keep FBI headquarters at current site

Daniel J. Sernovitz

A new FBI headquarters would be developed on the site of the agency's current home at 935 Pennsylvania Ave. NW.

A new plan for the FBI headquarters is emerging: The General Services Administration appears to be leaning toward keeping the agency at the site of the J. Edgar Hoover Building on Pennsylvania Avenue.

The GSA is said to have endorsed the current location, across the street from the Trump International Hotel, as its preferred alternative, two sources familiar with the agency's thinking said. Today is the deadline for the GSA to submit a detailed plan to the Senate's Committee on Environment and Public Works on how it expects to restart the search for a new headquarters. The agency scrapped the five-year long search started under the Obama administration last summer.

The GSA declined to comment but said a statement could be forthcoming.

The decision would be a huge blow to Prince George's and Fairfax counties, home of the three finalists for the new headquarters before the search was cancelled. And while it would keep FBI employees within the city limits, it would also end the city's hope to redevelop the high-profile block.

The Senate had asked the GSA to say how it will pay for the 2.1 million-square-foot requirement, whether it will lease the new facility, own it, or a hybrid of the two, and how it can ensure the project's completion. The federal government already owns the Hoover site, which houses a crumbling and widely derided 2.8 million-square-foot building completed in 1974.

It's unclear whether the GSA's recommendation would call for redevelopment of the aging Brutalist structure or substantial renovations, and where employees would be housed while the site is being redeveloped or substantially renovated. It's also not clear how the site could be reconfigured to contain the FBI's 11,000 headquarters staff, now spread over multiple locations across the region, and designed to meet federal building security requirements.

The notion was met with incredulity by several real estate sources I've spoken with, who say the prospect presents several major challenges, all of which led the federal government to reject the notion of renovating or redeveloping in favor of a new headquarters to be built elsewhere. A 2006 site study

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determined partially redeveloping part of the Hoover building, at a cost in 2006 dollars of between $850 million and $1.1 billion, or redeveloping the site at a cost of between $853 million to $1.4 billion.

The GSA had narrowed the number of possible sites to a short list of three, Greenbelt and Landover in Prince George's County and Springfield in Fairfax County, prior to its decision to cancel that effort. The move also delivers a blow to the District, which had hoped the real estate that has been home to the FBI's deteriorating headquarters replaced with something more aesthetically pleasing and enlivening for the Pennsylvania Avenue corridor.

Few observers expected the GSA would opt to keep the FBI at its current site, since it had rejected that option years ago.

Will send to everyone soon!

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b7C -1

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From:
To:
Subject: RE: Article

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b7C -1
b7E -1

Just an FYI – there are a lot of people on the 'to' line who are no longer associated with the program, no need to send out the articles to them.

Thanks,

FBI HQ
Consolidation

From:
Sent: Monday, January 29, 2018 2:16 PM
To Brown, Nancy S. (CJIS) (FBI)

b6 -1
b7C -1
b7E -1

Subject: Article

Hello all,

See below the exclusive article from WBJ: **GSA may keep FBI headquarters at current site.**

A new plan for the FBI headquarters is emerging: The General Services Administration appears to be leaning toward keeping the agency at the site of the J. Edgar Hoover Building on Pennsylvania Avenue.

The GSA is said to have endorsed the current location, across the street from the Trump International Hotel, as its preferred alternative, two sources familiar with the agency's thinking said. Today is the deadline for the GSA to submit a detailed plan to the Senate's Committee on Environment and Public Works on how it expects to restart the search for

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a new headquarters. The agency scrapped the five-year long search started under the Obama administration last summer.

The GSA declined to comment but said a statement could be forthcoming.

Year in Review 2017: FBI headquarters search nixed
GSA directed to address how it will finance new FBI headquarters

The decision would be a huge blow to Prince George's and Fairfax counties, home of the three finalists for the new headquarters before the search was cancelled. And while it would keep FBI employees within the city limits, it would also end the city's hope to redevelop the high-profile block.

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Few observers expected the GSA would opt to keep the FBI at its current site, since it had rejected that option years ago.

Have a great Monday,

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b7E -1

Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Suite 8368
Washington, DC 20535

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

February 26, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030015TH STREET NW,
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
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☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

249 pages were reviewed and 1 page is being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of nonexempt portions of Bates-stamped documents, 18-cv-2422(FBI)-4202 through 18-cv-2422(FBI)-4450. The enclosed documents represent the 11th interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

Please be advised that the Record/Information Dissemination Section (RIDS) is operating at reduced staffing levels amidst the ongoing COVID-19 national emergency. The enclosed FOIPA release represents a work product that could be generated for you under these unprecedented circumstances. We appreciate your patience and understanding as we work to release as much information, to as many requesters as possible, as this emergency continues.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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AMERICAN OVERSIGHT

From:
To: [redacted]
Subject: FW: Slide Deck - Alt Version
Attachments: EPW Presentation_20180206_v1.pdf

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We are not winning.

From: [redacted]
Sent: Wednesday, February 07, 2018 8:11 AM
To: Haley, Richard L. (FD) (FBI) [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
Cc [redacted]
Subject: Slide Deck - Alt Version

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Update: The version attached is the latest attempt to clear OMB. Please note that we are still holding the version from last Friday intact as an alternate per [redacted] guidance.

[redacted]

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

March 31, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030015TH STREET NW,
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

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266 pages were reviewed and 13 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agencies [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of nonexempt portions of Bates-stamped documents, 18-cv-2422(FBI)-4451 through 18-cv-2422(FBI)-4716. The enclosed documents represent the 12th interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

Please be advised that the Record/Information Dissemination Section (RIDS) is operating at reduced staffing levels amidst the ongoing COVID-19 national emergency. The enclosed FOIPA release represents a work product that could be generated for you under these unprecedented circumstances. We appreciate your patience and understanding as we work to release as much information, to as many requesters as possible, as this emergency continues.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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FOI/PA
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From: [redacted]
Sent: Monday, February 12, 2018 4:03 PM
To: [redacted]
Subject: RE: More FBI HQ Consolidation News Articles

And a few more articles:

GSA picks Hoover site for new FBI headquarters - the WBJ got a copy of the GSA report and included a breakdown of the costs:
https://www.bizjournals.com/washington/news/2018/02/12/gsa-backs-hoover-site-as-choice-for-a-new-fbi-hq.html?ana=e_ae_set1&s=article_du&ed=2018-02-12&u=CWitytehpYUKRxf%2BdgPpQ0598204c&t=1518468736&i=79960921

Justice Dept. seeks $2.175 billion for new FBI headquarters in 2018:
https://www.reuters.com/article/us-usa-budget-fbi/justice-dept-seeks-2-175-billion-for-new-fbi-headquarters-in-2018-idUSKBN1FW2A2

Trump administration recommends new FBI headquarters in downtown DC:
http://thehill.com/homenews/administration/373477-trump-administration-recommends-new-fbi-headquarters-in-downtown-dc

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From: [redacted] b6 -1 b7C -1
Sent: Monday, February 12, 2018 3:49 PM
To: [redacted] b7E -1
Subject: More FBI HQ Consolidation News Articles

Here are some more FBI HQ articles in case you're interested:

Lawmakers pan proposal to keep FBI headquarters in D.C.:
https://www.bizjournals.com/washington/news/2018/02/12/md-lawmakers-criticize-plan-to-keep-fbi-hq-in-dc.html

In abrupt shift, federal government proposes keeping FBI downtown:
https://www.washingtonpost.com/news/business/wp/2018/02/12/in-abrupt-shift-federal-government-proposes-keeping-fbi-downtown/?utm_term=.68708f11e579

Trump administration proposes keeping FBI headquarters in Washington:
http://www.baltimoresun.com/news/maryland/politics/bs-md-trump-fbi-gsa-20180212-story.html

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From: [redacted]
Sent: Tuesday, February 13, 2018 4:11 PM
To: [redacted]
Cc: [redacted]
Subject: WBJ Article

Good Afternoon,

Here's an FBI HQ article from the Washington Business Journal:
Officials from Prince George's County will continue to push the federal government to bring the FBI to their suburban Maryland jurisdiction, even after the federal government's surprise recommendation to build the agency a new home on the site of its current downtown D.C. headquarters.

David Iannucci, a top economic development official for Prince George's, said there's still a significant gap between the amount of space the federal government occupies in Prince George's and what it has in neighboring jurisdictions. While there's no indication the General Services Administration deliberately slighted the county with Monday's FBI announcement, Iannucci said moving the agency and its nearly 11,000 headquarters staff to Prince George's would have gone a long way to bridging the gap.

"It is a significant and painful lost opportunity for the GSA to address what remains an unequal and unjustifiable failure to address leasing disparities that have occurred over generations," Iannucci said. "It's not going to stop, we're going to continue to press the issue."

The GSA, the federal government's main civilian real estate arm, submitted a report to a Senate committee recommending the J. Edgar Hoover Building on Pennsylvania Avenue be torn down and replaced with a new one. The project, expected to cost about $3.3 billion, reverses course for the GSA after canceling a larger search in July that would have shifted the FBI to one of three prospective locations, two of which were in Prince George's. The third location was in Springfield. The report came two weeks after the Washington Business Journal reported exclusively that the GSA was leaning toward keeping the FBI in D.C.

The GSA report outlines the numbers behind the recommendation, highlighting that it would cost more to build a new FBI headquarters elsewhere than to demolish the deteriorating Hoover Building and construct a new one on the same site. But several experts and other interested parties, including members of Maryland's congressional delegation, have raised questions about the calculus the GSA used to arrive at that conclusion.

Representatives for the GSA and FBI are slated to appear at a Senate committee hearing later this month to discuss their recommendation.

A representative for Maryland Republican Gov. Larry Hogan noted the GSA's new position is one that was made solely by the federal government but stopped short of calling it a disappointment.

"Maryland clearly had the best two sites for this potential relocation and the Hogan administration will continue to market them to the federal government and any business or organization interested in doing business in Maryland," a Hogan spokesperson said in an email.

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The revised plan depends on many variables, including whether Congress will agree to support and fund the project. Iannucci said the county plans to enlist its congressional delegation to probe the new recommendation and, potentially, convince the GSA to reconsider. But, even if that does happen and the project comes to pass, Iannucci said the county will continue to advocate for an increased federal presence.

The county estimates about 75,000 county residents hold federal jobs, compared to a smaller pool of just 27,000 federal jobs based within Prince George's. Prince George's is home to just 4 percent of all GSA leases in the D.C. region, representing about 2.1 million square feet, according to GSA stats. Montgomery County hosts 15 percent, Arlington has 16 percent and the District 45 percent.

In a statement, Rep. Steny Hoyer, D-Maryland, said he remains concerned about the disparity of government-leased office space among Greater Washington's jurisdictions even after the CIS decision last year and that it is an issue he is committed to addressing. He has additional concerns about the GSA proposal.

"However, [Monday's] report from the Trump Administration to keep the headquarters of the FBI at the current site on Pennsylvania Avenue has national security implications," Hoyer said in a statement. "The Administration has yet to demonstrate how they will meet the serious security requirements needed by the FBI to fulfill its duty of protecting our nation while consolidating all headquarters employees into one facility in downtown D.C."

The county scored a big win last year when the GSA picked a site near the Branch Avenue Metro for a large lease for the U.S. Citizenship and Immigration Services, and Iannucci believes the two sites that were in FBI contention remain strong candidates for other federal agencies, private employers or other mixed-use projects. The county included the Greenbelt site in its bid for Amazon.com Inc.'s second headquarters, though Montgomery County was the only Maryland jurisdiction to make the company's short list of prospects.

Iannucci said the team pitching the Greenbelt site for the FBI made significant strides to entitle it for future development, and he praised Garth Beall and Renard Development Co. LLC for their efforts with that. An affiliate of Renard previously struck a joint development agreement with Metro for the part of the Greenbelt site that would have been set aside for the FBI, and Beall said he is not counting the prospect out yet. He said he has several questions about the GSA's current recommendation, including how it will convince Congress to fund the new headquarters and how the federal government will design it to meet federal security setbacks and other conditions.

V/R,

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From: [redacted]
Sent: Wednesday, February 14, 2018 8:44 AM
To: [redacted]
Cc: [redacted]
Subject: FBI HQ Article with Lawmaker Comments

Good morning,

Here is a Miami Herald article with some more comments from lawmakers about the decision to keep the FBI on Pennsylvania Ave.

Proposal to keep FBI headquarters in DC meets resistance
By JULIA KARRON and JAROD GOLUB

Capital News Service

Maryland lawmakers on Tuesday slammed the General Services Administration's proposal to build a new FBI headquarters in downtown Washington instead of Prince George's County, saying it was a waste of taxpayers time and money.

Attempts to find a new location were scrapped last year in response to a Senate Committee on Environment and Public Works hearing in August. Instead, in a report to the panel, the GSA suggested demolishing the J. Edgar Hoover Building, which has been the home of the FBI since 1974, and rebuilding on the same site.

President Donald Trump supported creating a new home for the FBI in the district, setting aside funds in the proposed infrastructure plan in his administration's proposed fiscal 2019 budget.

"The concept of a consolidated FBI that would house 11,000 employees was well thought out and supported by both the Bush and Obama administrations," Prince George's County Executive Rushern Baker, III said in a statement. "Not only have resources and money been wasted, but more importantly, we are no closer to providing the American people the increased security and safety they desperately need from a consolidated and high security campus."

"For Prince George's County, it would have been a major boost for the local economy having that type of synergy from the FBI's location in the county," Sen. Ben Cardin, D-Maryland, said.

Maryland Gov. Larry Hogan, attending a conference in Washington, told Capital News Service "I was disappointed" with the FBI decision but answered no other questions.

In Trump's plan, $2.2 billion would be allocated to the headquarters, in addition to $523 million appropriated by Congress for a new building in 2017.

The total cost of demolishing and rebuilding at the same site is estimated at $3.3 billion, according to the consolidation plan.

The FBI building funding is part of a $199 billion infrastructure plan containing projects that span the next 10 years.

"Time and time again, Congress was told that the FBI needed a new, fully consolidated headquarters in order to complete its vital national security mission," House Minority Whip Rep. Steny Hoyer, D-Mechanicsville, said in a

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statement. "It was made clear that building a new headquarters at the Pennsylvania Avenue location would not achieve that objective and be exceedingly costly for taxpayers."

Instead of consolidating the workers in Springfield, Virginia, or Greenbelt or Landover, Maryland, the FBI's headquarters in the district would displace some employees to states as far away as Alabama, Idaho and West Virginia, according to the GSA's report.

Sen. Chris Van Hollen, D-Maryland, said Monday that approximately 20 percent of the workers would be sent to locations around the country.

"We're going to be fighting this decision," Van Hollen told Capital News Service on Tuesday. "They have reneged on the commitment to consolidate the FBI on a different campus in a more secure location."

A Trump tweet Tuesday defended his infrastructure plan, claiming it had "received great reviews by everyone except, of course, the Democrats."

"The president's budget doesn't add up," said Cardin. "We have a budget that is not balanced either in its revenues or in its priorities for the American people."

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[redacted]

From: [redacted]
Sent: Wednesday, February 14, 2018 5:52 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Staffer Questions - Murder Board

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b6 -1
b7C -1
b7E -1

Hey guys

I created a spreadsheet with [redacted] question in google and already populated answers for most of the question. Will finish the rest tomorrow. Please revise/edit as you see fit. Thanks.

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, February 14, 2018 4:12 PM
To: [redacted]
Cc: [redacted]
Subject: Staffer Questions - Murder Board

b5 -1
b6 -1
b7C -1
b7E -1

[redacted] in place of trying to develop TPs comprised of comments/bullets you already know..(btw I've included a draft of where I was with that effort)... suggest we as a team collaborate on a **plethora of questions** that if we were staffers we'd likely ask:

[redacted] – my top 20... please add and keep a rolling email list...

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, February 15, 2018 4:03 PM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI); [redacted]
Subject: WBJ Article on GSA Hearing

Good Afternoon,

Here's a Washington Business Journal article on the GSA hearing today that mostly focused on the decision to keep the FBI HQ at its current site.

GSA sheds some light on FBI reversal in testy House hearing
By Daniel J. Sernovitz - Feb 15, 2018

House lawmakers on both sides of the aisle pushed back Thursday morning against the federal government's surprise recommendation to abandon a years-long effort to shift the FBI's headquarters from downtown D.C. in favor of building a new home for the agency on the site of its current one.

In a sometimes heated subcommittee hearing, Reps. Mark Meadows, R-N.C., and Gerald Connolly, D-Va., promised to press the General Services Administration to disclose documents and a fuller explanation for how it concluded the best option was to build anew on the Pennsylvania Avenue NW site of the J. Edgar Hoover Building. The recommendation, in a report to a Senate committee on Monday, followed the GSA's decision in July to cancel a search that would have shifted all of the agency's headquarters staff to a site in either Greenbelt, Landover or Springfield.

"I will not let this rest as it relates to the FBI building and the decisions that were made there," Meadows, chair of the House Oversight and Government Reform's government operations subcommittee, said at the close of Thursday's hearing. "This is a bipartisan issue, and I can tell you that before you proceed ahead, this committee wants to know all the decisions that went into the new decision that has been announced. I don't agree with it. I can be convinced, but at this particular point, based on the information in this hearing, I am not convinced."

The subcommittee scheduled the hearing for an update on GSA activities, its first since Emily Murphy and Dan Mathews were installed as the agency's administrator and public buildings service commissioner, before Monday's announcement. It had hoped to probe a number of issues that were put on the back burner to focus more intensely on the FBI headquarters, which drew concerns from lawmakers representing D.C., Maryland and Virginia, among other members of the subcommittee.

GSA officials declined to comment immediately following the hearing. In an emailed statement later in the day, Murphy said the agency holds to its recommendation but will work to provide more information to lawmakers as is requested.

"GSA takes the opinions of our oversight committees seriously and we look forward to providing them with the information that they need related to the joint report," Murphy said in her response.

In his first public remarks since Monday, Mathews explained during the hearing that the GSA came to its new recommendation after the agency cancelled the prior search in July. Mathews, who previously served as a senior staffer to another House committee overseeing the GSA, said his agency cancelled that search because it did not have sufficient appropriations to award a contract for the multibillion-dollar effort, which had been expected to cost nearly $3.6 billion.

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The FBI then adjusted its requirements, recommending that it would only need room for about 8,300 headquarters staff, not 10,600, in a new facility. That adjustment lowered the GSA's cost estimate to around $3.3 billion and also opened up more options. He said the Pennsylvania Avenue site would not have been able to accommodate the larger number of workers but can be redeveloped to house the smaller number. The balance would be shifted to other FBI facilities across the country.

"There was a distinct advantage to the current site when you have a smaller footprint," Mathews said. The FBI's headquarters staff is now spread over more than a dozen locations across Greater Washington, and Mathews said keeping the agency's main hub in downtown D.C. would mean those employees would continue to have access to the same level of resources they have long enjoyed with the Hoover building.

The explanation did not go over well with subcommittee members including Connolly, the ranking member, who said the logic did not hold up to reasoning and raised other questions. Among them is whether the decision benefits President Donald Trump's financial interest in the Trump International Hotel located across the street from Hoover by ensuring the FBI site is not redeveloped with a competing hotel. The bigger issue, Connolly said, is how the GSA concluded the need for a consolidated campus with all of its headquarters in one spot is no longer a top priority.

"All I can say, Mr. Mathews, is I just do not feel your answers hold up," Connolly said. "I think they contradict, as I said, six years of laying the groundwork for a different rationale for where it ought to be located, the value of consolidation, the danger of lack of consolidation, and the legitimate physical security concerns. And the rationales coming out of the GSA do not add up."

Connolly said it may be necessary for the GSA's inspector general to look more closely into the recommendation and added that the episode "is not a good moment for the GSA, and what I really worry about, besides process, is the mission of the FBI and, frankly, how it can be impeded by this decision."

V/R,

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, February 19, 2018 12:26 PM
To: [redacted]
Subject: Fwd: Staffer Questions - Murder Board
Attachments: Talking Points for Hill Briefings_v1.docx

-------- Original message --------
From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Date: 2/14/18 4:12 PM (GMT-05:00)
To [redacted]
Cc [redacted]
Subject: Staffer Questions - Murder Board

[redacted] in place of trying to develop TPs comprised of comments/bullets you already know..(btw I've included a draft of where I was with that effort)... suggest we as a team collaborate on a **plethora of questions** that if we were staffers we'd likely ask:

[redacted] - my top 20... please add and keep a rolling email list...

[redacted]

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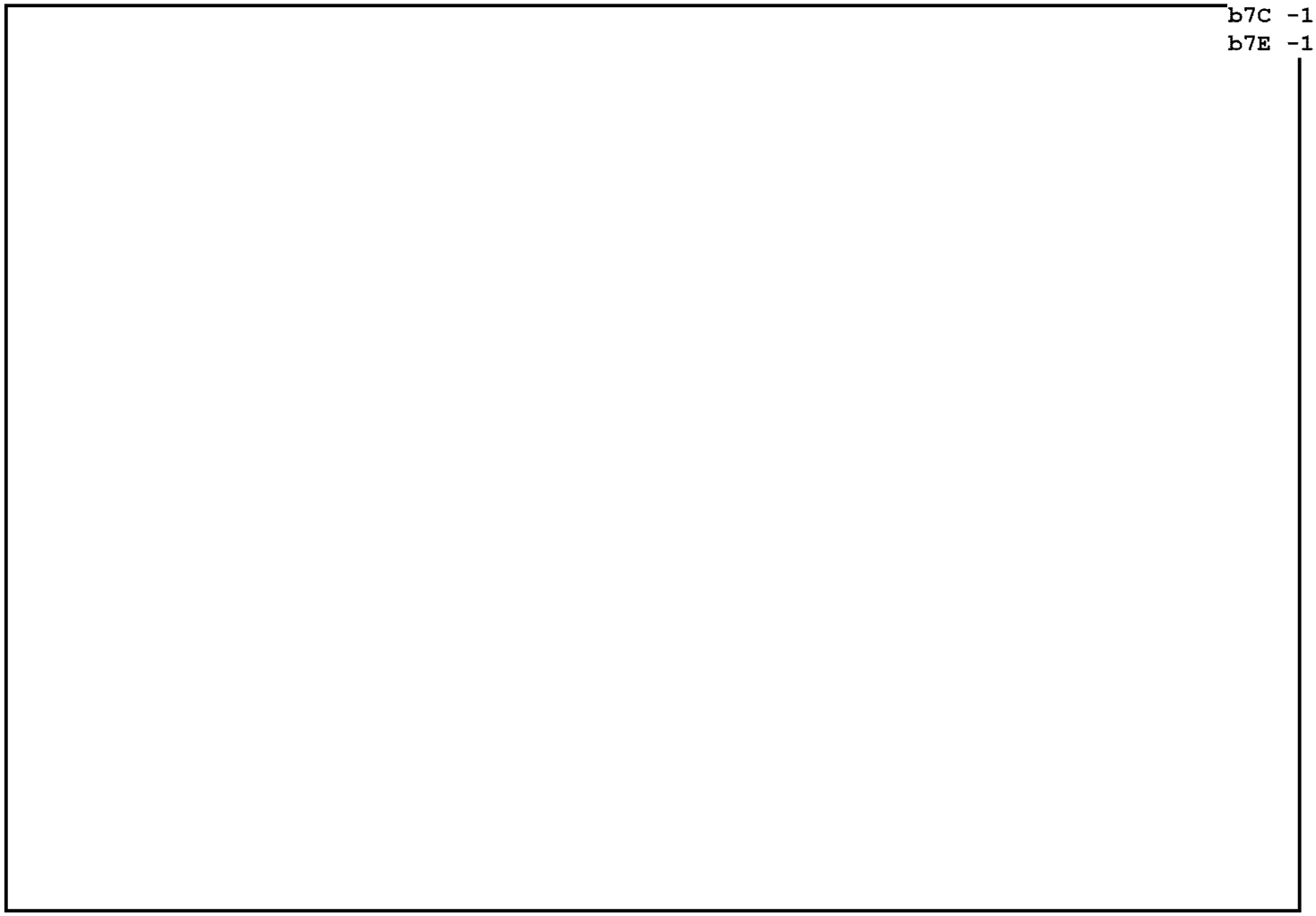

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[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, February 20, 2018 8:07 AM
To: [redacted]
Subject: GSA Murder Board - FD Front office

[redacted] - Change of plans, PMO conference room is booked, we are calling [redacted] about reserving the skybox

[redacted]

FBI HQ
Consolidation

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, February 20, 2018 8:02 AM
To [redacted] Haley, Richard L. (FD) (FBI [redacted]
Cc [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
Subject: RE: GSA Murder Board

[redacted] and I talked to Rich and that time slot works. Just let us know the call-in number.

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, February 20, 2018 7:42 AM
To: Haley, Richard L. (FD) (FBI) [redacted]
Cc [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
Subject: GSA Murder Board

Hey Rich,

[redacted] is only free from 11-12 today and wanted to see if you would be able to sneak out of your off-site at 11 for a call? If not, they can try to rearrange some things but would prefer the 11-12 option. Let me know what you think.

[redacted]

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From:

To: Haley, Richard L. (FD) (FBI)

Cc: Grant, Douglas S. (FD) (FBI); [redacted] b6 -1 b7C -1

Subject: Documents for tomorrow's Staff Briefing

Attachments: HQ Briefings_QA_2.22.2018.xlsx; Overview of USF RSF GSF For Current Program 021418.xlsx; FBI HQ Hill Briefing Roadmap 2-20-18.docx

Rich,

Documents attached for tomorrow's prep for the EPW staff briefing. We will be by in the morning to discuss.

[redacted]

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

April 30, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
10300 15TH STREET, NW.
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☑ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
50 U.S.C., § 3024 (i)(1)	☐ (b)(7)(D)	☐ (k)(2)
	☑ (b)(7)(E)	☐ (k)(3)
	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

303 pages were reviewed and 23 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of nonexempt portions of Bates-stamped documents, 18-cv-2422(FBI)-4717 through 18-cv-2422(FBI)-5019. The enclosed documents represent the 13th interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

Please be advised that the Record/Information Dissemination Section (RIDS) was operating at reduced staffing levels amidst the ongoing COVID-19 national emergency. The enclosed FOIPA release represents a work product that could be generated for you under these unprecedented circumstances. We appreciate your patience and understanding as we work to release as much information, to as many requesters as possible, as this emergency continues.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Civil Action# 18-cv-02422

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X For this Page X
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AMERICAN OVERSIGHT

From:

To: Grant, Douglas S. (FD) (FBI); [redacted] b6 -1 b7C -1
Haley, Richard L. (FD) (FBI)

Cc: [redacted] (OGC) (FBI)

Subject: Rep. Connolly Letter to GSA IG

Attachments: gec_letter_to_gsa_ig_on_fbi_hq.pdf

FYI… letter from Connolly to GSA IG regarding FBI HQ decision.

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, February 28, 2018 1:23 PM
To: [redacted]
Subject: Rep. Connolly Letter to GSA IG
Attachments: gec_letter_to_gsa_ig_on_fbi_hq.pdf

FYI...

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, March 1, 2018 8:03 AM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI) [redacted]
Subject: FBI HQ Consolidation Articles

Team,

Here's a list of all the articles that have been published on the FBI HQ project in the last 24 hours (since the EPW hearing). I've included the full text of the WBJ article in addition to the link, in case you've reached your monthly WBJ article limit.

Connolly Requests IG Investigation into GSA FBI Headquarters Decision
https://connolly.house.gov/news/documentsingle.aspx?DocumentID=1283

Officials mum on whether President Trump was involved in nixing FBI headquarters project
http://www.baltimoresun.com/news/maryland/politics/bs-md-fbi-trump-20180228-story.html

Connolly asks GSA IG to investigate FBI headquarters decision
https://federalnewsradio.com/facilities-construction/2018/02/connolly-asks-gsa-ig-to-investigate-fbi-headquarters-decision/

Connolly wants probe of FBI HQ decision
https://fairfaxnews.com/2018/02/connolly-wants-probe-fbi-hq-decision/

GSA Won't Say Whether Trump Intervened in FBI HQ Decision In Heated Senate Hearing
https://www.bisnow.com/washington-dc/news/office/senators-hammer-gsa-in-hearing-on-fbi-hq-decision-85590

Senators Rebuke GSA, FBI Over Handling of FBI Headquarters
https://www.rollcall.com/news/politics/senators-rebuke-gsa-fbi-handling-fbi-headquarters

Senators call for more disclosure on costs backing new FBI headquarters plan
https://www.bizjournals.com/washington/news/2018/02/28/senators-seek-more-details-on-fbi-hq-plan.html

Senate lawmakers say the federal government needs to come up with a stronger justification for building a new FBI headquarters on the site of the agency's J. Edgar Hoover Building in downtown D.C. before they'll consider signing off on the proposal.

Representatives for the FBI and General Services Administration told the Senate's Committee on Environment and Public Works Wednesday morning the new plan is the best option going forward despite having previously rejected the notion in favor of moving the nation's chief law enforcement agency to a new campus in suburban Maryland or Northern Virginia.

But the plan's $3.3 billion price tag omits key figures that could significantly inflate that estimate, including how much it will cost the government to rent highly secure space for the FBI temporarily at an off-site location while the Hoover Building at 935 Pennsylvania Ave. NW is

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demolished and a new facility is built. Those costs could add up to as much as $1.2 billion, according to one estimate provided to Maryland's Congressional delegation, exceeding a previous estimate of $3.6 billion to build the FBI a new headquarters campus in either Greenbelt, Landover or Springfield.

"This is a textbook example of how the federal government should not operate over a period of time," Sen. Chris Van Hollen, D.-Md., said during opening remarks Wednesday. "It is an example that people will use for decades to come about how the federal government misled people from start to finish, failed to provide information to Congress when requested, and constantly changed its assessment of what was required for the FBI."

The GSA announced its new plan in a report to the EPW committee earlier this month. Many lawmakers and economic development officials say they were caught off guard by the decision, which reversed years of study and millions of dollars spent exploring moving the FBI out of the District. Richard Haley II, assistant director for the FBI's finance division, told the committee the new decision was the product of careful re-examination of program requirements.

"This recommendation has not been provided lightly," Haley said. "It is the culmination of a number of factors, and we are aware of the potential frustrations based on that decade-plus of moving this forward have had with a number of individuals, including [Maryland Democratic] Sen. Cardin and Sen. Van Hollen."

That analysis, Haley said, led to the determination the FBI should shift about 2,300 headquarters staff to offices in other parts of the country. The smaller D.C.-area footprint of about 8,300 people opened up more options, including remaining on Pennsylvania Avenue. That site was preferable for a number of reasons, including the ability to remain a front-facing agency with close access to members of Congress and other key decision-makers in the District.

Haley said the prospect of displacing the more than 5,000 employees who now work at Hoover will almost certainly be disruptive, and the notion is something that concerns GSA and FBI officials. At the same time, he said, the FBI is talking a longer-term view and that a short-term disruption is something that would be outweighed with a new headquarters building on the site.

"To be honest with you, that's the hardest piece of this whole thing, is how do you maintain that mission tempo in that period of time, and I will not tell you that it's not going to be hard," Haley said. "What we believe, though, in the longer picture, is that if we can do that right, put the pencils to paper and noodle that correctly, we will get a longer-term, better option for the FBI at this point."

Dan Mathews, commissioner for the GSA's Public Building's Service, said the FBI's revised program requirements enabled it and the GSA to examine a wider number of prospects than it could have when the plan was to to shift all 10,600 headquarters staff to a single location. The Hoover site had a number of advantages, Mathews said, including that it's property the federal government already owns and has sufficient infrastructure in place. Building on a suburban location would require the government to spend more money and time on site preparation and acquisition costs.

The FBI and the GSA forecast a roughly five-year window for the project, but several lawmakers questioned if it is a realistic time frame. It depends on a number of factors, including Congressional appropriations to fund the project, and that's not guaranteed at this point.

"Don't you recognize the FBI's mission, if we start down this path, it'll be another 12 years and your mission's going to be compromised during that time?" Cardin asked.

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"We definitely don't want another 12 years, the status quo is not acceptable," Haley said.

Committee Chairman Barrasso, R-Wyo., said that delay is a big part of the problem and source of contention between the federal agencies and Senate lawmakers. Barrasso, whose committee extracted promises from the FBI and the GSA to come up with a new plan after canceling the last one, said the onus is now on those two agencies to come up with a plan that has a viable path forward.

"The men and women of the FBI, who work around the clock to keep America safe, require a modern and functioning office building that meets their needs," Barrasso said in opening remarks. "It is past time for the GSA to implement a workable plan, one that can hold up to committee scrutiny, and deliver the long overdue replacement for the aging Hoover Building."

Committee members raised other concerns about the project, including whether the federal government can incorporate the same level of security buffers as one built at an alternate site on more acreage. Haley acknowledged site constraints would drop those security setbacks from around 300 feet in a suburban location to around 75 feet on Pennsylvania Ave. At the same time, he said, that's not to say the federal government cannot come up with adequate security protections downtown.

Sens. Cardin and Van Hollen also pressed Mathews and Haley on the question of influence from the Trump administration. The Hoover Building sits across Pennsylvania Avenue from the Trump International Hotel, and some have speculated about the financial benefit to President Donald Trump by eliminating the prospect of a new hotel on the site if the FBI moved and it was offered to private developers. Under repeated questioning from Van Hollen, neither Mathews nor Haley would say whether they were aware of any conversations between the White House and the GSA or the FBI about the prospect of keeping the FBI's headquarters at its current site.

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Thursday, March 8, 2018 4:02 PM
To: [redacted]
Subject: RE: Questions for the Record
Attachments: PBS QFRs - GSA OGR Oversight Hearing (02.15.2018)_draft edits.docx

Sorry for the delay! Attached is [redacted] and my edits. Let us know what you think.

[redacted]

[redacted]

-----Original Message-----
From [redacted]
Sent: Thursday, March 08, 2018 8:52 AM
To: [redacted]
Subject: RE: Questions for the Record

b6 -1
b7C -1
b7E -1

If you could give a quick review of the GSA QFR's today that would be great - GSA is asking for our edits.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Wednesday, March 07, 2018 3:34 PM
To: [redacted]
[redacted]
Subject: RE: Questions for the Record

b6 -1
b7C -1
b7E -1

Revised version with [redacted] edits.

[redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

-----Original Message-----
From: [redacted]
Sent: Wednesday, March 07, 2018 2:23 PM
To: [redacted]
[redacted]
Subject: Questions for the Record

Hi guys,

Attached are OMB's edits to Questions for the Record resulting from Rich's EPW hearing last August. I modified OMB/GSA's edits slightly. Take a look at made any edits you think are necessary.

[redacted]

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, March 14, 2018 12:29 PM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI) [redacted]
Subject: FBI HQ Consolidation WBJ Article

Team,

Here's a Washington Business Journal article about the FBI HQ project that was published a few minutes ago:

https://www.bizjournals.com/washington/news/2018/03/14/gsa-inspector-general-to-review-fbi-hq-decision.html?ana=e_wash_brk&s=newsletter&ed=2018-03-14&u=CWitytehpYLIKRxf%2BdgPpQ0598204c&t=1521044254&j=80494931

GSA inspector general to review FBI HQ decision
By Drew Hansen
March 14, 2018

The General Services Administration's inspector general will review the federal agency's recent decision to build a new FBI headquarters on the footprint of the J. Edgar Hoover Building, its current home, as opposed to other sites in the region that were long under consideration.

The review comes a couple weeks after U.S. Rep. Gerry Connolly, D-Va., requested an investigation into the process.

The review will include a look into whether the GSA's plan "properly accounts for" the costs and security requirements of the project, Inspector General Carol Ochoa wrote in a letter to Connolly.

Connolly specifically requested a review of the information the GSA used to make its decision and whether that information was compared to other locations under consideration — two sites in Prince George's County and one in Fairfax County. Connolly, a ranking member of the House Oversight and Government Reform's government operations subcommittee, also requested the review look into whether the GSA accounted for the full costs of the project and how much influence outside sources — including the FBI, Justice Department, White House, private entities, and state and local officials — might have had on the process.

"It was deeply troubling that at our Oversight and Government Committee hearing GSA leaders were unable or unwilling to answer very basic questions about the abrupt change in scope, security requirements, and costs of this project," Connolly said in a statement. "The public deserves answers, and I am hopeful the Inspector General will get to the bottom of this."

Lawmakers from both sides of the aisle pushed back on the surprise recommendation from the GSA at a February hearing. The agency has said it will hold to its Hoover Building decision but will provide information to lawmakers as requested.

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Earlier this month, Senate lawmakers said the federal government needs to come up with a stronger justification for building a new headquarters on the downtown D.C. site of Hoover Building before they sign off.

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[redacted]

b6 -1
b7C -1
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From: [redacted]
Sent: Thursday, March 15, 2018 8:28 PM
To: [redacted]
Subject: Fwd: Google Alert - FBI HQ Consolidation

[redacted]

Sent from my iPhone

Begin forwarded message:

From: Google Alerts <googlealerts-noreply@google.com>
Date: March 15, 2018 at 8:20:18 PM EDT
To [redacted]
Subject: Google Alert - FBI HQ Consolidation

FBI HQ Consolidation

As-it-happens update · March 16, 2018

NEWS

GSA IG to Investigate Revised FBI HQ Consolidation Plan

ExecutiveGov

The General Services Administration's inspector general will review GSA's decision to change its plans for the **consolidation** of the **FBI**'s **headquarters**. GSA IG Carol Ochoa wrote Tuesday in a letter to Rep. Gerald Connolly (D-Virginia) that her **office** will look into GSA's decision-making process for the ...

Flag as irrelevant

GSA's IG to investigate Trump administration's sudden change in FBI headquarters plans

FederalNewsRadio.com

The General Services Administration's inspector general will investigate the Trump administration's sudden reversal on plans for a new FBI headquarters building. "My office will review GSA's decision-making process for the revised **FBI Headquarters Consolidation** project," GSA Inspector General Carol ...

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[redacted]

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From: [redacted]
Sent: Friday, March 16, 2018 9:50 AM
To: [redacted]
Subject: Fwd: Google Alert - FBI Headquarters project

---------- Forwarded message ----------
From [redacted]
Date: Fri, Mar 16, 2018 at 9:49 AM
Subject: Fwd: Google Alert - FBI Headquarters project
To: "Haley, Richard L [redacted]

couple articles

---------- Forwarded message ----------
From: **Google Alerts** <googlealerts-noreply@google.com>
Date: Fri, Mar 16, 2018 at 8:09 AM
Subject: Google Alert - FBI Headquarters project
To: [redacted]

FBI Headquarters project

Daily update · March 16, 2018

NEWS

GSA's IG to investigate Trump administration's sudden change in FBI headquarters plans

FederalNewsRadio.com

The General Services Administration's inspector general will investigate the Trump administration's sudden reversal on plans for a new **FBI headquarters** building. "My office will review GSA's decision-making process for the revised **FBI Headquarters** Consolidation **project**," GSA Inspector General Carol ...

GSA inspector general to review FBI HQ decision - Washington Business Journal
Full Coverage

Flag as irrelevant

GSA Inspector General Launches Investigation Of FBI HQ Decision

Bisnow

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The General Services Administration's Inspector General will review the agency's controversial decision to keep the **FBI headquarters** at the J. ... were unable or unwilling to answer very basic questions about the abrupt change in scope, security requirements, and costs of this **project**," Connolly said in a ...

GSA IG to investigate Revised FBI HQ Consolidation Plan - ExecutiveGov
Full Coverage

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Prince George's developer to seek other users for what could have been the FBI's Greenbelt home

Washington Business Journal

The site, located just off the Capital Beltway's Greenbelt exit, had been on the short list for a new **FBI headquarters** before the General Services Administration scrapped that search in favor ... "Certainly if it comes back around, I'll continue to watch it, but the **project** is ready to go for something.".

Flag as irrelevant

WEB

Connolly Announces Inspector General to Review FBI Headquarters Decision

Gerry Connolly

In a letter to Connolly, Inspector General Ochoa wrote, "My office will review GSA's decision making process for the revised **FBI Headquarters** Consolidation **project**. The scope of our review will include whether the revised plan properly accounts for the full costs and security requirements of the **project**.".

Flag as irrelevant

GSA's IG to investigate Trump administration's sudden change in FBI headquarters plans

Gerry Connolly

Jory Heckman The General Services Administration's inspector general will investigate the Trump administration's sudden reversal on plans for a new **FBI headquarters** building. "My office will review GSA's decision-making process for the revised **FBI Headquarters** Consolidation **project**," GSA Inspector ...

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[redacted]

From: [redacted]
Sent: Monday, March 19, 2018 3:05 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1

Thank you. The Omni has my guy "distracted"; will engage when that is done.

[redacted]

From: [redacted]
Sent: Monday, March 19, 2018 1:31 PM
To: [redacted]
Cc: [redacted]
Subject: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

[redacted] – follow up from our conversation last week; please reference the following attachments:

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks
[redacted]

b6 -1
b7C -1

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[redacted]

From: [redacted]
Sent: Thursday, March 22, 2018 4:13 PM
To: [redacted] b6 -1,2 b7C -1
Cc: [redacted]
Subject: RE: EPW Report

You will see from her bio that she came from [redacted] so if you have some relationships their; you might get her "story".

She is personally aware of what the impacts are if "piece meal" funding of a HQ; but having said that; she is still a buerucrat. She is said to be one of 3 people [redacted] trusts..

[redacted]

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 3:26 PM
To [redacted]
Cc: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

Not a name I've heard being involved.

[redacted] b6 -1,2 b7C -1 b7E -1

From: [redacted]
Sent: Thursday, March 22, 2018 3:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

Any Team Zombie engagement that either of you are aware of with [redacted] She is the [redacted]. I know her a bit.

[redacted]

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From: [redacted]
Sent: Thursday, March 22, 2018 2:33 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

That would appear to be a "no" to project Zombie…

I got an answer from OMB that I didn't like (more the person they wanted us to work with); working on next option…

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Thursday, March 22, 2018 2:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

***** EXTERNAL EMAIL *****

https://www.bizjournals.com/washington/news/2018/03/22/house-omnibus-presents-fresh-challenge-for-fbi-hq.html?ana=e_wash_brk&s=newsletter&ed=2018-03-22&u=CWitytehpYUKRxf%2BdgPpQ0598204c&t=1521735454&i=80634291

House omnibus presents fresh challenge for GSA's new FBI headquarters plan

By Daniel J. Sernovitz
March 22, 2018

House lawmakers have moved to block any funding for the FBI's new headquarters until the federal government's real estate arm provides more information on why it reversed course from a previous plan to move the agency to suburban Maryland or Northern Virginia.

Language included in the federal omnibus at the request of Maryland Democratic Rep. Steny Hoyer and the Maryland Congressional delegation withholds appropriations for the $3.3 billion project, which calls for building a consolidated FBI headquarters on the site of the agency's current one in downtown D.C.

Specifically, that section of the legislation said the act does not include funding "… because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity."

If approved, that would mean the next opportunity to fund the project would be in fiscal 2019.

In July, the FBI and the General Services Administration canceled a solicitation that would have consolidated the headquarters operations for the nation's chief law enforcement agency from multiple locations to a single campus in either Greenbelt, Landover or Springfield. Then, in February, the two agencies submitted new plans to demolish the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW and build a consolidated headquarters on that site instead. Lawmakers

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in the House and Senate have questioned key parts of the proposal, and the GSA's inspector general has also launched a review of the project's costs and revised security requirements. Hoyer and the Maryland delegation sought to withhold funding because they still do not know why the GSA and FBI abruptly canceled the last solicitation after a decade and $20 million spent analyzing the prospect in favor of keeping the FBI in downtown D.C. instead, according to a Hoyer aide.
The omnibus also undoes a prior move to rescind $200 million in GSA funding for the FBI but with the restriction that the freed-up funds can only be used to pursue the previous prospectus, a consolidated FBI headquarters on a new campus to be built somewhere in the region.

From [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 1:58 PM
To [redacted]
Cc [redacted]
Subject: RE: EPW Report

I read the Omni and didn't see anything for "Zombie"; but maybe it was coded and I missed it?

[redacted]

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Monday, March 19, 2018 1:31 PM
To [redacted]
Cc [redacted]
Subject: EPW Report

**** EXTERNAL EMAIL ****

[redacted] follow up from our conversation last week; please reference the following attachments:

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks
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[redacted] b6 -1,2 b7C -1

From: [redacted]
Sent: Thursday, March 22, 2018 4:14 PM
To: [redacted]
Subject: Re: EPW Report

not familar with that name either.

-------- Original message --------
From: [redacted] b6 -1,2 b7C -1 b7E -1
Date: 3/22/18 3:25 PM (GMT-05:00)
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

Not a name I've heard being involved.

[redacted]

From: [redacted]
Sent: Thursday, March 22, 2018 3:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

Any Team Zombie engagement that either of you are aware of with [redacted] [redacted] She is the [redacted] I know her a bit.

[redacted]

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 2:33 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

That would appear to be a "no" to project Zombie…

I got an answer from OMB that I didn't like (more the person they wanted us to work with); working on next option…

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[redacted]

b6 -1,2
b7C -1
b7E -1

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From [redacted]
Sent: Thursday, March 22, 2018 2:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

https://www.bizjournals.com/washington/news/2018/03/22/house-omnibus-presents-fresh-challenge-for-fbi-hq.html?ana=e_wash_brk&s=newsletter&ed=2018-03-22&u=CWitvtehpYLIKRxf%2BdgPnQ0598204c&t=1521735454&i=80634291

House omnibus presents fresh challenge for GSA's new FBI headquarters plan

By Daniel J. Sernovitz
March 22, 2018

House lawmakers have moved to block any funding for the FBI's new headquarters until the federal government's real estate arm provides more information on why it reversed course from a previous plan to move the agency to suburban Maryland or Northern Virginia.

Language included in the federal omnibus at the request of Maryland Democratic Rep. Steny Hoyer and the Maryland Congressional delegation withholds appropriations for the $3.3 billion project, which calls for building a consolidated FBI headquarters on the site of the agency's current one in downtown D.C.

Specifically, that section of the legislation said the act does not include funding "... because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity."

If approved, that would mean the next opportunity to fund the project would be in fiscal 2019.

In July, the FBI and the General Services Administration canceled a solicitation that would have consolidated the headquarters operations for the nation's chief law enforcement agency from multiple locations to a single campus in either Greenbelt, Landover or Springfield. Then, in February, the two agencies submitted new plans to demolish the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW and build a consolidated headquarters on that site instead. Lawmakers in the House and Senate have questioned key parts of the proposal, and the GSA's inspector general has also launched a review of the project's costs and revised security requirements.

Hoyer and the Maryland delegation sought to withhold funding because they still do not know why the GSA and FBI abruptly canceled the last solicitation after a decade and $20 million spent analyzing the prospect in favor of keeping the FBI in downtown D.C. instead, according to a Hoyer aide.

The omnibus also undoes a prior move to rescind $200 million in GSA funding for the FBI but with the restriction that the freed-up funds can only be used to pursue the previous prospectus, a consolidated FBI headquarters on a new campus to be built somewhere in the region.

AMERICAN OVERSIGHT

From: [redacted]
Sent: Thursday, March 22, 2018 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

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b7C -1
b7E -1

I read the Omni and didn't see anything for "Zombie"; but maybe it was coded and I missed it?

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Monday, March 19, 2018 1:31 PM
To: [redacted]
Cc: [redacted]
Subject: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

[redacted] follow up from our conversation last week; please reference the following attachments:

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks
[redacted]

: Please consider the environment before printing this e-mail

This e-mail, including all information contained therein and any attachments, is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not an intended recipient, or an agent responsible for delivering it to an intended recipient, you have received this email in error. In such event, please immediately (i) notify the sender by reply email, (ii) do not review, copy, save, forward or print this email or any of its attachments, and (iii) delete and/or destroy this email and its attachments and all copies thereof. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, any e-mail sent in error, including all information contained therein and any attachments, by persons or entities other than the intended recipient is prohibited. Please visit our website at www.huntcompanies.com for important information about our privacy policies. For your protection, please do not transmit account information or instructions by e-mail or include account numbers, Social Security numbers, credit card numbers, passwords or other personal information.

AMERICAN OVERSIGHT

[redacted]

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From: [redacted]
Sent: Wednesday, March 28, 2018 2:41 PM
To: [redacted]
Subject: RE:
Attachments: Phase II Prep v3.docx

-----Original Message-----
From: [redacted]
Sent: Wednesday, March 28, 2018 1:33 PM
To: [redacted]
Subject:

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b7E -1

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, April 4, 2018 10:48 AM
To: [redacted]
Subject: prep
Attachments: Phase II Prep v4.docx

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

May 28, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW,
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

502 pages were reviewed and 37 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

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Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of nonexempt portions of Bates-stamped documents, 18-cv-2422(FBI)-5020 through 18-cv-2422(FBI)-5521. The enclosed documents represent the 14th interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

AMERICAN OVERSIGHT

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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Civil Action# 18-cv-02422

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AMERICAN OVERSIGHT

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From: [redacted]
Sent: Monday, April 30, 2018 4:05 PM
To: [redacted]
Subject: RE: GSA QFRs
Attachments: Questions for the Record_GSA (PMO Edits).docx

One small edit.

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 3:40 PM
To: [redacted]
Subject: GSA QFRs

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, April 30, 2018 4:42 PM
To: [redacted]
Subject: FW: HQ Language

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, January 07, 2016 9:51 AM
To: [redacted]
Subject: RE: HQ Language

Actual Bill
http://docs.house.gov/billsthisweek/20151214/CPRT-114-HPRT-RU00-SAHR2029-AMNT1final.xml

Specific CJS language
http://docs.house.gov/meetings/RU/RU00/20151216/104298/HMTG-114-RU00-20151216-SD003.pdf

---

From: [redacted] b6 -1 b7C -1
Sent: Thursday, January 07, 2016 9:19 AM
To: [redacted]
Subject: RE: HQ Language

Thank you -- where did you pull this from?

From: [redacted] b6 -1 b7C -1
Sent: Thursday, January 07, 2016 9:18 AM
To: [redacted]
Subject: HQ Language

FEDERAL BUREAU OF INVESTIGATION
SALARIES AND EXPENSES
This Act includes $8,489,786,000 for the salaries and expenses of the Federal Bureau of Investigation (FBI), including $1,693,000,000 for Intelligence, $3,440,786,000 for Counterterrorism and Counterintelligence, $2,885,000,000 for Criminal Enterprises and Federal Crimes, and $471,000,000 for Criminal Justice Services. Within counterterrorism and counterintelligence funding, the FBI shaH continue to support operations of the Terrorist Explosive DevieeA(nalytical Center (TEDAC) and the Hazardous Deviees School (HDS), as proposed by the Senate.
Human trafficking investigations.-The FBI is directed to provide increased support to local field offices to enhance efforts to combat human and sex trafficking, including the apprehension of perpetrators who use online classified advertising websites to facilitate the sexual exploitation of children around large sporting events.
CONSTRUCTION
This Act includes $308,982,000 for FBI construction, to include $52,000,000 for TEDAC construction, operations and maintenance, and $8,000,000 for explosive range improvements, as proposed in the Senate report.

AMERICAN OVERSIGHT
18-cv-2422(FBI)-5231

This Act includes $180,000,000 for the construction of a new FBI Headquarters in the National Capital region. The Committees on Appropriations are aware that the FBI plans to allocate a total of $315,000,000 of FBI resources for needed design and preconstruction activities including land acquisition and site preparation. The FBI may use up to $135,000,000 of prior year balances starting in fiscal year 2016 to achieve this total goal, subject to the reprogramming procedures in section 505 of this Act. In October 2015, the Office of Management and Budget, the General Services Administration (GSA), and the FBI announced a commitment and partnership to build a new FBI headquarters campus that will fully consolidate FBI headquarters operations. In providing this funding, it is understood that the President's budget request for fiscal year 2017 will include adequate resources for the partners to complete the new headquarters expeditiously.

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Thursday, May 10, 2018 8:24 AM
To: [redacted]
Subject: RE: TPs for the Director

OK, thanks!

[redacted]

From: [redacted]
Sent: Thursday, May 10, 2018 8:22 AM
To: [redacted]
Subject: Re: TPs for the Director

b6 -1
b7C -1
b7E -1

Just a heads up, I have [redacted] on stand by for any support you need during prep next week. there are no questions he can't answer. if you email both his Jacobs and FBI accounts you'll have contact at all times. I'll forward you his Jacobs account.

[redacted]

-------- Original message --------
From: [redacted]
Date: 5/10/18 7:58 AM (GMT-05:00)
To: [redacted]
Subject: RE: TPs for the Director

b6 -1
b7C -1
b7E -1

I agree...I will take it out. Everything else ok? Is the number right?

[redacted]

From: [redacted]
Sent: Wednesday, May 09, 2018 6:08 PM
To: [redacted]
Subject: Re: TPs for the Director

b6 -1
b7C -1
b7E -1

AMERICAN OVERSIGHT

[redacted] b5 -1

..

-------- Original message --------
From [redacted] b6 -1 b7C -1 b7E -1
Date: 5/9/18 4:28 PM (GMT-05:00)
To: [redacted]
Subject: RE: TPs for the Director

No, that part was from something [redacted] put together for [redacted] ☹ In a sense, it could be true but I don't think we will actually designate them as centers of excellence.

[redacted]

From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Wednesday, May 09, 2018 3:56 PM
To: [redacted]
Subject: RE: TPs for the Director

[redacted]

From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Tuesday, May 08, 2018 3:39 PM
To: [redacted]
Subject: TPs for the Director

Hey [redacted]

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, May 17, 2018 3:59 PM
To: [redacted] Grant, Douglas S. (FD) (FBI); [redacted]
Subject: FBIHQ News Article

Team,

Here's a WBJ article that just came out about the new FBIHQ. You can find it here or below.

House lawmaker urges GSA to resume scrapped search for new FBI headquarters
By Daniel J. Sernovitz
May 17, 2018

The FBI will be forced to remain in its crumbling D.C. headquarters for some time yet, but signs surfaced Thursday that House lawmakers are resolved to find a way forward.

Maryland Democratic Rep. C.A. Dutch Ruppersberger urged the Trump administration to resume plans for a new FBI headquarters in either suburban Maryland or Northern Virginia, publicly reviving the issue amid a stalemate over where the nation's chief law enforcement agency should call home.

Ruppersberger's proposal, included as an amendment to a fiscal 2019 appropriations bill, encourages the General Services Administration to submit a prospectus for a new consolidated FBI headquarters in either Greenbelt, Landover or Springfield. The GSA, the federal government's main civilian real estate arm, scrapped that proposal last summer in favor of demolishing the FBI's J. Edgar Hoover Building and developing a new headquarters for the agency on that Pennsylvania Avenue site.

"The General Services Administration has already run up $20.5 million in costs tied to its search for a new FBI facility," Ruppersberger said during a House Appropriations Committee markup for the Justice Department, which has jurisdiction over the the FBI. "I urge that we pass this."

The veteran lawmaker's gesture was largely symbolic, as Ruppersberger withdrew the legislation a moment later. But not before giving Texas Republican Rep. John Culberson, chair of the House Appropriations subcommittee on Commerce, Justice, Science and Related Agencies, the chance to sound off.

"I look forward to working with you to ensure that the FBI is moved into a new headquarters as rapidly and effectively as possible," Culberson said. "Those men and women deserve our support."

The interplay did nothing to advance funding for the project, as the House appropriations bill for 2019 specifically recommends that no funding be included for a new FBI headquarters until the GSA addresses outstanding questions. Those questions include how a new FBI headquarters at a space-constrained site in D.C. could be as secure as one built on a larger site in the suburbs.

Still, by withdrawing, Ruppersberger avoided putting House Republicans in the awkward position of having to accept or reject his amendment, potentially turning this into a partisan issue at a time when there appears to be bipartisan consensus for a new FBI headquarters somewhere. And behind the

AMERICAN OVERSIGHT

scenes, according to sources, Ruppersberger has been in talks with other key lawmakers, including Culberson, to come up with a longer-term solution to move the FBI from downtown D.C. to a new site elsewhere.

V/R,

[redacted]

b6 -1
b7C -1
b7E -1

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1

From: [redacted]
Sent: Sunday, May 20, 2018 9:09 AM
To: [redacted]
Subject: Fwd: Google Alert - FBI new headquarters

[redacted]

Sent from my iPhone

Begin forwarded message:

From: Google Alerts <googlealerts-noreply@google.com>
Date: May 20, 2018 at 9:07:20 AM EDT
To: [redacted]
Subject: Google Alert - FBI new headquarters

FBI new headquarters

Daily update · May 20, 2018

NEWS

Democrats should choose Rushern Baker for Maryland governor
Washington Post
And he positioned the county as a strong contender to land the **FBI's new headquarters**, until the Trump administration pulled the plug on the project.

Flag as irrelevant

Search Warrant for Anthony Weiner's Laptop Unsealed–Revealing Telling Details
The Epoch Times
New York City Police obtained a search warrant on his laptop, iPad, and ... It was McCabe who led a small group at **FBI headquarters** on the Clinton ...

[redacted]

Flag as irrelevant

See more results · Edit this alert

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Unsubscribe | View all your alerts

Receive this alert as RSS feed

Send Feedback

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, May 22, 2018 11:44 AM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI); [redacted]
Subject: FBI HQ Articles

Good morning,

Here are a couple more FBI new headquarters articles after the budget hearing with Director Wray last Wednesday (May 16).

http://www.baltimoresun.com/news/maryland/politics/bs-md-fbi-headquarters-maryland-20180517-story.html - Includes a quote from Rep. Steny Hoyer (MD) applauding the House for not allocating more funding for the FBI headquarters project until they get answers from the Trump administration about why they proposed to rebuild the headquarters in downtown DC.

https://federalnewsradio.com/facilities-construction/2018/05/epa-fbi-facilities/ - Includes quotes in the second half of the article from Sen. Chris Van Hollen (MD) and Sen. Shelley Moore Capito (WV) during the May 16 hearing.

[redacted] b6 -1 b7C -1 b7E -1

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Friday, June 1, 2018 8:52 AM
To: [redacted]
Cc: [redacted]
Subject: Revised Nationally Focused Consolidation Plan
Attachments: EPW Presentation_Final_20180212.pdf

Hi [redacted]- I believe you have this; attached is a copy of the Revised Nationally-Focused Consolidation Plan submitted by GSA to Congress on 12 FEB 2018. To my knowledge no other written documents have been submitted. Upcoming submissions will include:

1. QFR responses to the EPW hearing on 2/28/18 2. Responses to the GSA IG inquiry 3. FY19 Prospectus and Housing Plan

QFRs and IG responses were drafted by PMO and sent to the Front Office.
You have the latest on the Prospectus and Housing Plan.

Hope this helps.

Look forward to talking with you on Monday.

r/
[redacted] b6 -1 b7C -1 b7E -1

[redacted]

AMERICAN OVERSIGHT

112th Congress
1st Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

FEDERAL BUREAU OF INVESTIGATION CONSOLIDATED HEADQUARTERS
NATIONAL CAPITAL REGION

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. §3307, appropriations are authorized for, and the Administrator of General Services (Administrator) is authorized and directed to proceed with a private sector lease transaction, on Federally owned land, for a consolidated headquarters facility for the Federal Bureau of Investigation (FBI), consistent with the recommended strategy included in the report of building project survey, requested by the Committee by Resolution dated July 13, 2011 and submitted by the FBI on August 26, 2011, which report is attached hereto, and by reference made part of this Resolution;

Provided, that the Administrator shall require and ensure that the transaction results in Federal ownership of the land and improvements comprising the consolidated FBI Headquarters facility;

Provided further, that to the maximum extent feasible and consistent with the report of building project survey submitted to the Committee by the General Services Administration on October 17, 2011, the consolidated FBI Headquarters facility shall be located within 2 miles from a Washington metro rail station and 2.5 miles from the National Capital Region Beltway;

Provided further, that the FBI Headquarters facility be on a federally owned site not to exceed 55 acres; and provide for Interagency Security Committee Level V security;

Provided further, that the FBI Headquarters shall contain not greater than 2.1 million rentable square feet; including not greater than 4,300 parking spaces; and provide space utilization rates of not greater than 109 usable square feet per person for office space and 174 usable square feet per person overall;

Provided further, that to the maximum extent practicable, the Administrator shall require that the procurement include requirements for energy, water efficiency and storm water management in accordance with Executive Order 13423;

Provided further, that GSA and FBI provide monthly briefings to the Committee on Environment and Public Works on updates, changes and progress of the overall acquisition and project; and

Provided further, that the Administrator shall not delegate to any other agency the authority to undertake the transaction approved by this Resolution.

AMERICAN OVERSIGHT

Chairman

Ranking Member

Adopted: December 8, 2011

AMERICAN OVERSIGHT

Committee on Transportation and Infrastructure
U.S. House of Representatives

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

Matthew M. Sturges, Staff Director

Katherine W. Dedrick, Democratic Staff Director

COMMITTEE RESOLUTION

CONSTRUCTION
FBI HEADQUARTERS CONSOLIDATION
NATIONAL CAPITAL REGION
PNCR-FBI-NCR17

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to 40 U.S.C. §3307, $834 million in appropriations are authorized for the site acquisition, design, management and inspection, and construction of a new federally-owned headquarters facility for the Federal Bureau of Investigation of not more than 2.1 million rentable square feet in the National Capital Region for the General Services Administration, for which a prospectus is attached to and included in this resolution.

Provided, the total funds made available through appropriations, including funds transferred to the "Federal Bureau of Investigation, Construction" account, do not exceed $2.11 billion (excluding the value realized from the exchange of the J. Edgar Hoover building, outfitting, and decommissioning costs).

Provided further, the Administrator considers transportation impacts, including National Capital Planning Commission recommendations on parking and proximity to metro rail.

Provided further, the Administrator considers the total costs to the government for relocations, site preparation, and site acquisition.

Provided further, that such appropriations are authorized only for a project that results in a fully consolidated FBI Headquarters facility.

Provided further, that the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representative and the Committee on Environment and Public Works of the Senate a report on the construction of a new headquarters for the Federal Bureau of Investigation (FBI). The report transmitted under this provision shall include a summary of the material provisions of the construction and full consolidation of the FBI in a new headquarters facility, including but not limited to, a schedule, the square footage, proposed costs to the Government, and a description of all buildings and infrastructure needed to complete the project.

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

AMERICAN OVERSIGHT

Provided further, that the Administrator's authority to make an award of this project expires two years from the date of the adoption of this resolution.

Adopted: **December 7, 2016**

Bill Shuster, M.C.
Chairman

AMERICAN OVERSIGHT

JAMES M. INHOFE, OKLAHOMA, CHAIRMAN

DAVID VITTER, LOUISIANA
JOHN BARRASSO, WYOMING
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BERNARD SANDERS, VERMONT
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JEFF MERKLEY, OREGON
KIRSTEN GILLIBRAND, NEW YORK
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EDWARD J. MARKEY, MASSACHUSETTS

RYAN JACKSON, MAJORITY STAFF DIRECTOR
BETTINA POSER, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

114th Congress

2nd Session

United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

COMMITTEE RESOLUTION

CONSTRUCTION
FB I HEADQUARTERS CONSOLIDATION
NATIONAL CAPITAL REGION
PNCR-FBI-NCR17

RESOLVED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS OF THE UNITED STATES SENATE

that pursuant to title 40 U.S.C. § 3307, a prospectus providing for the construction of a new federally owned facility to provide a fully consolidated Headquarters for the Federal Bureau of Investigation (FBI) in the National Capital Region (NCR) to bring together employees from the J. Edgar Hoover Building and 13 leased locations across the NCR into a new, modern and secure facility tailored to fully support FBI's national security, intelligence and law enforcement missions, authorizing appropriations for the General Services Administration at an amount not to exceed $759,000,000, a description of which is attached hereto and by reference made part of this resolution, is approved.

Provided, that such appropriations are authorized only for a project that results in a fully consolidated FBI Headquarters facility;

Provided further, that the new FBI Headquarters Facility shall contain not greater than 2.1 million rentable square feet;

Provided further, that the number of parking spaces for privately owned vehicles shall be determined in accordance with parking ratios developed in coordination with the National Capital Planning Commission; and

Provided further, that the Administrator shall not delegate to any other agency the authority granted by this resolution.

Chairman

Ranking Member

Adopted: May 18, 2016

PRINTED ON RECYCLED PAPER

DOJ-FBI-18-0520, 18-0521-K-000016

18-cv-2422(FBI)-5420

AMERICAN OVERSIGHT

[redacted] b6 -1
b7C -1

From: [redacted]
Sent: Friday, June 1, 2018 6:28 PM
To: [redacted]
Cc: [redacted]
Subject: Re: FBIHQ Consolidation Resolutions

Thank you!!!!

-

-------- Original message --------
From: [redacted] b6 -1
Date: 6/1/18 4:47 PM (GMT-05:00) b7C -1
To: [redacted] b7E -1
Cc: [redacted]
Subject: RE: FBIHQ Consolidation Resolutions

[redacted] sorry here are the signed copies from the house and senate for the 2017 prospectus.

r/
[redacted]

[redacted]

-----Original Message-----
From: [redacted] b6 -1
Sent: Friday, June 01, 2018 4:37 PM b7C -1
To: [redacted] b7E -1
Cc: [redacted]
Subject: FBIHQ Consolidation Resolutions

[redacted] attached are the following:

Senate Resolution: Dec 2011
Senate Resolution: May 2016
House Resolution: Dec 2016

I apologize but I don't have readily accessible the signed versions for the 2016 resolutions (I'll keep looking).

In addition the FY16 and FY17 Bill and Report Languages are below. Please let me know if you need anything further.

AMERICAN OVERSIGHT

r/

b6 -1
b7C -1

FY 2016 Bill language
For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; and preliminary planning and design of projects; $308,982,000, to remain available until expended.

FY 2016 Report language
This Act includes $180,000,000 for the construction of a new FBI Headquarters in the National Capital region. The Committees on Appropriations are aware that the FBI plans to allocate a total of $315,000,000 of FBI resources for needed design and preconstruction activities including land acquisition and site preparation. The FBI may use up to $135,000,000 of prior year balances starting in fiscal year 2016 to achieve this total goal, subject to the reprogramming procedures in section 505 of this Act. In October 2015, the Office of Management and Budget, the General Services Administration (GSA), and the FBI announced a commitment and partnership to build a new FBI headquarters campus that will fully consolidate FBI headquarters operations. In providing this funding, it is understood that the President's budget request for fiscal year 2017 will include adequate resources for the partners to complete the new headquarters expeditiously.

FY 2017 Bill language
For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; $420,178,000, to remain available until expended, of which $181,000,000 shall be derived by transfer from the Department of Justice's Working Capital Fund: Provided, That $323,000,000 shall be for the new Federal Bureau of Investigation consolidated headquarters facility in the National Capital Region.

FY 2017 Report language
This Act includes $420,178,000 for FBI construction, of which $181,000,000 shall be derived by transfer from the Department of Justice's Working Capital Fund. The Act includes $75,500,000 for the FBI's 21st Century Facilities program, $323,000,000 for the new FBI headquarters program, and funding for base construction requirements.

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Tuesday, June 5, 2018 4:21 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Makes sense. Sounds good.

[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 4:16 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b6 -1
b7C -1
b7E -1

Thanks - I think it's probably best for the PMO to review these comments and offer some edits and/or responding comments before we gather again as a group -- does that work for the team? Will touch base again towards the end of the week based on our progress with some availability.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:34 PM
To: [redacted]
Cc: [redacted]
Subject: FW: QFR draft

b6 -1
b7C -1
b7E -1

Hi guys,

Attached are OGC's edits to the EPW QFRs. Can you look at these and, if we need to, we can discuss them

AMERICAN OVERSIGHT

with [redacted] on Friday or Monday?

b6 -1
b7C -1
b7E -1

Thanks!

[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:25 PM
To: [redacted]
Cc: [redacted]
Subject: QFR draft

b6 -1
b7C -1
b7E -1

Hey [redacted]

Attached, per our conversation, are [redacted] and my comments. If you can coordinate with the PMO (except on the ones marked WH issue) while we are gone, we can chat on Friday when we return.

Thanks and Best Regards,

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, June 12, 2018 10:28 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Sounds good. How about tomorrow (Wed) at 2pm here in the PMO conference room? [redacted] indicated that time works for her - if it works for you, I'll get an invite out.

Thanks
[redacted]

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, June 11, 2018 7:41 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Hi [redacted]

If we could make it Wednesday, that would be better for me. I am likely leaving a bit early on Thursday.

Many thanks!

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, June 11, 2018 3:45 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Hi everyone - I've gone through the comments and accepted all the easy changes and provided comments back to some of the more difficult ones.

AMERICAN OVERSIGHT

I've also attached the draft revised table for QFR #29 on cost (which was given to GSA but believe FBI should help with the answer).

I'll leave it to the team, but would think an internal meeting to discuss a few of these open items could get us to a point where then the agencies could sit together to review and finalize?

Do folks have time this week to meet? How does Thursday look? I'd be happy to set it up.

Thanks all.

[redacted]

b6 -1
b7C -1
b7E -1

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:34 PM
To: [redacted]
Cc: [redacted]
Subject: FW: QFR draft

b6 -1
b7C -1
b7E -1

Hi guys,

Attached are OGC's edits to the EPW QFRs. Can you look at these and, if we need to, we can discuss them with [redacted] on Friday or Monday?

Thanks!

[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:25 PM
To: [redacted]
Cc: [redacted]
Subject: QFR draft

b6 -1
b7C -1
b7E -1

Hey [redacted]

Attached, per our conversation, are [redacted] and my comments. If you can coordinate with the PMO (except on the ones marked WH issue) while we are gone, we can chat on Friday when we return.

AMERICAN OVERSIGHT

Thanks and Best Regards,

[redacted]

b6 -1
b7C -1

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Thursday, June 14, 2018 11:34 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft
Attachments: EPW QFRs_All Haley QFR's 02.28.2018_crosswalk to Matthews QFRs_v6 incorporating comments.docx

Good morning - thank you for your time yesterday. Attached is the updated version of the QFRs.

[redacted] b5 -1

Thanks again!

r/
[redacted]

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, June 11, 2018 3:45 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

[redacted] b5 -1

AMERICAN OVERSIGHT
18-cv-2422(FBI)-5487

us to a point where then the agencies could sit together to review and finalize?

Do folks have time this week to meet? How does Thursday look? I'd be happy to set it up.

Thanks all.

[redacted]

b6 -1
b7C -1
b7E -1

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:34 PM
To: [redacted]
Cc: [redacted]
Subject: FW: QFR draft

b6 -1
b7C -1
b7E -1

Hi guys,

Attached are OGC's edits to the EPW QFRs. Can you look at these and, if we need to, we can discuss them with [redacted] on Friday or Monday?

Thanks!

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:25 PM
To: [redacted]
Cc: [redacted]
Subject: QFR draft

b6 -1
b7C -1
b7E -1

Hey [redacted]

Attached, per our conversation, are [redacted] and my comments. If you can coordinate with the PMO (except on the ones marked WH issue) while we are gone, we can chat on Friday when we return.

Thanks and Best Regards,

[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Thursday, June 14, 2018 3:50 PM
To: [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
[redacted]
Subject: FBIHQ News Article

Team,

Here's a WBJ article that just came out about the new FBIHQ. You can find it here or below.

Senate takes up call to shift FBI headquarters to Maryland or Virginia
By Daniel J. Sernovitz
Jun 14, 2018

Key story highlights:

- Wording in a Senate spending bill urges the federal government to restart its search for a new FBI headquarters in either Maryland or Virginia.
- The language mirrors similar legislation introduced in the House raising concerns about the GSA's decision to scrap that search in favor of building a new HQ on the site of the FBI's current one.
- The measure is largely symbolic, but signals House and Senate lawmakers share the same concerns about the revised plan.

The Senate appropriations committee has taken up a call that started in the House urging the federal government to resume its search for a new FBI headquarters in either Maryland or Virginia rather than building a new home for the nation's chief law enforcement agency in the District.

Lawmakers including Sen. Chris Van Hollen, D-Md., successfully lobbied the Senate panel to include language expressing concern about the current plan to demolish the J. Edgar Hoover Building in downtown D.C. and build a consolidated headquarters for the FBI at the same site. The wording appears in the 2019 Senate Commerce, Justice Science and Appropriations Bill. The committee held a markup for the spending bill Thursday morning.

"This bipartisan bill makes it clear that the Congress does not accept the Administration's new position and that any new prospectus should include one of the earlier identified sites," Van Hollen said in a statement. "We will not spend billions of dollars on this project until there is a clear plan that meets the needs of the FBI. If President Trump really wants a secure headquarters for our nation's top law enforcement entity, we urge him to work with us on this effort."

Similar to legislation briefly introduced and then withdrawn in the House last month, the Senate legislation includes language calling on the federal government to come up with a new plan to shift the

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FBI to Landover, Greenbelt or Springfield — the three potential locations identified by the General Services Administration before it canceled that solicitation in July 2017.

The FBI is now spread over multiple locations across Greater Washington, including the deteriorating Hoover Building, and the agency has sought for years to consolidate and bring those operations under one roof. The GSA has estimated it could cost $3.3 billion to build the new, 2.6 million-square-foot headquarters in downtown D.C., compared to $3.57 in Maryland or Virginia, but lawmakers and real estate experts have questioned the basis for those estimates.

In the near term, the language does not lift the stalemate between the GSA and lawmakers hoping to see the FBI move to the suburbs. At the same time, it is another signal to the Trump administration that lawmakers in the House and Senate are unlikely to appropriate funds for a new FBI headquarters downtown due to concerns about security and other considerations.

"The Committee continues to be reluctant to appropriate funds for this project due to the unanswered questions regarding the new plan, including the revision of longstanding mission and security requirements," the FBI headquarters language in the Senate spending bill states in part. "The Committee encourages the FBI to work with GSA to submit a prospectus for a new fully-consolidated headquarters building, including at one of the three previously vetted sites that complies with prior Congressional directives and actions and meets ISC Level V security standards."

V/R,

b6 -1
b7C -1
b7E -1

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, June 14, 2018 8:42 PM
To: [redacted]
Subject: Fwd: FBIHQ
Attachments: FBIHQ short TPs - 5.15.2018.docx

Here is the first of several papers for the D on New HQ in prep for the hearing. We should use these to be consistent.

[redacted]

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 5/16/18 9:12 AM (GMT-05:00)
To: [redacted]
Subject: FW: FBIHQ

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, May 15, 2018 8:27 PM
To: [redacted] Haley, Richard L. (FD) (FBI) [redacted]
Cc: [redacted]
Subject: RE: FBIHQ

Thanks [redacted] We filled in the brackets/highlights (see attached).

[redacted]

[redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

-----Original Message-----
From: [redacted]
Sent: Tuesday, May 15, 2018 8:10 PM
To: Haley, Richard L. (FD) (FBI) [redacted]
Cc: [redacted]
Subject: FBIHQ

b6 -1
b7C -1
b7E -1

Happy to take your edits. Please see the brackets/highlights for you guys to clarify language. Thanks

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, June 14, 2018 8:43 PM
To: [redacted]
Subject: Fwd: New HQ
Attachments: New HQ Supplemental Questions.docx

-------- Original message --------
From: [redacted] b6 -1 b7C -1
Date: 5/15/18 1:54 PM (GMT-05:00) b7E -1
To: [redacted]
Subject: New HQ

[redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, June 18, 2018 1:04 PM
To: [redacted]
Subject: New HQ/H-ville Presentation
Attachments: New HQ and Redstone overview for POTUS.pptx

[redacted]

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 18-cv-02422

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Senate Committee on Environment and Public Works
"Oversight: FBI Headquarters Consolidation Project."
February 28, 2018
Questions for the Record for Assistant Director Richard L. Haley II, FBI

Chairman Barrasso:

1

2

b5 -1

Senator Cardin:

3.

b5 -1
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4.

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5.

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6.

DOJ-FBI-18-0520, 18-0521-K-000036
18-cv-2422(FBI)-5026
AMERICAN OVERSIGHT

26. [redacted] b5 -1

27. [redacted]

28. [redacted]

29. [redacted]

30. [redacted]

31. [redacted]

32. [redacted]

33. [redacted]

34. [redacted]

35. [redacted]

Senator Van Hollen:

36 [redacted] b5 -1

DOJ-FBI-18-0520, 18-0521-K-000037
18-cv-2422(FBI)-5030
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44. [redacted] b5 -1 b7E -4

45.

46. [redacted] b5 -1

47.

Senator Whitehouse:

48. [redacted] b5 -1

DOJ-FBI-18-0520, 18-0521-K-000038
18-cv-2422(FBI)-5033
AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, April 30, 2018 7:51 AM
To: [redacted]
Subject: RE: Time Line- FBIHQ Project

Great!

Thank you

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 7:48 AM
To: [redacted]
Subject: RE: Time Line- FBIHQ Project

[redacted]

As requested.

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 7:23 AM
To: [redacted]
Subject: Time Line- FBIHQ Project

Good Morning [redacted]

Rich may have asked you, but he would like a copy of the Timeline for the new FBIHQ project. Do you have a copy?

Thanks,

[redacted]

[redacted]

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b6 -1
b7C -1
b7E -1

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, April 30, 2018 4:06 PM
To: [redacted] (CON)
Subject: RE: GSA QFRs

Great - thanks!

-----Original Message-----
From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 4:01 PM
To: [redacted]
Subject: RE: GSA QFRs

[redacted]

I updated it with track changes if you want to accept the change..

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 3:45 PM
To: [redacted]
Subject: FW: GSA QFRs

Please review ASAP and let me know if there are any inaccuracies.

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 3:40 PM
To: [redacted]
Subject: GSA QFRs

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 30, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

505 pages were reviewed and 319 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of non-exempt portions of Bates-stamped documents, 18-cv-2422(FBI)-5522 through 18-cv-2422(FBI)-6026. The enclosed documents represent the 15th interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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From: [redacted]
Sent: Tuesday, June 19, 2018 11:00 AM
To: [redacted]
Cc: [redacted]
Subject: FY19 CJS Bill
Attachments: SRept_115-275.pdf

FY19 CJS Bill released on Thursday.

Step 1 is the new prospectus… but Step 2 will need to be a hill engagement strategy to 'answer questions'

Interesting note about the committee encouraging exploration of P3.

CONSTRUCTION
Appropriations, 2018 ..... $370,000,000
Budget estimate, 2019 51,895,000
Committee recommendation 385,000,000

The Committee's recommendation provides $385,000,000 for FBI construction. The recommendation is $15,000,000 above the fiscal year 2018 enacted level and $333,105,000 above the budget request.

FBI Headquarters.—Due to concerns about the FBI Headquarters Revised Nationally-Focused Consolidation Plan which was submitted to Congress by the General Services Administration [GSA] on February 12, 2018, the Consolidated Appropriations Act, 2018 (Public Law 115–141) included no funding for this project. No funds were requested for the project for fiscal year 2019, and no funds are provided in this bill.

The Committee continues to be reluctant to appropriate any additional funds for this project due to the unanswered questions regarding the new plan, including the revision of longstanding mission and security requirements. The Committee encourages the FBI to work with GSA to submit a prospectus for a new, fully-consolidated headquarters building, including at one of the three previously vetted sites that complies with prior Congressional directives and actions and meets Interagency Security Committee [ISC] Level V security standards.

21st Century Facilities.—The Committee continues to support the FBI's long-term vision for co-locating complimentary mission operations while balancing the eventual transition into a new headquarters building with changing footprints at Quantico, Clarksburg, Huntsville, and Pocatello facilities. The delay in the new FBI headquarters project only exacerbates the need to secure viable space for supporting a variety of missions, workforce, and land requirements. The Committee recommendation provides funding at no less than the fiscal year 2018 enacted level to further support the FBI's 21st Century Facility plans and encourages the FBI to transition from interim facilities to full operating capabilities, including plans for technological requirements. As part of this 21st Century Planning, the FBI should continue to research the feasibility of using public-private partnership opportunities, provided

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that the annual lease and operating costs are reasonable and the facilities can be securely constructed and maintained at a level that meets the FBI's requirements.

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Calendar No. 451

115TH CONGRESS
2d Session

SENATE

REPORT
115–275

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2019

JUNE 14, 2018.—Ordered to be printed

Mr. MORAN, from the Committee on Appropriations, submitted the following

REPORT

[To accompany S. 3072]

The Committee on Appropriations reports the bill (S. 3072) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Total obligational authority, fiscal year 2019

Total of bill as reported to the Senate [1]	$71,696,406,000
Amount of 2018 appropriations	71,457,936,000
Amount of 2019 budget estimate	66,084,754,000
Bill as recommended to Senate compared to—	
2018 appropriations	+238,470,000
2019 budget estimate	+5,611,652,000

[1] This level does not include −$8,382,000,000 in adjustments that the Congressional Budget Office scores to the bill. With these adjustments, the bill is consistent with the subcommittee's discretionary allocation of $62,995,000,000.

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PURPOSE OF THE BILL

The bill provides funding for: (1) the Department of Commerce [DOC]; (2) the Department of Justice [DOJ]; (3) several independent science agencies: the Office of Science and Technology Policy [OSTP], the National Space Council, the National Aeronautics and Space Administration [NASA], and the National Science Foundation [NSF]; and (4) several related commissions and agencies: the Commission on Civil Rights, the Equal Employment Opportunity Commission [EEOC], the United States International Trade Commission [ITC], the Legal Services Corporation [LSC], the Marine Mammal Commission, the Office of the United States Trade Representative [USTR], and the State Justice Institute [SJI].

SUMMARY OF THE BILL

The total amount of discretionary budget authority recommended by the Committee for fiscal year 2019 is $62,995,000,000, which is $3,395,000,000 above the fiscal year 2018 enacted level. The Committee's recommendation is consistent with the allocation for the Commerce, Justice, Science, and Related Agencies appropriations bill, and adheres to the congressional budget agreement and provisions.

While the discretionary budget authority in this bill has increased from the fiscal year 2018 enacted level, the Committee proposes to keep many of the programs and activities relatively flat while making strategic funding increases and decreases mainly due to necessary preparations to conduct the Constitutionally mandated Decennial Census and lower receipts to the Crime Victims Fund [CVF]. Together, these two programmatic differences account for $2,978,388,000 of the increased budget authority in this year's bill.

In preparation for the 2020 Census, the Committee proposes a $1,007,388,000 increase above the fiscal year 2018 enacted level for the Census Bureau, which is equal to the 2019 budget request. The Decennial Census is entering a critical development phase and is currently executing an End-to-End test. The data from the Census delivers important information to help facilitate the distribution of billions of dollars in Federal funding for grants supporting States, counties, and municipalities; determines the population for congressional apportionment; and provides valuable data for continued economic growth.

Additionally, the Committee provides $4,436,000,000 to victims and for victim services through the CVF, which is equal to the fiscal year 2018 enacted amount and is above the 3-year average of deposits, a metric for CVF spending called for by the Senate Budget Committee. This spending level requires $1,971,000,000 in additional budget authority in the bill due to lower receipts coming into the fund during fiscal year 2018.

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Nonetheless, the Committee has strived to achieve a careful balance between the competing priorities of law enforcement, national security, economic development, scientific research, and space exploration, while having limited resources.

The Department of Commerce is charged with addressing and executing several critical functions for our nation, which include: operating weather satellites and forecasting severe storms; enforcing trade laws to ensure American businesses can compete on a level playing field; completing a timely and accurate Constitutionally required Decennial Census; working with distressed communities to spur economic development; and properly managing our Nation's fisheries.

While the bill adopts some of the cost saving measures in the 2019 budget request, the Committee does not support other proposed cuts to core programs, such as reductions to advanced weather forecasting operations and research and STEM education programs. The administration also proposes to eliminate important external competitive grant programs that partner with States and local communities across the Nation, which use matching funds to maximize any Federal investment. In contrast, the bill retains many of these grant programs which allow States and communities to steer financial priorities through a bottom-up approach instead of Federal agencies driving local decisions from afar. Additionally, the Committee proposes to decrease the National Oceanic and Atmospheric Administration's Procurement, Acquisition and Construction [PAC] resources in fiscal year 2019 by $484,205,000, which reflects the anticipated reduced financial need for flagship weather satellite programs as they are launched and enter the operational phase.

The changing landscape of criminal activity at home and abroad tests the Department of Justice's ability to deal with and adapt to emerging threats. The Committee believes that our Federal law enforcement agencies must work collaboratively—particularly in tough budget environments—to focus and streamline limited resources in a manner that safeguards taxpayer dollars while preserving public safety. The Committee provides an approximate 2 percent increase for most Federal law enforcement components and the United States Attorneys, while maintaining strong funding for State and local justice grants.

For the science agencies, the Committee sought to build upon the advances and calculated gains made in the Consolidated Appropriations Act, 2018 (Public Law 115–141). Rather than curtail ongoing missions and research, and, for NASA, delay future exploration for years to come, the Committee attempted to leverage strategic increases as well as reductions so that NASA and NSF are able to achieve balanced and cost-effective operations. These efforts not only lead to scientific breakthroughs and technological advances, but continue to inspire and harness the excitement of our future science and business leaders.

FIGHTING WASTE, FRAUD, AND ABUSE

The departments, agencies, boards, and commissions funded in this bill can and should continue to reduce operating expenses by placing greater scrutiny on overhead costs. Savings can and should

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be achieved by reducing non-essential travel, office supply, rent, and utility costs. The Committee also calls on departments, agencies, boards, and commissions funded in this bill to continue to achieve savings by lowering travel contractor costs related to air fares. The Committee continues longstanding restrictions on first class travel.

The Committee is extremely concerned about the persistent pattern of cost overruns and schedule slippages on major projects and missions carried out by the agencies within this bill. In addition, reports have exposed a culture within many agencies that exhibits a lack of accountability and oversight of grant funding. Therefore, the Committee has continued bill-wide provisions to ensure greater oversight and fiscal responsibility of taxpayer dollars.

First, the bill requires each agency to notify the Committee immediately upon identification of program cost overruns greater than 10 percent.

Second, the bill requires the Inspectors General of the Departments of Commerce and Justice, NASA, NSF, and the Legal Services Corporation to conduct reviews of grant and contract funds to ensure funds are being spent appropriately. For projects with persistent accountability issues, such as the Decennial Census and weather satellites, special funding is provided for additional Inspector General scrutiny.

Third, the bill requires all departments and agencies to link all contracts that provide award fees to successful acquisition outcomes, and prohibits funds to pay for award or incentive fees for contractors with below satisfactory performance.

The Committee also supports long-standing provisions that were once solely included in this bill but have since become government-wide provisions. These include: requiring each department, agency, board, and commission funded in this act to report spending on large conferences to the Inspectors General for audit; requiring all departments and agencies funded in this act to provide full access to documents and data for their respective Inspectors General to conduct investigations and audits; and prohibiting funds from being used for contracts, memoranda of understanding, cooperative agreements, grants, or loan activities if the proposed recipient has unpaid Federal tax liabilities or was convicted of a felony criminal violation.

Finally, the Committee intends to continue to work with the Government Accountability Office [GAO] to expand the review of selected large-scale acquisition and construction projects. Specifically, the Committee directs ongoing GAO reviews of large NASA projects, major research equipment and facilities construction at the National Science Foundation, and separate reviews of the James Webb Space Telescope, with reports to the Committee on a biannual basis.

Agencies shall provide access to all necessary data, as determined by GAO, in order for these reviews to be completed and provided to the Committee in a timely manner. The Committee believes that these project status reports are valuable in identifying cost overrun and schedule slippage problems early so they can be addressed immediately and has used information in the reviews to develop this recommendation.

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Representation Funds.—The Committee has reduced official reception and representation funds by 25 percent since fiscal year 2011. Modest representation funds are included for agency executives to provide necessary courtesies to our diplomatic partners and hold events to honor fallen officers, or to mark historic occasions such as space exploration missions or significant discoveries. However, savings can and should be achieved by reducing the costs of executive meetings, receptions, ceremonies, and conferences, and by purchasing fewer promotional items such as T-shirts, hats, mugs, key chains, and other similar items.

Federal Vehicle Fleet Management.—The General Services Administration [GSA] issues guidance on Federal fleet management, but the Federal vehicle fleet is decentralized, with each agency maintaining flexibility to manage vehicle utilization as appropriate. In order to provide better transparency and accountability of funding for Federal vehicles, the Committee directs agencies funded in this bill to conduct an annual review of fleet utilization during the third quarter of each fiscal year and provide their corresponding Offices of Inspectors General [OIGs] with supporting documentation on the method used for determining optimal fleet inventories and justification for any deviation from GSA's Federal Property Management Regulations. OIGs shall be responsible for conducting annual audits of fleet management practices and make the subsequent results for non-law enforcement sensitive agencies publicly available.

Reducing Duplication and Improving Efficiencies.—The Committee directs each agency funded in this bill to report to the Committee, within 1 year of enactment of this act, on all efforts made to address the duplication of Federal programs identified by annual GAO reports along with identifying substantive challenges and legal barriers to implementing GAO's recommendations, along with suggested legislative recommendations that could help the agency to further reduce duplication.

REPROGRAMMINGS, REORGANIZATIONS, AND RELOCATIONS

Section 505, contained in the "General Provisions" of Title V, provides procedures for the reprogramming of funds. To reprogram is to change the use of funds from the specific purposes provided for in the act and the accompanying report or, in the absence of direction from the Committee, from the specific purposes provided for in the administration's budget request. Each title of the bill has also traditionally included separate provisions that define permissible transfers of resources between appropriation accounts. These transfer authority provisions are also pursuant to section 505 and were initiated in the early 1990s to provide additional flexibility to the agencies under the subcommittee's jurisdiction.

The Committee expects each department and agency to closely follow the reprogramming procedures listed in section 505. These procedures apply to funds provided under this act, provided under previous appropriations acts that remain available for obligation or expenditure in fiscal year 2019, or provided from any accounts in the Treasury available to the agencies funded by this act. Section 505 requires that the Committee on Appropriations be notified by letter, at least 15 days prior to reprogramming of funds, whether

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permanent or temporary, in excess of $500,000 or 10 percent, whichever is less, between programs, projects, or activities. Section 505 of this act is also applicable in cases where funding for an activity is reduced by 10 percent. In addition, the Committee is to be notified of reprogramming actions which are less than these amounts if such actions would have the effect of: committing the agency to significant funding requirements in future years; increasing funds or personnel by any means for any program, project, or activity for which funds have been previously denied or restricted by Congress; creating new programs, offices, agencies, or commissions or substantially augmenting existing programs, offices, agencies, or commissions; relocating offices or employees; or reorganizing offices, programs, or activities.

The Committee also expects that any items that are subject to interpretation will be reported. The Committee expects that each department and agency funded in the bill will follow these notification policies precisely and will not reallocate resources or reorganize activities prior to submitting the required notifications to the Committee. Reprogramming or transfer requests shall be submitted only in the case of an unforeseen emergency or situation that could not have been anticipated when formulating the budget request for the current fiscal year.

CONGRESSIONAL BUDGET JUSTIFICATIONS

The Committee directs that all departments and agencies funded within this bill shall submit all of their fiscal year 2020 budget justifications concurrently with the official submission of the administration's budget to Congress. Further, all departments and agencies with classified programs funded within this act are directed to submit their classified budget justification documents to the Committee, through appropriate means, at the same time the unclassified budget justifications are transmitted.

These justifications shall include a sufficient level of detailed data, exhibits, and explanatory statements to support the appropriations requests, including tables that outline each agency's programs, projects, and activities for fiscal years 2019 and 2020. For example, when requesting an enhancement of resources, the justification should detail the existing program and what the new resources would buy. The Committee directs the chief financial officer of each department or agency funded in this act's jurisdiction to ensure that adequate justification is given to each increase, decrease, and staffing and function change proposed in the fiscal year 2020 budget, particularly within the departmental operations and management accounts.

The Committee expects that the fiscal year 2020 submissions will include sufficient detail to justify all programs, projects, and activities contained in each department, agency, or commission budget request. Budget justifications are prepared not for the use of the agencies but are the primary tool of the Committee to evaluate the resource requirements and proposals requested by the administration.

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Reporting Requirements

The Committee directs the departments and agencies funded in this bill to submit reports by the deadlines detailed herein or to provide advance notification if there is sufficient reason why deadlines cannot be met, along with the expected date of submission.

The Committee also recognizes that some enduring reporting requirements from previous Appropriations laws may no longer be necessary for Congressional oversight purposes. In the interest of reducing government waste and expediting responses to current report mandates, each department or agency is invited to submit a list of reporting requirements that it considers outdated or no longer relevant for the review of the Committees on Appropriations. Any list submitted for review shall cite the original authority as well as a justification for eliminating each reporting requirement.

Reductions-in-Force

The Committee directs departments or agencies funded in the accompanying bill that are planning to conduct a reduction-in-force to notify the Committee in writing 30 days in advance of the date of the proposed personnel action.

Appropriations Liaisons

The Committee prefers to channel the majority of its inquiries and requests for information and assistance through the budget offices or comptroller offices of the departments and agencies which it oversees but reserves the right to call upon any individual or organization in any agency under its jurisdiction.

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TITLE I

DEPARTMENT OF COMMERCE

The Committee recommends a total of $11,571,798,000 for DOC. The recommendation is $434,560,000 above the fiscal year 2018 enacted level and $1,774,921,000 above the budget request.

The Department of Commerce is responsible for a variety of activities critical to our Nation's well-being, including economic development, intellectual property protection, standards and measurements, trade enforcement, weather forecasting, and fisheries management. Our Nation relies on the Department to maintain America's competitiveness within today's foreign markets while promoting and expanding international trade opportunities. The Department brings together a diverse set of bureaus, specialized experts, research laboratories, and applied technology programs to support and expand opportunities for growth in the private sector. Few departments have such potential to directly impact the strength and sustainability of our communities and local businesses.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Appropriations, 2018	$495,000,000
Budget estimate, 2019	451,147,000
Committee recommendation	499,000,000

The Committee's recommendation provides $499,000,000 for the International Trade Administration [ITA]. The recommendation is $4,000,000 above the fiscal year 2018 enacted level and $47,853,000 above the budget request. The discretionary appropriation is offset by $11,000,000 in fee collections.

Offsetting Fee Collections.—ITA shall continue to identify and include an accurate assessment of expected fee collections and corresponding expenditures in its fiscal year 2019 spending plan and in its fiscal year 2020 budget request.

Trade Enforcement.—The Committee provides $4,000,000 above the fiscal year 2018 enacted level for the Office of Enforcement and Compliance. ITA should make enforcement of antidumping and countervailing duties [AD/CVD] a priority, including thoroughly investigating dumping and subsidies causing injury to domestic businesses and expeditiously reducing trade remedy case backlogs.

Additionally, the Committee is supportive of the Administration's request to self-initiate AD/CVD cases, as is authorized under current law. The process of preparing and filing a petition is time-consuming and expensive and, frequently, industry has already suffered injury in order to meet the statutory standard for initiating an AD/CVD investigation. ITA is encouraged to use funding under

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Enforcement and Compliance to provide direct assistance to industries in support of self-initiated cases and other AD/CVD enforcement.

Trade Fraud and Evasion.—The Committee encourages ITA to coordinate with appropriate agencies, such as Customs and Border Protection, Immigration and Customs Enforcement, the International Trade Commission, and the Departments of Justice and State, in order to report to the Committee on legislative remedies that may be needed to support U.S. Government-wide efforts to combat trade fraud and evasion.

Additionally, the Committee notes that funding formerly requested for the Interagency Trade Enforcement Center has been moved from ITA to the Office of the United States Trade Representative for the Interagency Center on Trade Implementation, Monitoring, and Enforcement, following passage of the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125). As such, no funds are provided for these activities in ITA, but ITA shall continue to collaborate with all other Federal trade agencies to ensure U.S. trade laws and agreements are enforced fairly.

U.S. and Foreign Commercial Service.—The U.S. and Foreign Commercial Service [US&FCS] provides significant value to U.S. businesses looking to expand overseas export opportunities. The Committee rejects the proposed cuts to the US&FCS and directs ITA to fund US&FCS, and its core mission of export promotion, at the highest possible level in fiscal year 2019, and at no less than the amount provided in fiscal year 2018. At this funding level, the Committee does not anticipate the closure of any foreign or domestic offices. No offices shall be closed in fiscal year 2019 unless the Committee approves a reprogramming request to close such office or offices. Additionally, the Committee will not approve requests to close any domestic offices, called U.S. Export Assistance Centers, if such Center is the only one located in a given State.

Furthermore, the Committee directs ITA to submit, not more than 60 days after enactment of this act, a report detailing any instances of US&FCS staff diverted from working on trade promotion in the last year to other priorities, including trade enforcement and implementation of tariffs. Additionally, ITA is directed to submit, in its fiscal year 2019 spending plan and 2020 budget request, a breakdown of Global Markets funding for the US&FCS and for other activities.

SelectUSA.—Up to $10,000,000 is provided for SelectUSA, except that none of the funds provided may be used to facilitate foreign direct investment in the United States unless an updated protocol to ensure that SelectUSA activities do not encourage such investments in the United States by State-owned entities is delivered to the Committee within 30 days of enactment of this act.

Capture and Trade Enforcement.—The Committee has long supported and valued the importance of trade enforcement for ensuring American businesses and products can enter the global marketplace on a level playing field. The objectivity of trade officials at ITA is essential for the success of our trade enforcement laws. The Committee is aware that the nature of trade enforcement activities involves the risk of "capture," which is the process in which regulating officials begin to identify with regulated parties. Capture is

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often unintentional and develops over long periods of time, but can significantly influence regulators' decisionmaking. To better ensure the objectivity of enforcement decisions against foreign entities, including decisions not to enforce trade laws, the Committee requested a report in Public Law 115–141 reviewing the policies and procedures the agency has in place to prevent capture of its Enforcement and Compliance employees. The Committee looks forward to receiving the report.

Survey of International Air Travelers [SIAT].—The Committee does not adopt the administration's proposal to seek alternative funding sources for SIAT and directs ITA to continue funding SIAT out of its base budget. Within funds provided, ITA is encouraged to increase the sample size for SIAT.

General Data Protection Regulation.—The Committee urges ITA to continue its efforts to educate small businesses about the European Union's General Data Protection Regulation [GDPR]. The Committee is concerned that small businesses may be unaware of their compliance obligations as a result of GDPR and could be vulnerable to fines and significant financial risk. The Committee encourages ITA to work with Federal, State, and local partners to raise awareness about GDPR obligations on American small businesses.

U.S. Trade Imbalance.—The Committee notes that the current U.S. trade imbalance is one important factor in helping guide our Nation's trade policies. However, the imbalance alone does not provide the full economic picture or strategic goals related to U.S. trade. Therefore, the Committee urges the administration to take into account all economic impacts, including potential negative effects of tariffs on imported goods, as the U.S. engages in trade negotiations and discussions.

Bureau of Industry and Security

Operations and Administration

Appropriations, 2018	$113,500,000
Budget estimate, 2019	120,647,000
Committee recommendation	121,600,000

The Committee's recommendation provides $121,600,000 for the Bureau of Industry and Security [BIS]. The recommendation is $8,100,000 above the fiscal year 2018 enacted level and $953,000 above the budget request.

BIS is the principal agency involved in the development, implementation, and enforcement of export controls for commercial technologies and for many military technologies as a result of the President's export control reform initiative. The Export Enforcement Division detects, prevents, investigates, and assists in the sanctioning of illegal exports of such items.

Export Control Regulatory Compliance Assistance.—The Committee directs BIS to continue its exporter outreach program to educate companies of all sizes on their obligations related to export controls. In this effort, BIS should continue targeting small- and medium-sized businesses and working with State and local trade and export associations, in addition to working with national industry groups, to ensure that small- and medium-sized businesses

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have clear, easy-to-understand information about complying with export control regulations.

ECONOMIC DEVELOPMENT ADMINISTRATION

Appropriations, 2018	$301,500,000
Budget estimate, 2019	14,937,000
Committee recommendation	305,500,000

The Committee's recommendation provides $305,500,000 for the Economic Development Administration [EDA]. The recommendation is $4,000,000 above the fiscal year 2018 enacted level and $290,563,000 above the budget request.

EDA provides grants to local governments and nonprofit agencies for public works, planning, and other projects designed to facilitate economic development. The Committee directs EDA to coordinate with regional development organizations to support projects that will address some of the pressing issues that challenge rural economic development, including the opioid epidemic and inequities in broadband access. Funding amounts for the two appropriations accounts under this heading are displayed below.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

Appropriations, 2018	$262,500,000
Budget estimate, 2019	.....
Committee recommendation	266,500,000

The Committee's recommendation provides $266,500,000 for Economic Development Assistance Programs. The recommendation is $4,000,000 above the fiscal year 2018 enacted level and $266,500,000 above the budget request. EDA is directed to focus on its core programs and mission to aid the most distressed communities across the country. The Committee expects EDA to use all available carryover and prior year recoveries to the maximum extent possible. EDA shall consider geographic equity in making all award decisions and shall ensure that rural projects are adequately represented among those selected for funding. Of the amounts provided, funds are to be distributed as follows, and any deviation of funds shall be subject to the procedures set forth in section 505 of this act:

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

[In thousands of dollars]

	Committee recommendation
Public Works	117,500
Economic Adjustment Assistance	37,000
Trade Adjustment Assistance for Firms	13,000
Regional Innovation Program	25,000
Partnership Planning	33,000
Technical Assistance	9,500
Research and Evaluation	1,500
Assistance to Coal Communities	30,000
Total	266,500

Broadband Projects.—EDA funding provided under Public Works, Economic Adjustment Assistance, and other programs may

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be used to support broadband infrastructure projects. High-speed broadband is critical to help communities attract new industries and strengthen and grow local economies. EDA is encouraged to prioritize unserved areas. EDA shall continue to submit annual updates to the Committee describing the number and value of broadband projects supported as required by the Explanatory Statement accompanying Public Law 115–141.

Outdoor Recreation Projects.—The Committee notes that projects supporting outdoor recreation as a catalyst for economic development may be eligible for EDA funding. EDA is encouraged to consider such projects when consistent with a region's Comprehensive Economic Development Strategy.

Economic Adjustment Assistance [EAA].—EAA is EDA's most flexible economic development program, which provides access to appropriate funding for everything from disaster recovery to business accelerators and incubators. Within funding for EAA, the Committee provides no less than the fiscal year 2018 enacted level to support EDA's collaborations with the Delta Regional Authority and the Appalachian Regional Commission to assist distressed communities. In addition, the Committee provides $3,000,000 for the Northern Border Regional Commission to assist the recovery of forest-based economies within the territory.

Regional Innovation Program [RIP].—The Committee provides $25,000,000 to EDA for grants under RIP as authorized under the Revitalize American Manufacturing and Innovation Act of 2014 (Public Law 113–235). RIP awards competitive grants to regional entities in support of innovation and entrepreneurship. EDA shall continue to ensure that RIP awards go to multiple grantees in multiple and diverse geographic areas, including an increased focus on organizations and States that have not previously received funding from the program. Furthermore, within funds provided for RIP, EDA shall award not less than 40 percent of grants to support rural communities.

University-based Business Incubators.—Within funding provided under RIP, the Committee directs EDA to invest in university-based, high-tech business incubators to encourage entrepreneurship and promote technology commercialization through business startups. Funding awards should include support for incubator projects where Federal labs and universities are collaborating to stimulate commercialization of research. Furthermore, this activity should support private-public partnerships for economic growth and job creation in areas of high unemployment.

New Forest Products.—The Committee notes that many forest-based economies have experienced disruption and decline in recent years. EDA is encouraged to work with communities and regions that have been adversely impacted by rapid changes in the timber marketplace and to support projects that help these communities develop related industries, including commercialization of new forest products using low-grade wood. This work may include the coordination of economic development efforts across multiple States or Economic Development Districts. Additionally, the Committee reiterates that communities facing job losses are eligible for all EDA programs.

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Nuclear Plant Closures.—As part of the Explanatory Statement accompanying Public Law 115–141, the Committee directed EDA to report on its work to help identify and develop best practices to assist communities affected by loss of tax revenue and job loss due to nuclear power plant closures in recognition of the reality that communities that have a nuclear power plant that will undergo decommissioning, is currently undergoing decommissioning, or has completed decommissioning have become de facto high-level radioactive waste storage sites. The Committee further directs the Secretary of Commerce, in coordination with the Secretary of Energy, to build on EDA's efforts by working across the executive branch and report to the Committee, not later than 90 days after the date of enactment of this act, on existing resources and funding opportunities for which affected communities may be eligible. The report shall also include what opportunities exist for these affected communities to consider alternative uses for these sites upon completion of the decommissioning process and what Federal programs may assist in these efforts.

STEM Apprenticeships.—The Committee notes that over the past decade, the growth in jobs requiring sophisticated science, technology, engineering, and math [STEM] skills was three times faster than growth in non-STEM jobs. Yet, U.S. employers have struggled to fill jobs in these fields. Because more than 50 percent of jobs that require STEM skills do not require a bachelor's degree, nontraditional higher education, such as apprenticeships, will be instrumental in meeting the urgent demand for a STEM-literate workforce. The Committee encourages EDA to provide grants to communities to create and expand STEM apprenticeship and other workforce training models, as directed in section 312 of the American Innovation and Competitiveness Act, Public Law 114–329. The Committee also directs EDA to provide an assessment, within 180 days of enactment of the act, of how STEM apprenticeship grants would complement EDA's investment priorities and grant programs, as well as how they would serve EDA's mission of facilitating regional economic development.

Investing in Manufacturing Communities Partnership Program [IMCP].—The Committee notes that no funding has been requested and no funding is provided for the IMCP for fiscal year 2019.

SALARIES AND EXPENSES

Appropriations, 2018	$39,000,000
Budget estimate, 2019	14,937,000
Committee recommendation	39,000,000

The Committee's recommendation provides $39,000,000 for salaries and expenses. The recommendation is the same as the fiscal year 2018 enacted level and $24,063,000 above the budget request.

The Committee is concerned by the number of vacancies at EDA, particularly in its six regional offices. The Department is reminded that budget requests to Congress do not supersede current appropriations, and the Committee directs EDA to expedite its efforts to fill all outstanding vacancies regardless of any current or future budget requests.

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MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Appropriations, 2018	$39,000,000
Budget estimate, 2019	10,000,000
Committee recommendation	39,000,000

The Committee's recommendation provides $39,000,000 for the Minority Business Development Agency [MBDA]. The recommendation is equal to the fiscal year 2018 enacted level and is $29,000,000 above the budget request. MBDA is the only Federal agency dedicated to promoting the growth of minority-owned firms and assists small, medium, and large minority business enterprises to increase revenues and create jobs. The Committee directs that not less than 50 percent of funds provided to MBDA shall be awarded through competitive agreements, external awards, and grants.

Annual Report.—The Committee recognizes the disparities in access to capital for minority-owned firms and businesses, including lower loan amounts, loan denials, and liquidated constraints. MBDA is encouraged to submit an annual report to Congress on the state of minority-owned businesses, which may include policy recommendations to ensure fair access to credit between minority-owned businesses and non-minority-owned businesses.

Indian Tribes.—Within funds provided, MBDA is encouraged to address barriers to economic development for tribes and American Indian, Alaska Native, and Native Hawaiian populations, including full implementation of Public Laws 106–447 and 106–464.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Appropriations, 2018	$99,000,000
Budget estimate, 2019	100,987,000
Committee recommendation	102,000,000

The Committee's recommendation provides $102,000,000 for Economic and Statistical Analysis [ESA]. The recommendation is $3,000,000 above the fiscal year 2018 enacted level and $1,013,000 above the budget request. ESA conducts research to provide a better understanding of the U.S. economy, which helps Government make more informed policy decisions.

Outdoor Recreation Satellite Account.—The Committee recognizes the national economic importance of the outdoor recreation industry. The Outdoor Recreation Jobs and Economic Impact Act of 2016 (Public Law 114–249) requires the Department to lead, in consultation with the Departments of Agriculture and the Interior and other Federal agencies, an assessment and analysis of the outdoor recreation economy of the United States and the effects attributable to it on the overall economy. The Committee appreciates the Department's initial analysis of outdoor recreation to the U.S. economy and provides $1,500,000 to continue this work in fiscal year 2019. The Committee further expects the Department to continue working with the outdoor recreation industry, nongovernmental organizations, and other interested stakeholders to refine the national-level statistics and to develop new regional statistics.

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BUREAU OF THE CENSUS

Appropriations, 2018	$2,814,000,000
Budget estimate, 2019	3,800,513,000
Committee recommendation	3,821,388,000

The Committee's recommendation provides $3,821,388,000 for the Census Bureau. The recommendation is $1,007,388,000 above the fiscal year 2018 enacted level and $20,875,000 above the budget request.

CURRENT SURVEYS AND PROGRAMS

Appropriations, 2018	$270,000,000
Budget estimate, 2019	249,125,000
Committee recommendation	270,000,000

The Committee's recommendation provides $270,000,000 for current surveys and programs. The recommendation is equal to the fiscal year 2018 enacted level and $20,875,000 above the budget request. This account provides for the salaries and expenses associated with the statistical programs of the Bureau of the Census, including measurement of the Nation's economy and the demographic characteristics of the population.

PERIODIC CENSUSES AND PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$2,544,000,000
Budget estimate, 2019	3,551,388,000
Committee recommendation	3,551,388,000

The Committee's recommendation provides $3,551,388,000 for periodic censuses and programs. The recommendation is $1,007,388,000 above the fiscal year 2018 enacted level and equal to the budget request.

This account provides for the constitutionally mandated Decennial Census as well as other cyclical programs. Additionally, individual surveys are conducted for other Federal agencies on a reimbursable basis.

2020 Decennial Census.—The Committee provides the full amount requested for the 2020 Decennial Census for fiscal year 2019. The Census Bureau is directed to prioritize spending for activities that have the greatest potential to reduce cost and risk for the 2020 Decennial Census. Controlling costs for the 2020 Decennial Census remains a top oversight concern for the Committee, and the ongoing 2018 End-to-End test will be a significant indicator of whether the processes, systems, and methods will be ready to conduct an accurate census. The Committee expects the Department, the Bureau, and the Inspector General to keep the Committee regularly apprised of the ongoing efforts to prepare for the 2020 Decennial Census beyond the regular quarterly status reports. The Committee notes that GAO added the 2020 Decennial Census to its high-risk report, and that the Bureau should diligently work on addressing the risks that have been identified.

Oversight of Periodic Census Programs.—The Committee's recommendation provides $3,556,000 for the OIG to continue oversight and audits of periodic censuses and to provide the Bureau and Con-

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gress with independent recommendations for improving operations, which will be useful for oversight of the 2020 Decennial Census. The Committee directs the Bureau to follow the OIG's recommendations.

Quarterly Status Reports.—The Census Bureau is directed to continue its quarterly status reports to the Committee as it prepares for the 2020 Decennial Census. As the 2020 Decennial Census approaches, the Bureau is reminded that these quarterly reports must be scheduled on a timely basis to keep the Committee informed of the progress in executing the Bureau's plans, to identify ongoing and emerging risks, and to provide early warnings when goals and cost schedules are not being achieved.

Undercounting.—The Committee directs the Census Bureau to ensure that the current proposed decennial questionnaire and the impact of new enumeration methods do not negatively affect demographic groups identified in its 2010 Census Coverage Measurement Survey as undercounted and directs the Bureau to provide a report within 60 days of enactment of this act providing the measures that are being taken to ensure potential undercounts of these groups are appropriately mitigated.

Internet Self-Response.—The Committee urges the Census Bureau to conduct outreach to public libraries and other community technology centers to ensure that they are fully informed about the Internet self-response option for the 2020 Decennial Census and equipped to support residents in census participation. The Bureau should work with libraries, in coordination with the Institute of Museum and Library Services, as part of the overall strategy to maximize survey response.

Partnership and Communications Activities.—The Committee is concerned about the proposed levels for partnership staff and communications efforts for the 2020 Decennial Census. Sufficient partnership and communication activities are essential to build trust in the Census Bureau and to increase response rates. Investing in partnership and communication activities can reduce the overall cost of conducting the 2020 Decennial Census. By helping increase self-response rates, there is a reduced need for additional non-response follow-up. Additionally, the Committee understands that the 2020 Decennial Census plan includes only about half the number of local field offices and Regional Census Centers compared to the 2010 Decennial Census. Therefore, the Committee expects the Bureau to provide a plan that increases the number of partnership program staff, communication efforts, and field operations; an assessment of increasing external partnerships; and the associated costs, within 45 days of enactment. The plan should include an assessment of doubling the number of partnership staff and increasing the number of area census offices to 300. The Bureau is further encouraged to consider working with local service organizations as part of the overall strategy to maximize survey response, especially for homeless and displaced populations in rural areas.

American Community Survey [ACS].—The Committee supports the ACS and directs the Bureau to continue using the ACS as a testbed for innovative survey and data processing techniques that can be used across the Bureau. The Committee notes that ACS is often the primary or only source of data available to State, local,

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and Federal agencies that need adequate information on a wide range of topics. The data provided is especially important to small towns and rural areas across the country, and the Bureau should ensure that rural areas are covered with the same accuracy as urban areas to the maximum extent practicable. The Committee further expects the Bureau to continue providing updates to the Committee on efforts to evaluate and, where possible, to reduce the number of questions included in the ACS, and the steps being taken to ensure that the ACS is conducted as efficiently and unobtrusively as possible.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2018	$39,500,000
Budget estimate, 2019	33,646,000
Committee recommendation	39,500,000

The Committee's recommendation provides $39,500,000 for National Telecommunications and Information Administration [NTIA] salaries and expenses. The recommendation is the same as the fiscal year 2018 enacted level and $5,854,000 above the budget request.

The Committee retains language from previous years allowing the Secretary of Commerce to collect reimbursements from other Federal agencies for a portion of the cost resulting from the coordination of spectrum management, analysis, and operations. NTIA shall submit a report to the Committee no later than June 1, 2019, detailing the collection of reimbursements from other agencies.

Next Generation Broadband in Rural Areas.—The Committee recognizes that access to broadband in all communities across the Nation is essential for improving economic growth, education and job creation, civic engagement, public safety and health, global competitiveness, and a better quality of life. The Committee remains concerned that advanced broadband technologies have not been sufficiently deployed in rural areas of the Nation and encourages NTIA to coordinate with other relevant Federal agencies to identify and pursue policies that enable effective and efficient broadband deployment nationwide while advancing next-generation technologies, such as 5G networks.

National Broadband Map Augmentation.—The Committee provides up to $7,500,000 to continue work modernizing the national broadband availability map in coordination with the Federal Communications Commission [FCC] and looks forward to an update on NTIA's efforts so far. The Committee directs NTIA to engage actively with rural and tribal communities to further enhance the accuracy of the national broadband availability map. Additionally, NTIA should include in its fiscal year 2020 budget request an update on rural- and tribal-related broadband availability and access trends, challenges, and Federal actions to achieve equitable access to broadband services by currently underserved communities throughout the Nation. Furthermore, the Committee encourages NTIA, in coordination with the FCC, to develop and promulgate a

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standardized process for collecting data from State and local partners.

Broadband Programs.—The Committee is encouraged by NTIA's recent efforts to develop frameworks, like the Broadband Community Assessment Tool [BCAT], to help communities assess their own broadband needs, and where appropriate, to forge public-private partnerships. The Committee encourages NTIA to continue development of the BCAT and other community-focused utilities.

Federal Spectrum Management.—The Committee directs NTIA to continue to evaluate options for repurposing spectrum for broadband in support of making 500 megahertz [MHz] of spectrum available for wireless broadband use. NTIA shall also provide the Committee with annual updates on the progress in making 500 MHz of spectrum available for commercial mobile use, including the strategy for freeing up additional spectrum from Federal agencies.

Spectrum Management for Science.—Preserving access to key portions of radio spectrum important for radio astronomy observations and other scientific uses is essential for scientific discovery. The Committee encourages NTIA, in coordination with the FCC and other appropriate stakeholders, to continue ensuring spectrum access for radio astronomy as commercial use of radio spectrum increases. The Committee requests a report from NTIA within 180 days after enactment of this act on the coordination efforts underway.

Internet Corporation for Assigned Names and Numbers [ICANN].—The Committee directs NTIA to remain a strong advocate for American companies, consumers, and government interests through its participation within the Governmental Advisory Committee and other mechanisms within ICANN. The Committee directs NTIA to ensure that the principles of accountability, transparency, security, and stability of the Internet are protected for consumers, businesses, and Government users. NTIA shall report semiannually to the Committee on adopted ICANN policies, including whether or not NTIA supported any changes, and to report on any changes that affect the .gov, .mil, .edu, and .us domains.

FirstNet.—The Committee is supportive of FirstNet continuing a funding agreement with the Department's Inspector General for the purposes of oversight and accountability of FirstNet through the end of fiscal year 2019.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING, AND CONSTRUCTION

The Committee provides bill language allowing NTIA to continue oversight and administration of previously awarded grants. NTIA shall not use unobligated balances to award new grants.

UNITED STATES PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Appropriations, 2018	$3,500,000,000
Budget estimate, 2019	3,370,000,000
Committee recommendation	3,370,000,000

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The Committee's recommendation provides $3,370,000,000 for the United States Patent and Trademark Office [USPTO], which is $130,000,000 below the fiscal year 2018 enacted level and equal to the budget request, to be derived from offsetting fee collections. Since fiscal year 2005, the Committee has refused to divert patent fees to other purposes.

USPTO examines patent applications, grants patent protection for qualified inventions, and disseminates technological information disclosed in patents. USPTO also examines trademark applications and provides Federal registration to owners of qualified trademarks.

Budget Execution.—The Committee continues to allow USPTO full access to patent and trademark fees and provides bill language allowing USPTO to retain any revenue in excess of appropriated levels.

Transfer to Office of Inspector General [OIG].—The Committee provides $1,000,000 for OIG to continue oversight and audits of USPTO operations and budget transparency, and USPTO is directed to work with the Department to implement all OIG recommendations.

Reprogramming and Spend Plan.—USPTO shall follow the reprogramming procedures outlined in section 505 of this act before using excess fee collections to forward fund expenses beyond fiscal year 2019.

Intellectual Property [IP] Attachés.—The Committee is concerned that USPTO's IP attachés may not have adequate access to their foreign government counterparts and are not consistently involved in Embassy or consulate conversations regarding intellectual property matters. The Secretary is directed to work with USPTO, the US&FCS, and the Department of State to ensure that the attachés are appropriately utilized, including in discussions and negotiations at the Counselor rank and above.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

Appropriations, 2018	$1,198,500,000
Budget estimate, 2019	629,072,000
Committee recommendation	1,037,500,000

The Committee's recommendation provides $1,037,500,000 for the National Institute of Standards and Technology [NIST]. The recommendation is $161,000,000 below the fiscal year 2018 enacted level and $408,428,000 above the budget request. Up to $9,000,000 may be transferred from the Scientific and Technical Research and Services account to the Working Capital Fund.

NIST's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life.

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$724,500,000
Budget estimate, 2019	573,429,000
Committee recommendation	724,500,000

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The Committee's recommendation provides $724,500,000 for NIST Scientific and Technical Research and Services [STRS]. The recommendation is equal to the fiscal year 2018 enacted level and $151,071,000 above the budget request. The Committee directs NIST to provide a detailed spending plan for NIST's highest priority laboratory programs describing resources used for each program, project, or activity.

Cybersecurity.—The Committee is aware of the Nation's growing need for a trained cybersecurity workforce and directs that no less than the fiscal year 2018 level is provided for cybersecurity research, outreach, industry partnerships, and other activities at NIST, including the National Cybersecurity Center of Excellence. Within the funds provided, the Committee encourages NIST to fund additional university system-led State and regional alliances and partnerships to focus on meeting the demand for a trained cybersecurity workforce, with a priority being placed on areas with a high concentration of Department of Defense, automotive, and health care related industries.

Development of Cybersecure Medical Technology.—The Committee directs NIST to partner and work directly with academic institutions focused on computer security and privacy, with expertise in research to develop secure medical technologies, including secure medical devices, secure and privacy preserving medical software systems, and in training future scientists and practitioners in state-of-the-art techniques for supporting secure medical technologies. The focus of this partnership shall include exploring and testing how to develop new E-Health and connected medical devices with cybersecurity in mind, how to protect patient information in accordance with the Health Insurance Portability and Accountability Act (Public Law 104–191) requirements, and how to guarantee that critical network communication support patient needs.

Industrial Internet of Things [IIoT].—The Committee provides no less than $2,000,000 for the continued development of an IIoT cybersecurity research initiative and to partner, as appropriate, with academic entities and industry to improve the sustainable security of IIoT devices in industrial settings, including new designs, protocols, algorithms, system architectures, identity and lifecycle strategies, and system hardware features, as well as proposed security standards. This proposed research will account for human, technical, and economic dimensions. These advanced strategies should couple computer science and engineering, psychology, economics, cryptography, and network research to deliver significant mitigations and options for industrial adoption, as well as guidance to consumers and industry on how to manage and utilize these devices consistent with best security practices.

Quantum Science and Engineering.—The Committee provides up to $5,000,000 for the establishment of a consortium between NIST and public and private sector entities for the purpose of advancing the fields of quantum science and engineering.

Forensic Sciences.—The Committee provides no less than the fiscal year 2018 amount for forensic science research. Additionally, the Committee provides $3,000,000 to support the Organization of

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Scientific Area Committees and $1,000,000 to support technical merit evaluations previously funded by transfer from DOJ.

Disaster Resilient Buildings.—The Committee continues to recognize the importance of industry and municipal standards to better mitigate the impact of natural disasters and extreme weather events. Additionally, the Committee supports NIST's increased focus on multi-hazard, pre-impact risk mitigation and post-impact disaster studies. NIST is encouraged to collaborate with the National Science Foundation's Natural Hazards Engineering Research Infrastructure Experimental Facilities. The Committee directs NIST to provide no less than the fiscal year 2018 amount for competitive external awards. NIST shall be responsive to all grant applicants, including acknowledging receipt of applications, providing feedback to any unsuccessful applicants who request further information, and giving adequate notice of the timeline for announcing awards.

Helmet Safety.—The Committee is aware of scientific data that demonstrates a correlation between football-related collisions and concussions, as well as other traumatic brain injuries that can lead to debilitating neural diseases such as dementia and chronic traumatic encephalopathy. The Committee encourages NIST to investigate an effective national testing standard to better scientifically understand the inadequacies of sports helmets while exploring future product designs that can safely reduce the neural risk of playing football, hockey, and other high-impact sports. The academic community has substantial knowledge about these issues, and NIST should work cooperatively with the academic community by funding research for advanced helmets and equipment and in developing new testing standards to ensure player safety. Additionally, NIST should consider establishing an effective national testing standard to inform the development of youth-specific helmet safety standards.

Metals-Based Additive Manufacturing.—The Committee provides no less than the fiscal year 2018 enacted amount for competitive external grants for academic institutions to support research, development, and workforce training to overcome barriers to high-volume additive manufacturing of metals. While the Committee is aware of recent breakthroughs in metals-based additive manufacturing, major technical barriers still exist to dramatically improving build rates that would enable commercial markets to benefit from high-volume, metals-based additive manufacturing.

Plastics and Polymeric Materials.—The Committee recognizes the significant contributions that plastics have made to virtually all sectors of the economy, including in healthcare, infrastructure, food, and cosmetics, among many others. However, plastics take significant time to degrade in the environment due to their durability. The Committee believes advancements in creating products from recycled plastics could provide a more sustainable option for their use. Many hurdles remain in manufacturing products from recycled plastics with the same strength, color, odor, and malleability of new plastic products. Therefore, the Committee provides no less than the fiscal year 2018 enacted amount for competitive external grants for academic institutions to investigate plastic and polymeric materials, as well as novel methods to characterize both

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known and newly developed materials. Such investigations should address ways to increase the strength of recycled plastics and better understand mechanical properties including tensile stress, compressive stress, thermal properties, and nanostructure of polymeric materials that could serve as industry standards for recycled plastic products.

Composites.—The Committee recognizes that composites have wide-ranging proven characteristics that include lightweight, high-strength, corrosion resistance, life cycle cost benefits, and long-term durability that translate to increased factors of safety for infrastructure engineering designs. The Committee urges NIST to work with relevant Federal agencies to coordinate existing standards and test methods for the use of composites and other innovative materials in infrastructure.

Pyrrhotite in Concrete Aggregate.—NIST shall consider establishing standards for acceptable levels of pyrrhotite in concrete aggregate, and shall continue providing technical assistance to those interested in pyrrhotite detection, prevention, and mitigation tools.

Regenerative Medicine Standards.—The Committee is pleased that NIST, the Food and Drug Administration, and the Standards Coordinating Body continue to work to implement the regenerative medicine standards provisions enacted under the 21st Century Cures Act (Public Law 114–255). Currently, work is underway to develop processes and criteria for identifying, prioritizing, and assessing the quality, safety, feasibility, and cost-benefit of such standards. This work will create a foundation that allows industry, regulatory authorities, and other stakeholders to reduce barriers to regenerative medicine research and product development and accelerate the market readiness of these life-changing medical treatments.

Graphene Research and Commercialization.—The Committee recognizes the emergence of graphene as an innovative material with significant commercial and national security potential. The Committee also recognizes that other countries are ahead of the United States in patenting and commercializing applications with this material. The Committee encourages NIST to continue to fund and pursue graphene research activities and designate industry and academic institutions with expertise, existing capabilities, and infrastructure related to the commercial application of graphene. NIST shall also provide the Committee with updates on the recompetition of NIST Centers of Excellence, including an examination of designating an additional Advanced Materials Center dedicated to graphene.

Urban Dome Program.—The Committee notes the value of NIST's Urban Dome program and the importance of accurate measurement science for environmental monitoring and human health. More than half the world's population is living in urban areas, and this concentration is expected to intensify over the coming decades. The Committee provides no less than the fiscal year 2018 amount for the Office of Special Programs to maintain and consider expanding the number of urban dome locations in fiscal year 2019.

Baldrige Performance Excellence.—The Committee provides $2,200,000 for costs associated with NIST's current level of personnel support and expertise that contribute to the Baldrige pro-

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gram. The Committee continues to direct the Secretary to work with the Baldrige program's private sector foundation to conduct a fundraising campaign to support the program as authorized in section 3(f) of Public Law 100–107, to ensure that the foundation has stable funding for the continuation of this program in the future. Additionally, the Committee commends the Baldrige program's efforts to improve the adoption of the NIST Cybersecurity Framework and encourages the program to build more partnerships and self-assessment tools to help organizations with their cybersecurity risk management. Further, the Committee encourages Baldrige to focus on and develop metrics and standards to assist rural healthcare providers by leveraging industry best practices.

INDUSTRIAL TECHNOLOGY SERVICES

Appropriations, 2018	$155,000,000
Budget estimate, 2019	15,094,000
Committee recommendation	155,000,000

The Committee provides $155,000,000 for Industrial Technology Services. The recommendation is equal to the fiscal year 2018 enacted level and $139,906,000 above the budget request. Supporting the Nation's manufacturers, especially small businesses, is critical to keeping America innovative in a global marketplace.

Hollings Manufacturing Extension Partnership Program [MEP].—The Committee rejects the proposed elimination of MEP and instead provides $140,000,000 for the program. The Committee supports MEP's focus on strengthening the existing network of MEP centers and providing additional support to centers based on the documented performance of the center's activities and the manufacturing capacity of the area served by the center.

Manufacturing USA.—The Committee provides $15,000,000 for NIST's activities in the National Network for Manufacturing Innovation [NNMI] (also known as "Manufacturing USA"), to include no more than $5,000,000 for coordination activities, of which up to $1,000,000 may be used to support the Food and Drug Administration's participation in biomanufacturing innovation institutes. The Manufacturing USA program promotes American competitiveness by fostering the development of new manufacturing techniques and fields, accelerating commercialization, and providing technical assistance to U.S. companies. Within funding provided, NIST shall strive to minimize administrative costs in order to provide more direct support for research and development.

CONSTRUCTION OF RESEARCH FACILITIES

Appropriations, 2018	$319,000,000
Budget estimate, 2019	40,549,000
Committee recommendation	158,000,000

The Committee provides $158,000,000 for construction of research facilities. The recommendation is $161,000,000 below the fiscal year 2018 enacted level and $117,451,000 above the budget request. The funding provided includes no less than $58,000,000 for the continued renovation of NIST Building 1 laboratory.

NIST Campus Master Plans.—The Committee commends NIST for having developed and finalized master plans for the Gaithersburg and Boulder Campuses. The master plans provide NIST with

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a framework for the future physical development of its two campuses and a vision for that development over the next 20 years. The plans focus on existing and future laboratory buildings in addition to other support facilities, while at the same time taking into consideration the needs for roads, parking, security, storm water management, and site utilities infrastructure. The Committee is supportive of meeting NIST's physical infrastructure needs and directs it to develop an implementation plan for each of its master plans. The implementation plan shall be submitted with the fiscal year 2020 budget submission and shall include timing and phasing of projects along with current and projected budget estimates for each of the projects identified.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$5,909,364,000
Budget estimate, 2019	4,553,108,000
Committee recommendation	5,482,954,000

The Committee's recommendation provides $5,482,954,000 for the National Oceanic and Atmospheric Administration [NOAA]. The recommendation is $426,410,000 below the fiscal year 2018 enacted level and $929,846,000 above the budget request. The Committee commends the Department for its work to bring down the costs associated with NOAA's Procurement, Acquisition and Construction [PAC] accounts. The decrease in PAC resources in fiscal year 2019 reflects, as expected, the reduced financial need of NOAA's flagship weather satellite programs as the satellites launch and enter into the operational phase. Furthermore, several significant, one-time procurements including aircraft were fully funded in fiscal year 2018. While overall funding for NOAA is below the fiscal year 2018 level, the reduction in PAC resource needs alleviates the strain on other operations and research areas critical to NOAA's core mission. This allowed for an increase above the fiscal year 2018 enacted level in NOAA's Operations, Research, and Facilities accounts.

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$3,536,331,000
Budget estimate, 2019	2,937,753,000
Committee recommendation	3,599,126,000

The Committee's recommendation provides $3,599,126,000 for NOAA's operations, research, and facilities. The recommendation is $62,795,000 above the fiscal year 2018 enacted level and $661,373,000 above the budget request.

NOAA NATIONAL OCEAN SERVICE

The Committee's recommendation provides $583,900,000 for the National Ocean Service [NOS]. NOS programs provide scientific, technical, and management expertise to promote safe navigation; assess the health of coastal and marine resources; respond to nat-

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ural and human-induced threats; and preserve coastal and ocean environments.

The Committee's recommendations are displayed in the following table:

NATIONAL OCEAN SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Navigation, Observations and Positioning:	
Navigation, Observations and Positioning	155,300
Hydrographic Survey Priorities/Contracts	32,000
Integrated Ocean Observing System—Regional Observations	37,000
Total, Navigation, Observations and Positioning	224,300
Coastal Science and Assessment:	
Coastal Science, Assessment, Response and Restoration	77,500
Competitive External Research	18,000
Total, Coastal Science and Assessment	95,500
Ocean and Coastal Management and Services:	
Coastal Zone Management and Services	43,500
Coastal Management Grants	110,000
Coral Reef Program	28,600
National Estuarine Research Reserve System	27,500
National Marine Sanctuaries	54,500
Total, Ocean and Coastal Management and Services	264,100
GRAND TOTAL NOS	583,900

Navigation, Observations and Positioning.—The Committee strongly supports activities under Navigation, Observations and Positioning, including the full operational funding for NOAA's Navigation Response Teams.

Hydrographic Surveys and Contracts.—The Committee continues to be concerned with NOAA's slow progress in reducing the backlog of hydrographic survey work for navigationally significant U.S. waters. Within the amount provided for Hydrographic Survey Priorities/Contracts, NOAA is directed to accelerate the acquisition of survey data and the preparation of navigation charts needed to minimize the risks associated with increased maritime traffic. In addition, not more than 5 percent of funds available for the Hydrographic Survey Priorities/Contracts program may be used for internal Hydrographic Survey Priorities/Contracts program management costs.

Hydrographic Charting in the Arctic.—Despite the massive backlog for charting of navigationally significant areas nationally, and in the Arctic specifically, NOAA's fiscal year 2019 budget request continues to propose underfunding the acquisition of data from contract surveys. Hydrographic survey work in the Arctic, in particular, is subject to a shorter operational season than other U.S. coastal regions. The Committee believes Arctic surveys could be completed more efficiently through increased and accelerated contracting. Therefore, NOAA is directed to award contracts for hydrographic surveys in the Arctic as early in the calendar year as pos-

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sible to maximize the operational season, utilizing effective and efficient contract services. Within the amount provided for Hydrographic Survey Priorities/Contracts, NOAA is directed to accelerate the acquisition of survey data through the use of contractors necessary to minimize the risks associated with increased maritime traffic. In addition, NOAA is directed to utilize all contractors that are available, qualified, and experienced in the Arctic for U.S. Arctic hydrographic surveys.

Gulf of Mexico Coast Survey.—The Committee encourages NOS to engage in high-priority cooperative habitat mapping in the Gulf of Mexico, particularly in areas currently unmapped but prone to disaster. In doing so, NOS may prioritize areas where understanding the long-term implications of new energy exploration would be critical.

Geospatial Modeling Grants.—The Committee provides $8,000,000 within Navigation, Observations and Positioning for the competitive Geospatial Modeling Grants program for which all funding shall be distributed externally.

Hydrographic Research and Technology Development.—The Committee supports the intended use of funds requested for Hydrographic Research and Technology Development. In addition, the Committee provides $2,000,000 above the request for NOAA to designate and continue supporting joint ocean and coastal mapping centers in other areas of the country to be co-located with an institution of higher education as authorized by the Omnibus Public Land Management Act of 2009 (Public Law 111–11). The Committee emphasizes that additional funding is provided for the designation of other joint ocean and coastal mapping centers and therefore shall not decrease funding levels for any existing centers.

Integrated Ocean Observing System [IOOS].—The Committee directs NOAA and the IOOS regions to work with Federal agencies collecting regional observations to better integrate and disseminate information with the goal of reducing duplicative efforts and to provide users with streamlined access to observational information. In addition, within funding provided above the request for IOOS, NOS shall work to complete and operate the National High Frequency Radar System, and is encouraged to utilize autonomous underwater gliders in support of the observing system's mission.

Coastal Science, Assessment, Response and Restoration.—Within the funds provided for Coastal Science, Assessment, Response and Restoration, $2,372,000 shall be for operations and staffing of the Gulf of Mexico Disaster Response Center [DRC]. The DRC shall continue to serve as the Gulf Coast hub for NOAA's emergency preparedness, response, and recovery operations. Furthermore, the Committee provides up to an additional $500,000 to expand regional emergency preparedness training and to develop and disseminate best practices for using data from past environmental disasters to better prepare for, respond to, and assess the environmental impacts of future events.

Marine Debris.—The Committee provides an increase of $1,000,000 above the fiscal year 2018 enacted level for NOAA's Marine Debris Program. The Committee strongly supports ongoing efforts to address marine debris around the country including projects in rural and remote communities that lack infrastructure

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to address the problem, as well as projects in urban communities that include removal of abandoned vessels and pilings that harm the ecosystem and hinder recreational fishing. Furthermore, the Committee directs NOS to coordinate with northern Gulf of Mexico State and local communities and officials, and with State, territorial, and local communities and officials in communities significantly impacted by hurricanes in 2017, to assist in waterway cleanup efforts to remove marine debris and trash from the aquatic environment. These activities should help lead to the development of cost-effective programmatic solutions to address land-generated marine debris.

National Centers for Coastal Ocean Science [NCCOS].—The Committee strongly supports the contribution NCCOS makes to NOAA and other Federal partners, and provides $1,000,000 above the fiscal year 2018 enacted amount for NCCOS. Furthermore, the Committee is aware of the ground-breaking research in the area of emerging marine toxins and harmful algal blooms taking place within NCCOS labs. Because of the significant implications for the nation in protecting both human health and national security, the Committee directs NOAA to continue supporting these efforts through the collective expertise of Federal, State, and academic partners.

Harmful Algal Blooms [HABs].—The Committee recognizes the need to support local efforts to address HABs. Within funding for Coastal Science and Assessment, the Committee provides up to $5,000,000 to accelerate deployment of effective methods of intervention and mitigation to reduce the frequency, severity, and impact of harmful algal bloom events in freshwater systems. Additionally, the Committee encourages NOS to expand its collaboration with States to monitor, predict, track, and respond to HABs in the marine environment. Within funding provided, up to $1,000,000 may be used to expand existing support for States to assess domoic acid levels of HAB species in the marine environment.

HABs Regional Watershed Integrated Assessments and Action Strategies.—The Committee recognizes the importance of the Great Lakes Integrated Assessment and Action Strategy to harmful algal bloom prevention, control, and mitigation efforts in the Great Lakes region, and encourages the Federal Inter-agency Task Force on Harmful Algal Blooms and Hypoxia, established under section 4001 of title 33, and the Interagency Working Group tasked with implementing the Harmful Algal Bloom and Hypoxia Research and Control Act to identify and prioritize additional watersheds that would benefit from the development of regionally-specific Integrated Assessments and Action Plans, including those regions that have been impacted by freshwater and saltwater harmful algal blooms.

Integrated Water Prediction.—Within funding provided for Coastal Zone Management and Services, the Committee provides no less than the fiscal year 2018 level for NOS to continue supporting the development and operation of the Integrated Water Prediction program with NOAA's National Weather Service.

Coastal Zone Management Grants.—The Committee provides $80,000,000 for Coastal Zone Management Grants for coastal

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States to carry out activities related to their respective coastal zone management plans.

Title IX Fund.—The Committee provides $30,000,000 for Title IX Fund grants as authorized under section 906(c) of Title IX of Public Law 114–113. NOAA shall administer this program in accordance with 16 U.S.C. 750(b) and 3701, for collaborative partnerships that incorporate non-Federal matching funds with a priority on supporting authorized activities not otherwise funded within this act, and direct costs shall not exceed 5 percent. NOAA shall retain oversight and accounting of this funding. In selecting the areas of focus for the Title IX Fund, NOAA and the National Fish and Wildlife Foundation should consider proposals that enhance ocean and coastal management; bolster coastal infrastructure and resilience; support regional collaborative efforts and partnerships; advance the collection, synthesis, and public sharing of ocean data; and help coastal communities adapt to changing ocean conditions.

Coral Reef Program.—The Committee recognizes the unique ecological and economic value of coral reefs, including the benefit of buffering coastal communities from hazards such as coastal storms and hurricanes. Furthermore, urgent efforts are needed to reverse the decline of coral populations in the United States. Therefore, the Committee provides up to $5,000,000 for NOS to work with academic institutions and non-governmental research organizations to establish innovative restoration projects to restore degraded coral reefs. This may include implementing landscape-scale coral reef restoration initiatives to outplant lab-grown or aquaculture-raised coral fragments representing diverse assemblages of native coral species, as well as the necessary research and development for these efforts. Restoration projects should utilize genetic strains that demonstrate enhanced resiliency to increased water temperatures, decreased pH, and coral disease, and include designs for multiyear monitoring to assess survival and ecosystem health.

The Committee is aware of proposals to protect investments in coral reef management using alternative risk management, including parametric insurance. NOS is encouraged to assess whether it has any role to play in such proposals and report its findings to the Committee.

Temperate and Cold-Water Corals.—The Committee urges NOAA's coral reef program to support research of all coral species, including temperate and cold-water corals.

Marine National Monuments.—Within funding provided for National Marine Sanctuaries, up to $1,000,000 may be used for competitive research and management grants for existing marine national monuments administered by NOS, provided such grants are subject to a 100 percent non-Federal match.

National Estuarine Research Reserve System.—The Committee provides $27,500,000 for the National Estuarine Research Reserve System [NERRS], which is $27,500,000 above the President's request and $2,500,000 above the fiscal year 2018 enacted level. NERRS sites provide mixed-use areas that are protected for long-term research, monitoring, education, and coastal stewardship. The program is a positive example of State and Federal partnership. Within funding provided for NERRS, up to $2,000,000 may be used to implement a Graduate Research Fellowship program with na-

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tional workforce benefits. The program shall not be subject to any matching requirement, shall be administered by the Office for Coastal Management, and named in memory of Margaret A. Davidson.

NOAA is further encouraged to work with its NERRS and National Marine Sanctuary partners on efforts for early detection, rapid response, and control of invasive species, especially those that jeopardize endangered or threatened native species.

NOAA NATIONAL MARINE FISHERIES SERVICE

The Committee's recommendation provides $924,889,000 for the National Marine Fisheries Service [NMFS]. NMFS programs provide for the management and conservation of the Nation's living marine resources and their environment, including fish stocks, marine mammals, and endangered species.

Committee recommendations are displayed in the following table:

NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Protected Resources Science and Management:	
Marine Mammals, Sea Turtles, and Other Species	125,719
Species Recovery Grants	8,000
Atlantic Salmon	6,500
Pacific Salmon	63,000
Total, Protected Resources Science and Management	203,219
Fisheries Science and Management:	
Fisheries and Ecosystem Science Programs and Services	148,427
Fisheries Data Collections, Surveys and Assessments	170,909
Observers and Training	53,955
Fisheries Management Programs and Services	121,116
Aquaculture	15,000
Salmon Management Activities	37,543
Regional Councils and Fisheries Commissions	40,175
Interjurisdictional Fisheries Grants	3,365
Total, Fisheries Science and Management	590,490
Enforcement	69,796
Habitat Conservation and Restoration	61,384
GRAND TOTAL NMFS	924,889

NMFS Project Consultations.—The Committee provides an increase of $10,000,000 above the fiscal year 2018 enacted amount for NMFS to address the backlog of consultation requests under the Endangered Species Act. NMFS backlog of consultation requests, particularly those from the U.S. Army Corps of Engineers, has caused significant permitting delays for local communities seeking to implement various projects across the country. The Committee directs NMFS to work with the Corps of Engineers and other Federal agencies to improve coordination and efficiency of consultations within the permitting process.

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Marine Mammal Protection.—The Committee supports NMFS's mission under this activity to monitor, protect, and recover at-risk marine mammal species listed under the Endangered Species Act in 2005, but whose populations continue to decline. The Committee encourages NMFS to utilize funding for the protection and recovery of marine mammal species at risk due to factors such as limited prey species, water-borne toxin accumulation, and vessel and sound impacts.

North Atlantic Right Whale.—The Committee is concerned that North Atlantic right whale populations remain critically low. In 2017, there were 17 North Atlantic right whale deaths attributed to ship strikes and fishing gear. An additional right whale death has been documented in 2018, and no right whale calves have been seen on their traditional calving grounds. Therefore, the Committee provides an additional $1,000,000 within Marine Mammals, Sea Turtles, and Other Species to increase research and monitoring of North Atlantic right whales to better understand how the species interacts with fisheries and shipping traffic and is adapting to changing ocean conditions and shifting feeding grounds.

Hawaiian Monk Seals and Sea Turtles.—Within funding for Marine Mammals, Sea Turtles, and Other Species, the Committee provides NOAA no less than the fiscal year 2018 amount for Hawaiian Monk Seals and Hawaiian Sea Turtles.

Prescott Grants.—Within Marine Mammals, Sea Turtles, and Other Species, the Committee provides $4,000,000 for the John H. Prescott Marine Mammal Rescue Assistance grant program.

Species Recovery Grants.—The Committee provides an increase of $1,000,000 over the fiscal year 2018 enacted amount for Species Recovery Grants, and directs NMFS to utilize both the Endangered Species Act Recovery Plan and the Marine Mammal Protection Act Take Reduction Plan priorities when evaluating marine mammal projects.

Atlantic Salmon.—NOAA has identified major threats to Atlantic salmon, including interrelated effects of freshwater salmon habitat loss, lost prey buffering, and marine derived nutrients from declines of co-evolved diadromous species. Within the funding provided for Atlantic Salmon, the Committee directs NOAA to enable a broader use of funds for restoration of diadromous species and habitats that support salmon recovery by providing ecological functions critical to the Atlantic salmon life cycle. The Committee further directs NOAA to ensure that adequate resources continue to be provided for State agencies to implement the recovery strategy effectively.

Pacific Salmon.—Within the funding provided for Pacific salmon, NOAA shall consider expanding salmonid monitoring activities, including through the use of tags and acoustic tracking to utilize real-time monitoring to avoid impacts to protected species. NOAA is also encouraged to work with partners to address the backlog of hatchery genetic management plans and expedite approval.

Promote and Develop Fisheries Products and Research Funding Transfer.—The bill maintains the provision restricting the use of the Promote and Develop Fisheries Products and Research funds transferred from the Department of Agriculture to NOAA in a way that better meets the intended purpose of the transfer mandated

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by the Saltonstall-Kennedy Act. None of the funds may be used for internal NOAA or DOC management, but rather, funds may only be used for activities that directly benefit U.S. fisheries and fishery communities. Specifically, these funds may only be used for: cooperative research; annual stock assessments; efforts to improve data collection, including catch monitoring and reporting for commercial, charter, and recreational fisheries; interjurisdictional fisheries grants; and Fisheries Information Networks.

As part of the fiscal year 2019 spending plan, NOAA shall include a clear accounting of how the Promote and Develop transfer funds will be allocated based on the funding criteria described in this bill.

Saltonstall-Kennedy [S–K] Grant Program.—The Committee rejects the Administration's proposal to eliminate the S–K grant program and further directs that not less than 15 percent of the total amount of the transferred funds shall be provided for the competitive S–K grant program. The Committee also directs NOAA to obligate no less than 80 percent of the S–K grant program funds externally through a competitive grant process. NOAA shall consult with a diverse group of industry participants representing the entirety of the supply chain, from all regions of the country, to identify funding priorities. Prior to obligating these funds, NOAA shall provide the Committee with a detailed spending plan describing which fisheries activities will be funded in each of the regions and how the plan incorporates regional priorities. The Committee further encourages NOAA to prioritize marketing and development of the seafood industry, as was the original intent of the S–K grant program.

NMFS Staffing.—The Committee acknowledges that NMFS regional staff are most effective in meeting their mission when staff are located in the communities they serve. To the greatest extent practicable, the Committee directs NMFS to consider stationing regional staff within the regions they serve. Further, NMFS is directed to submit a report to the Committee, within 90 days of enactment of this act, describing the benefits and impacts of transitioning up to 90 percent of its regional staff to the regions that they serve. Additionally, the Committee encourages NMFS to station Regional Science Directors within the regions they serve.

Aleutian Island Pollock.—The Committee appreciates NMFS's timely response and report to Congress on Aleutian Island pollock. In accordance with the agency's own recommendation from that report, NMFS is directed to, in coordination with Adak, the Aleut Corporation, and the North Pacific Fishery Management Council, issue an Exempted Fishing Permit [EFP] for a pollock test fishery, and depending on the results of that EFP, consider additional regulatory changes to the management of Aleutian Islands pollock.

Gulf Reef Fish.—The Committee recognizes that accurate estimates of reef fish, such as red snapper, gray triggerfish, greater amberjack, and gag grouper, in the Gulf of Mexico require additional resources for research and assessment. Within funding under Fisheries Science Base Activities, the Committee provides up to $5,000,000 for NMFS to partner with academic research institutions that are uniquely positioned to better understand the population dynamics of these important species.

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Exempted Fishing Permits for Red Snapper Fishing.—The Committee commends each Gulf State for developing a strong proposal for reef fish management to improve recreational fishing access. Within the amount provided for Fisheries Data Collections, Surveys and Assessments, the Committee provides $5,000,000 for NMFS to deliver technical support as needed to the Gulf States to ensure successful implementation of each state plan.

In addition, the Committee continues to direct NMFS to incorporate agency-independent and alternative approaches to stock assessments into the agency's own stock assessments used for the management of reef fish in the Gulf of Mexico. Furthermore, all stock assessments used by NMFS for Gulf reef fish should include fishery data collected on artificial reefs, offshore oil platforms, and other offshore fixed energy infrastructure.

In addition, if an increase is made to the acceptable biological catch for red snapper in the Gulf of Mexico as a result of the direction provided in this report for stock assessments, the Committee urges NOAA to consider allocating not less than 80 percent of any total above 10 million pounds of quota to the recreational sector. While all sectors have faced challenges in the gulf red snapper fishery, the private-boat recreational sector has been especially impacted.

Ecosystem Imbalance.—NOAA shall take into consideration any imbalance in the ecosystem that may be occurring between larger red snapper and other fish species before accepting amendments to existing regulations or implementing new regulations that directly affect red snapper quotas in the Gulf of Mexico.

South Atlantic Reef Fish.—NMFS shall consider employing the independent and alternative stock assessment strategies directed by the Committee for the Gulf of Mexico to NMFS assessments of reef fish in the South Atlantic. The Committee provides up to $1,500,000 for these activities and notes deficiencies that have plagued reef fish management in the Gulf of Mexico also affect NMFS management of reef fish in the South Atlantic.

Fishing Gear Selectivity Study.—Within funding provided for Fisheries Data Collections, Surveys and Assessments, NOAA shall consider conducting a multiyear, agency-independent study to evaluate the selectivity and potential bias of different gears used to assess reef fish populations in the South Atlantic region, which should build on recent work being conducted by State agencies on red snapper. Specifically, the study should address whether the use of certain gear by the South Atlantic Marine Resources Monitoring, Assessment, and Prediction Survey, such as Chevron traps, fail to adequately sample across age classes of reef fish, including red snapper, due to the different behaviors and habits exhibited by larger and smaller fish within the same or similar species. NOAA is further encouraged to initiate a multiyear, agency-independent study using multiple hooked-gears to sample South Atlantic red snapper for age composition, sexual maturity, and egg production.

Highly Migratory Species.—Within funding provided for Fisheries Ecosystem Science, Programs, and Services, the Committee provides up to $2,000,000 for cooperative, competitive extramural research on highly migratory fish species in the Gulf of Mexico and the Atlantic. This should include examining the impact of offshore

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oil platforms on the biology of highly migratory species, such as yellow fin tuna. The Committee recognizes that highly migratory species, and the coastal communities that rely on the health of these stocks, could greatly benefit from improved, science-based management and conservation.

Lobster Fishing Gear.—The Committee is supportive of ongoing research to develop alternative lobster fishing gear such as ropeless traps and reduced breaking-strength rope. The Committee encourages further collaboration between the fishing industry, academic institutions, and nongovernmental organizations in the development of such gear and in field trials and preliminary implementation.

Report on U.S. Shark Fisheries.—According to the NMFS Status of Stocks 4th Quarter 2017 Update, there are 64 stocks of sharks that are actively caught or caught as bycatch in U.S. waters, including prohibited species. Of those 64 species, 40 have "unknown" overfished and overfishing status, 12 are not overfished and not experiencing overfishing, 4 are overfished and experiencing overfishing, and 8 have mixed status information. The Committee directs NMFS to issue a report on the status of U.S. shark fisheries within 90 days of enactment of this act. The report should include the dates of the three most recent assessments of each shark stock in the U.S., when the next assessments are scheduled, and annual statistics for commercial landings and bycatch of each species for the previous 5 years.

Fisheries Information Networks.—Within funding provided for Fisheries Data Collections, Surveys, and Assessments, $23,000,000 is provided for Fisheries Information Networks.

Northwest Fisheries Ecosystem Monitoring System.—The Committee recognizes the importance of long-term data series monitoring ocean conditions and ecological indicators. This information is important in management decisions for salmon and other marine species, and to enable advance forecasting capabilities for early detection of ocean conditions known to produce harmful toxins that affect regional fisheries closures. Within funds for Fisheries Data Collections, Surveys and Assessments, the Committee encourages the Northwest Fisheries Science Center to continue to invest in long-term data monitoring of ocean conditions of the Northern California Current.

Marine Recreational Information Program [MRIP].—The Committee provides up to $3,000,000 within Fisheries Data Collection, Surveys and Assessments, subject to a 50-percent non-Federal matching requirement, to implement the recommendations of the National Academy of Sciences [NAS] made in the 2017 report entitled "Review of the Marine Recreational Information Program." This funding should focus on assisting States to establish more reliable fishery data collection tools such as smartphone applications or text messaging supplements so that MRIP may leverage better in-season management of reef fish. NMFS is also encouraged to enter into an additional agreement with NAS to prepare a supplementary report and set of recommendations to resolve challenges related to in-season management of annual catch limits.

Northeast Groundfish Research.—The Committee is concerned about the decline of the Northeast Multispecies Fishery and the

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health of fishing stocks in the Gulf of Maine. Within funding provided for Fisheries Ecosystem Science Programs and Services, the Committee provides $2,000,000 for groundfish research, with a focus on the effects of changing climatic conditions and warming waters on the fishery, including stock health and natural mortality. NOAA is further encouraged to prioritize research regarding relative gear efficiency and stock boundaries. This funding is intended to support research conducted by the Northeast Fisheries Science Center, research conducted separately by, or in collaboration with, outside partners such as higher education institutions or State agencies, and research conducted in cooperation with the fishing industry.

Cooperative Research.—Depleted fish stocks result in significant economic losses to our Nation. At a time when fishing opportunities are constrained by uncertainty in stock assessments and increased access to healthy stocks depends on better data, the Committee believes that maintenance of ongoing monitoring programs, surveys, and improved research is critical. The Committee encourages NMFS to continue to prioritize long-time series surveys that are conducted cooperatively with industry and States. NMFS is additionally encouraged to prioritize studies using video systems deployed in commercial trawl nets for surveys conducted cooperatively with States, industry, and nonprofit institutions that can be validated and incorporated into survey data. NMFS is also encouraged to focus on improved understanding of natural mortality and relative gear efficiency to ensure accurate measures of catchability. Furthermore, the Committee encourages the Northeast Fisheries Science Center to consider prioritizing cooperative research efforts for species that are experiencing shifts in range and population density due to warming waters and other global environmental changes.

The Northeast Fisheries Science Center is directed to work collaboratively with the fishing industry to update and publish the Northeast Cooperative Research Strategic Plan, including: the identification of science priorities; a process for greater involvement of fishermen in data collection; and better communication of how the results of cooperative fisheries research are used.

Baseline Data for Gulf of Mexico.—The Committee directs NOAA to continue supporting baseline research for fisheries health in the Gulf of Mexico, including studies of pelagic species. NOAA is encouraged to increase and continue collaborations in the Gulf to establish an integrated and comprehensive ecosystem-level fisheries monitoring enterprise and sentinel species program.

Electronic Monitoring and Reporting.—Within Fisheries Ecosystem Science Programs and Services, the Committee provides no less than the fiscal year 2018 amount for Electronic Monitoring and Electronic Reporting [EM/ER] to support the development, testing, and installation of EM/ER technologies across the country. The Committee recognizes that advancements in EM/ER have the potential to cut costs and improve data collection for most U.S. fisheries. NMFS is directed to prioritize EM/ER implementation in fiscal year 2019, and expedite to the fullest extent practicable the transition to full EM/ER. Within the funds provided for these activities, not less than $3,500,000 shall be available, in accordance

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with 16 U.S.C. 3701, for collaborative partnerships that include non-Federal matching funds to implement cost-shared EM/ER programs that support fisheries conservation and management. During the development and implementation of electronic reporting and monitoring programs, NOAA shall consult directly with industry and work through the Fishery Management Councils (established under sections 1851 and 1852 of title 16) to develop appropriate cost-sharing arrangements that are commensurate with the ex-vessel value of the fishery.

Furthermore, NMFS shall continue to work in fiscal year 2019 with the charter for-hire recreational fishery fleet in the Gulf of Mexico; the Northeast multispecies groundfish fishery fleet, including small vessels within that fleet; and any regional fishery fleet interested in implementing EM/ER technologies to better track information that is currently collected through the use of human observers.

Electronic Monitoring Data Storage.—Within 60 days of enactment of this act, the Committee directs NMFS to provide a report to the Committee detailing how NMFS intends to store data collected from Electronic Monitoring [EM]. Because the Committee believes storing EM data for periods longer than 18 months would be unnecessary and not cost efficient, the report should include any reasoning that may be contrary to the Committee's position.

Northeast Multispecies Fishery.—The Committee recognizes that the New England groundfish fisheries management programs continue to present substantial financial challenges to the participants as well as to the economic sustainability of those fisheries and fishing communities. NOAA is directed to fully fund the At-Sea Monitoring costs in the New England groundfish fishery, including sea and shore side infrastructure costs. The Committee provides $10,300,000 within Observers and Training for this purpose. NOAA is directed to submit a plan to the Committee not less than 180 days after enactment of this act that will establish fully operational electronic monitoring and reporting procedures for the Northeast Multispecies Fishery not later than September 30, 2021. The plan should include NOAA's proposal to cover vessel equipment and installation costs, with daily, half-day, or quarter-day operational costs to be borne by the fishing vessels. The Committee notes that while participation in EM/ER observer coverage will remain voluntary after the September 30, 2021, deadline, vessels not participating in EM/ER coverage will also be required to cover their daily, half-day, or quarter-day observer costs after that date.

Illegal, Unreported, and Unregulated [IUU] Fishing.—Under Fisheries Management Programs and Services, the Committee provides no less than the fiscal year 2018 amount to combat IUU fishing. An additional $1,400,000 is provided for the implementation of the program established under Section 539 of the Commerce, Justice, Science, and Related Agencies Act, 2018 (Public Law 115–141). NOAA is directed to continue strengthening its efforts to detect and deter illegally harvested and improperly documented seafood, including working with other U.S., international, and foreign agencies to ensure fair competition for our country's domestic fishermen and safety for American consumers.

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The Committee encourages NOAA to work with U.S. Customs and Border Protection to improve and expand efforts to identify high-risk shipments and collect critical import data in order to increase enforcement of import restrictions on IUU seafood products and expand investigations of foreign IUU hotspots.

Additionally, the Committee supports NOAA's Office of Law Enforcement and its efforts to combat IUU fishing. NOAA is directed to consider how innovative remote sensing technology could help fulfill its mission, including satellite imaging and traceability, and shall consider developing a comprehensive IUU enforcement strategy in consultation with the U.S. Coast Guard. NOAA may also confer with the Federal Law Enforcement Training Center [FLETC] and may contract with FLETC to assess and provide technical assistance to improve NOAA's current law enforcement strategy.

Bycatch Reduction.—The development and implementation of practical bycatch solutions is a priority for U.S. and international fisheries management and protected species conservation. The Committee supports the requested amount for reducing bycatch, of which NMFS is directed to make no less than the fiscal year 2018 amount available for competitive grants to non-Federal researchers working with U.S. fishermen on the development of improved fishing practices and innovative gear technologies.

Pacific Coast Groundfish Fishery.—The Committee recognizes the ongoing impacts on the Pacific coast groundfish fishery trawl industry resulting from NMFS's delay in promulgating regulations to collect loan payments for the 2003 fishing vessel and permit buyback program. This delay caused an additional $4,000,000 in interest to accrue, resulting in an estimated $10,000,000 of additional loan payments for the Pacific coast groundfish fishery trawl industry. The Committee notes the implementation of the Revitalizing the Economy of Fisheries in the Pacific Act of 2014, section 3095 of Public Law 113–291, which is intended to provide relief related to this legacy issue.

Regional Aquaculture Coordinators.—The Committee directs NMFS to designate a Regional Aquaculture Coordinator [RAC] for each of the six National Marine Fisheries Regions, to be located at each respective regional office. The goal of each RAC should be to liaise with aquaculture stakeholders and industry as well as relevant Federal, State, local, and tribal government entities; assist with Federal grants management and training programs; and foster science collaborations among stakeholders, academics, and governments within their designated fisheries region.

Regional Pilots in Sustainable Aquaculture.—The NMFS Aquaculture Office is directed to continue regional pilot programs for partnerships between the seafood industry and community partners that can develop, validate, and deploy economically and environmentally sustainable aquatic farming techniques and regional business practices to grow domestic seafood production. To maximize the impact of these pilot grants, NMFS is encouraged to give priority consideration to promising but less commercially developed technologies, such as those targeting shellfish, seaweed, and other relative newcomers to the domestic aquaculture industry. The Committee provides $2,500,000 in the NMFS Aquaculture budget

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for this purpose. This funding is in addition to the laboratory funding for NOAA's fisheries science centers engaged in aquaculture research, which shall be funded at no less than the fiscal year 2018 enacted level.

Aquaculture Activities at Fisheries Science Centers.—The Committee remains concerned about the staffing levels at NMFS fisheries science centers. NOAA is encouraged to grow staffing levels and improve resources and facilities at the Northeast and Northwest Fisheries Science Centers to return staffing levels to those in fiscal year 2010.

Oyster Aquaculture, Research, and Restoration.—Within the increased funding level provided for NMFS Aquaculture, the Committee provides no less than $5,000,000 to support ongoing research in off-bottom oyster production in coastal areas, particularly those new to this method of production, including the Gulf of Mexico, and encourages NMFS to dedicate resources for further research in oyster genetics, disease, and economic modeling. NMFS is also encouraged to support regional partnerships to classify and preserve natural genetic variation in oysters.

In addition, the Committee recognizes that the shellfish farming industry is composed of thousands of small farmers who are unable to fund critical research in the fields of shellfish disease, food safety, warming waters, and ocean acidification. To improve coordination and consistency, the Committee directs NMFS Aquaculture to engage and partner with industry, academic institutions, and States to conduct collaborative research to address the challenges facing this growing industry. Further, NMFS Aquaculture is encouraged to coordinate with the Department of Agriculture's Agricultural Research Service [ARS] to leverage and supplement existing ARS shellfish research partnerships.

Salmon Management Activities.—Within the amount provided for Salmon Management activities, the Committee recommends $16,000,000, an increase of $2,000,000 above fiscal year 2018, to enable States and tribal communities to implement necessary Pacific Salmon Treaty agreements. The Committee fully supports all other aspects of the budget request for Salmon Management activities that are essential to meeting these treaty obligations. The Committee also provides no less than the fiscal year 2018 amount for the operation and maintenance of Mitchell Act hatcheries.

Genetic Stock Identification.—The Committee supports continued research and testing of genetic stock identification [GSI] management techniques in the Pacific salmon fishery to meet the dual purpose of protecting weak and the Endangered Species Act listed stocks, while allowing for sustainable commercial and recreational access to healthy stocks in the wild. NMFS shall continue to support GSI research, including the collection, analysis, and testing of methods that rely on genetics-based data to identify and track the location of federally protected stocks in the wild.

Fishery Councils and Commissions.—The Committee provides $40,175,000 to support the Regional Fishery Management Councils, Interstate Marine Fisheries Commissions, and International Fisheries Commissions, which represents a 12 percent increase over fiscal year 2018. NMFS shall apply this percentage increase equally across Councils & Commissions.

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Furthermore, the Committee recognizes the important role that regional management plays in sustaining a balanced ecosystem and healthy fish populations and the advantage that aggregate data can provide in understanding emerging trends across our Nation's fisheries. The Committee directs the Regional Councils and Fisheries Commissions to prioritize research and monitoring of high priority species in the face of changing environmental conditions.

Offshore Wind.—The Committee supports the responsible development of renewable energy projects off the Atlantic Coast and the existing offshore wind permitting process, which includes assessing impacts on fisheries and marine mammals. The Committee also acknowledges the importance of consultation with the fishing industry in the siting of wind energy areas to ensure sustained access to important fishing grounds that support the economic growth of coastal communities. Therefore, the Committee encourages NOAA, in consultation with the Bureau of Ocean Energy Management within the Department of the Interior, the regional fishery management councils, and the Atlantic States Marine Fisheries Commission, to improve engagement with the fishing industry.

Cooperative Agreements with States.—The Committee rejects the administration's proposal to eliminate funding for cooperative enforcement agreements with States, including execution of Joint Enforcement Agreements. Instead, no less than the fiscal year 2018 amount is provided for these activities that are critical for proper surveillance and enforcement of our nation's fisheries laws. Additionally, the Committee directs NMFS Office of Law Enforcement to use a stable funding model and ensure that Federal enforcement requirements are better aligned with the priorities of State and territorial enforcement partners.

Northeast Lobster Enforcement.—The Committee encourages continued collaboration between States, NOAA, and the U.S. Coast Guard to improve Federal capacity for offshore lobster enforcement in the Northeast. Offshore enforcement of fixed-gear fisheries, such as lobster, is critical to ensure fishing gear is compliant and minimizes negative impacts on whale health. The Committee directs NOAA to report to the Committee within 180 days on its progress on this issue and any further steps needed to ensure adequate enforcement of offshore lobster fishing.

Horseshoe Crab Survey.—The Committee remains concerned about the inability to estimate the abundance of the mid-Atlantic horseshoe crab population. Adequate data is required to ensure State and interstate managers can effectively manage the stock, which is important to the biomedical and commercial fishing industries, as well as to the ecology of the mid-Atlantic region. The Committee encourages NMFS to continue this important survey to generate the data necessary to ensure the mid-Atlantic horseshoe crab stock remains on a sustainable path.

Seafood Reporting.—The United States leads the world in responsibly managed fisheries and aquaculture, and the Committee supports NOAA's activities to inform consumers about our Nation's sustainable fisheries through the agency's FishWatch program. However, the Committee is concerned that the exclusive use or recognition of third-party certifications for seafood sustainability by the Department could have unintended consequences for various

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domestic fisheries. The Committee acknowledges that some U.S. fisheries voluntarily utilize third-party seafood sustainability certification schemes, but believes it is not the Department's role to adopt such certification schemes when doing so could result in the Department arbitrarily influencing the U.S. domestic seafood market. The Committee believes support for third-party certifications is best presented in non-governmental forums. Therefore, the Committee directs the Department not to adopt, use, or promote any third-party certification scheme for seafood sustainability but to instead continue providing consumers with independent and accountable information generated from within the Department.

Economic Impact of Turtle Excluder Devices [TEDs].—In fiscal year 2018, the Committee directed NMFS to provide a report regarding any potential rule to require all skimmer trawls, pusherhead trawls, and wing nets rigged for fishing to use TEDs in their nets. The report directed NMFS to provide specific steps it would consider to eliminate the negative economic impact of any such rule. The Committee directs NMFS to deliver the report as soon as possible for the Committee to review and further consider this important issue.

Habitat Conservation and Restoration.—The Committee provides $61,384,000 for Habitat Conservation and Restoration activities. Up to $8,000,000 may be used to address the Essential Fish Habitat consultation backlog. Within the amount provided, NOAA is encouraged to include funding for the multi-year Habitat Blueprint Focus Area partnership agreements developed under the Habitat Blueprint initiative. The Committee encourages NOAA to include a broader ecosystem-based management philosophy; expand criteria to include recreational species, managed commercial species, and forage species; and prioritize proposals that engage local communities. NOAA should continue to emphasize the value of partnerships when evaluating grant applications.

NOAA OCEANIC AND ATMOSPHERIC RESEARCH

The Committee's recommendation provides $508,256,000 for Oceanic and Atmospheric Research [OAR]. OAR programs provide environmental research and technology needed to improve NOAA weather forecasts, climate predictions, and marine services. To accomplish these goals, OAR supports a network of scientists in its Federal research laboratories, universities, and joint institutes and partnership programs.

Committee recommendations are displayed in the following table:

OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Climate Research:	
Laboratories and Cooperative Institutes	61,000
Regional Climate Data and Information	39,000
Climate Competitive Research	60,000
Total, Climate Research	160,000

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OCEANIC AND ATMOSPHERIC RESEARCH OPERATIONS, RESEARCH AND FACILITIES—Continued

[In thousands of dollars]

	Committee recommendation
Weather and Air Chemistry Research Programs:	
Laboratories and Cooperative Institutes	75,000
U.S. Weather Research Program	18,000
Tornado Severe Storm Research/Phased Array Radar	12,622
Joint Technology Transfer Initiative	10,000
Total, Weather and Air Chemistry Research	115,622
Ocean, Coastal and Great Lakes Research:	
Laboratories and Cooperative Institutes	40,000
National Sea Grant College Program	71,000
Marine Aquaculture Research	12,000
Sustained Ocean Observations and Monitoring	43,500
Integrated Ocean Acidification	11,000
Ocean Exploration	35,000
National Oceanographic Partnership Program [NOPP]	8,000
Total, Ocean, Coastal and Great Lakes Research	220,500
High Performance Computing Initiatives	12,134
GRAND TOTAL OAR	508,256

Laboratories and Cooperative Institutes.—The Committee provides $4,000,000 above the fiscal year 2018 enacted level for Ocean, Coastal and Great Lakes Research Laboratories and Cooperative Institutes and expects the administration to fully fund Cooperative Institutes at appropriate levels in future years, including those currently supporting NOAA 's coastal resilience mission.

Additionally, not less than 90 days after enactment of this act, NOAA is directed to update its "Prospectus for Cooperative Institutes in the 21st Century" plan to include the procedures under which a university or other academic institution can apply for Cooperative Institute status. The Committee continues to strongly support well established institutes, including those focused on watershed effects on marine ecosystems, remote sensing, and long-term monitoring of oil spill impacts on marine ecosystem health.

Climate Research.—The Committee rejects OAR's request to eliminate Climate Competitive Research and Arctic Research. Instead the Committee provides $2,000,000 above the fiscal year 2018 enacted amount, including for the support and expansion of the National Integrated Drought Information System and the Regional Drought Early Warning Information System.

Arctic Research.—The Committee provides no less than $6,000,000 for arctic research funded under OAR's Climate Laboratories and Cooperative Institutes and Regional Climate Data and Information.

Weather & Air Chemistry Laboratories and Cooperative Institutes.—The Committee rejects OAR's proposed elimination of the Air Resources Laboratory [ARL], as well as OAR's proposed closing of the Unmanned Aircraft Systems [UAS] Program Office. The Committee provides no less than the fiscal year 2018 enacted amount for ARL and the UAS Program Office.

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Unmanned Aircraft Systems.—The Committee encourages NOAA to collaborate with NASA and other agencies to develop and deploy UAS capabilities for environmental sensing applications. These UAS assets should be deployed to benefit existing data collection and modeling needs and goals, including for weather prediction, earth system monitoring, and environmental and climate research.

Multi-Function Phased Array Radar [MPAR] Program.—The Committee recognizes the importance of the MPAR program in the development and implementation of the next generation weather and aircraft radar surveillance network. The Committee directs NOAA to maintain its leadership in the MPAR research and development effort as the program transitions to the Spectrum Efficient National Surveillance Radar [SENSR] program, and encourages continued work on a Memorandum of Understanding among NOAA, the Federal Aviation Administration, the Department of Defense, and the Department of Homeland Security that delineates each agency's or Department's needs regarding the function and timeline of a joint multi-use and multi-function radar system.

Vortex-Southeast [Vortex-SE].—The Southeastern United States commonly experiences devastating tornadoes under variables and conditions that differ considerably from the Midwest, where tornado research has historically been focused. Within funds provided for Weather and Air Chemistry Research Programs, no less than $5,000,000 is provided for OAR to continue collaborating with the National Science Foundation's Vortex-SE initiative to better understand how environmental factors that are characteristic of the Southeastern United States affect the formation, intensity, and storm path of tornadoes for this region.

Remote Sensing for Snowpack and Soil Moisture.—The Committee strongly supports NOAA's continued development of the National Water Model to improve operational forecasts at NOAA's National Water Center. Within funding provided for OAR's U.S. Weather Research Program, up to $2,000,000 is for research activities to improve fine and large-scale measurements of snow depth and soil moisture data that can be used to expand and improve the National Water Model and contribute directly to the mission of NOAA's National Water Center.

Hydrologic Modeling Grants.—The Committee recognizes the success of the National Water Model in advancing flood forecasting and predicting other water related hazards. Within funding for the U.S. Weather Research Program, OAR shall make grants available for the development of high resolution hydrologic modeling systems to address issues related to floods, drought, water quality, and ecosystem health. Research should include addressing water-related issues in the Southeastern United States, including those relating to agriculture.

Airborne Phased Array Radar [APAR].—Within funding for NOAA's U.S. Weather Research Program, no less than $4,000,000 is provided to research and develop aircraft-based hazardous weather observing systems, such as APAR. NOAA shall coordinate these research and development activities with the National Science Foundation.

Infrasonic Weather Monitoring Research.—Within funding provided for the U.S. Weather Research Program, the Committee pro-

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vides up to $1,000,000 to support external research opportunities with academic institutions in infrasonic monitoring methods of violent weather. The Committee believes that advanced infrasound signal processing methodologies and studies, deployed through a network of infrasound arrays to detect tornadoes and hurricanes, have the potential to improve forecast accuracy.

National Sea Grant College Program.—The Committee again flatly rejects the administration's proposed elimination of NOAA's Sea Grant program. Instead, the Committee provides an increase of $6,000,000 above the fiscal year 2018 enacted amount for the Sea Grant program and its research, education, extension, and outreach activities, which are critical for coastal communities and benefit the entire Nation. This level of funding supports the key focus areas in the program's strategic plan: sustainable fisheries and aquaculture, resilient communities and economies, healthy coastal ecosystems, environmental literacy, and workforce development. In addition, the Committee directs NOAA to continue funding all Sea Grant STEM education and fellowship programs. Further, NOAA is directed to continue its partnership with academic programs that provide legal expertise related to Sea Grant's mission and also encourages the Sea Grant program to prioritize providing training, education, outreach, and technical assistance for young fishermen.

Additionally, the Committee understands that the Sea Grant program provides no less than $1,000,000 in annual base funding, or $4,000,000 over the course of the 4-year grant cycle, to each Sea Grant program with Institutional or College Program status. NOAA is directed to continue this funding model for Sea Grant programs receiving Institutional or College Program status in fiscal year 2019.

Sea Grant Fellowship Program.—NOAA's Sea Grant program is reminded that the Committee's broad support is due to the program's historically objective standards, State-driven goals, and nonpartisan priorities. Within NOAA's Sea Grant program, the National Sea Grant Fellowship program serves as a valuable pipeline for our Nation's future ocean science and policy experts. The Fellowship program should remain objective and apolitical, and should increase its efforts to recruit qualified, non-partisan candidates who are committed to working on oceans and coastal issues for any Member of Congress, regardless of political affiliation.

Fisheries-Related Research.—The Committee remains concerned about the negative impacts of the short recreational fishing season for red snapper in the Gulf of Mexico. While the relief provided by the administration for the 2018 fishing season is welcomed, the Committee notes it is only a short-term solution with the potential to further restrict fishing access in the future. Additional data sources and assessment approaches are needed and should be pursued by entities other than NOAA's regulating line office, NMFS. Therefore, the Committee continues to provide up to the fiscal year 2018 enacted level within Sea Grant to research and develop alternative approaches to data collection and analyses.

American Lobster Research.—Within increased funding for the Sea Grant program, the Committee provides $2,000,000 for partnerships between State agencies, academia, and industry to address American lobster research priorities in the Gulf of Maine,

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Georges Bank, and southern New England. Research should focus on stock resilience in the face of environmental changes, including life history parameters, distribution and abundance, and species interactions, with the purpose of informing future management actions.

Aquaculture Research.—The Committee provides $12,000,000 for marine aquaculture research. NOAA is directed to support marine aquaculture research and development in partnership with universities. Similar research efforts have led to beneficial outcomes such as the development and commercialization of new technologies to meet the domestic demand for seafood, including finfish, shrimp, and oysters. As the administration strives to reduce our Nation's significant trade deficit in aquaculture-raised seafood, NOAA shall report to the Committee within 90 days of enactment of this act on the important contributions Aquaculture Research grants have made to domestic seafood production.

Ocean Exploration.—The Committee directs NOAA to use a portion of the funding provided for Ocean Exploration to make competitive external awards to academic institutions that have partnered with OAR's Ocean Exploration program in the past. This includes those institutions with ocean-going assets, such as Autonomous Underwater Vehicles [AUV], to support new exploration missions, expeditions, and deep-sea research in the Gulf of Mexico.

NOAA is also encouraged to work with the Department of Defense and other relevant agencies to continue fundamental ocean exploration in which open source data are collected for the oceanographic community and private industries in real-time through telepresence technology. Furthermore, the Committee encourages NOAA to leverage partnerships with universities to increase capacity for deepwater AUVs as a means to sustain utility of AUV assets. The Committee also encourages NOAA to work with the Department of Defense, especially the Naval Meteorology and Oceanography Command and the Naval Undersea Warfare Center, to leverage assets and facilities to support deepwater AUV program development.

National Oceanographic Partnership Program.—The Committee provides $8,000,000 to advance ocean science research through the National Oceanographic Partnership Program [NOPP] (10 U.S.C. 7901–7903), provided that none of the funding provided may be used to support more than 50 percent of any particular project cost. Of the funding provided for NOPP, up to $3,000,000 may be used to continue projects supported by fiscal year 2018 funds under the Ocean Joint Technology Transfer Initiative [O–JTTI], and such funds provided in fiscal year 2019 may be used to support up to 100 percent of these project costs.

NOAA NATIONAL WEATHER SERVICE

The Committee's recommendation provides $1,019,219,000 for the National Weather Service [NWS]. NWS programs provide timely and accurate meteorologic, hydrologic, and oceanographic warnings and forecasts to ensure the safety of the population, mitigate property losses, and improve the economic productivity of the Nation. NWS is also responsible for issuing operational climate fore-

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casts for the United States. The Committee has made saving lives and livelihoods through accurate weather forecasting a priority.

The Committee's recommendations are displayed in the following table:

NATIONAL WEATHER SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Observations	224,363
Central Processing	97,890
Analyze, Forecast, and Support	503,938
Dissemination	50,028
Science and Technology Integration	143,000
GRAND TOTAL NWS	1,019,219

Information Technology Officers [ITOs].—The Committee does not approve the NWS proposal to consolidate ITOs in fiscal year 2019. NWS was invited to submit a proposal for a single pilot Regional Enterprise Application Development and Integration [READI] team comprised of volunteer ITOs. However, the Committee has not yet received such a proposal. Should NWS decide to submit a proposal for a single pilot READI team project, its subsequent successes and challenges will assist the Committee in evaluating the larger consolidation proposal if resubmitted in future fiscal years.

NWS Staffing.—The Committee is very concerned with the continued number of NWS employee vacancies. Given the importance of the NWS mission to protect the lives and property of our Nation's citizens, extended vacancies are unacceptable—particularly when the Committee has provided more than adequate resources and direction to fill vacancies expeditiously for the past several fiscal years. Because NWS has failed to respond satisfactorily to the Committee's concerns regarding these vacancies, NOAA is directed to present a separate accounting of all NWS filled and open positions, including the length of time the positions have been unfilled, in its fiscal year 2019 spend plan. The spend plan shall also include the specific funding proposed for all NWS employees and associated expenses that are separate from other program costs.

The Committee also recognizes that some vacant NWS positions may be redundant and invites the Department to submit a justification for eliminating redundant unfunded vacancies in its fiscal year 2020 budget request, to include a full list of positions proposed for elimination, including reasoning for each elimination. Until such time as a plan to eliminate those vacancies is approved, NWS is directed to continue efforts to fill all vacancies as expeditiously as possible. Furthermore, the Committee adopts direction provided in the Explanatory Statement accompanying Public Law 115–141 regarding quarterly briefings on NWS staffing.

Report on NWS Staffing in Alaska.—The Committee remains concerned about potential NWS staffing reductions in Alaska. As a part of the Explanatory Statement accompanying Public Law 115–141, the Committee directed the NWS to provide a report about how the NWS plans to maintain or improve forecasting and com-

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munication around the State, especially in the most remote areas. The Committee looks forward to receiving and reviewing this report, and reminds NWS that any staffing changes must comply with the reprogramming procedures set forth in section 505 of this act.

National Mesonet Program.—The Committee provides $19,000,000 for the continuation and expansion of the National Mesonet Program. Funds should be made available through a competitive weather data procurement that sustains coverage of areas currently included within the national mesonet, as well as an expansion of coverage in high risk areas. NOAA is also encouraged to add new observations such as total lightning data, regional aircraft observations, and vertical column measurements in tornado-prone areas. Additionally, within funds provided, NOAA is encouraged to incorporate state mesonet data into the national mesonet network. NOAA should require that awardees provide mesonet data in formats that can be integrated by NWS for use in forecasts and severe weather alerts. Of the funds provided, up to $500,000 may be used for Meteorological Assimilation Data Ingest System activities, and up to $500,000 may be used for costs associated with the National Mesonet Program Office. The Committee views the National Mesonet program as an important component of any effort to effectively develop a "Weather-Ready Nation" and expects that future NOAA budget requests will continue to reflect it as a priority.

National Centers for Environmental Prediction [NCEP].—The Committee does not adopt the NWS proposal to consolidate centers under NCEP in fiscal year 2019.

Facilities Maintenance.—Within funding for Analyze, Forecast and Support, the Committee provides $8,000,000 for the NWS's highest priority facilities repair and deferred maintenance requirements at Weather Forecast Offices [WFOs].

Advanced Hydrologic Prediction Services Expansion [AHPS].—The Committee rejects NWS's proposal to slow the expansion of AHPS, which will enable greater information on the magnitude and likelihood of floods and droughts across certain areas of the nation. No less than the fiscal year 2018 amount is provided for AHPS activities.

National Data Buoy Center [NDBC].—The Committee provides sufficient funding to maintain, at a minimum, NDBC operations at 80 percent data availability. The Committee directs NOAA to provide adequate funding to support maintenance and service of the Tropical Atmosphere/Ocean Array [TAO] and Deep Ocean Assessment and Reporting of Tsunamis [DART] array across the equatorial Pacific. The Committee further directs NOAA to include a schedule to restore existing data buoy operability and its strategy to minimize outages in the future as part of the agency's spending plan.

Tsunami Warning Program.—The Committee rejects NWS's proposed cut to the Tsunami Warning Program. Funding is provided at no less than the fiscal year 2018 amounts, including for the National Tsunami Hazard Mitigation program grants, to ensure that high-quality tsunami watches, warnings, and advisories are issued to safeguard lives and property.

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Advanced Weather Interactive Processing System [AWIPS].—Within increased funding for Central Processing, the Committee provides NWS's full request for AWIPS Cyclical Refreshment.

Integrated Water Prediction [IWP] and the National Water Model.—The Committee does not approve the requested decrease to the IWP program, which is funded across multiple NWS budget lines. Instead, the Committee provides no less than the fiscal year 2018 amount for IWP. Similarly, the Committee rejects slowing the development of the National Water Model and provides no less than the fiscal year 2018 level for its continued and expedited development.

National Water Center.—The Committee provides no less than the fiscal year 2018 enacted level for operations and staffing of the National Water Center [NWC] to develop and operate IWP. NWS shall leverage this funding with resources provided to NOS for IWP and resources provided to OAR for remote sensing of snowpack and soil moisture measurements.

The Committee is pleased with research-to-operations efforts at the NWC between NWS and the University Corporation for Atmospheric Research. This relationship highlights how separate entities and agencies can work together to transfer research into operational solutions that benefit the Nation. The NWC serves as the first ever clearinghouse for research and operational forecasting of all water-related issues facing our Nation, including: severe floods, storm surge, droughts, and water quality, among others. Given the importance of NWC to better protect lives and property of our Nation's citizens, NOAA is directed to expedite staffing and operations at NWC to achieve full operating capability as soon as possible. Furthermore, to improve the effectiveness and efficiency of the NWS Office of Water Prediction, and to foster development of the NWC as a center of excellence for water resources prediction and related decision support services, funding is provided within Analyze, Forecast, and Support to increase staffing levels at the NWC Water Prediction Operations Division above the planned fiscal year 2018 staffing levels. The NWS is directed to post and fill future vacancies within the Office of Water Prediction expeditiously, and NWS is encouraged to consolidate personnel, as deemed necessary to create staffing efficiencies, to the NWC. The Committee directs NOAA to provide a report no less than 45 days after enactment of this act with an updated staffing plan that includes an update on commitments from partner agencies and a timeline for achieving baseline operating capability in the first quarter of fiscal year 2019.

Hydrology and Water Resource Programs.—The Committee provides no less than $6,000,000 for NWS, in coordination with existing academic research consortiums, such as the University Corporation for Atmospheric Research, to collaborate with external academic partners to improve fine and large-scale measurements of snow depth and soil moisture data that can be used to expand and improve the National Water Model and contribute directly to the mission of NOAA's National Water Center.

Consumer Option for an Alternative System To Allocate Losses [COASTAL] Act Implementation.—Within funding provided for Science and Technology Integration, the Committee provides not less than $5,000,000 for the continued development and implemen-

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tation of the COASTAL Act, which was included in the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141). The Committee supports NOAA's work to assist homeowners impacted by destructive winds and storm surges associated with hurricanes and super-storms. The Committee directs NOAA to continue to leverage existing Federal assets, expertise, and partnerships in carrying out COASTAL Act activities. Furthermore, NOAA is directed to provide the Committee with updates every 6 months on progress made and challenges related to implementation, as well as any proposed solutions.

Storm Surge Modeling Technology.—The Committee recognizes the need to deploy more precise, accurate, and real-time modeling technology that is tailored to specific regions. These activities would improve and complement NOAA's Sea, Lake, and Overland Surge from Hurricanes [SLOSH] model. The Committee directs NOAA to expand existing collaborations with research universities that will produce better predictive capabilities than NOAA's current SLOSH model provides. The Committee directs NOAA, in collaboration with academic research institutions and other Federal agencies, to integrate improved technologies into standard modeling operations for storm surge and inland flooding.

Inland Flooding.—The Committee is aware that flood evacuations are typically planned for storm surge flooding and not the subsequent inland flooding that occurs with major weather events. The Committee encourages NWS, in coordination with State and Federal partners, to advance its inland flooding model based on the assessment of flood potential using sensor and elevation data to determine areas of impact, as well as safe evacuation paths and shelter locations. NWS and its partners should focus on obtaining information that can be applied to a model for inland evacuation planning, and be used by communities interested in a tested inland flood evacuation network plan. The model should eventually be integrated with the National Water Model to provide comprehensive, real-time evacuation information.

Science and Technology Integration.—The Committee provides no less than the fiscal year 2018 level for Mid-Range Weather Outlooks, including seasonal to subseasonal forecasting, and Investments in Numerical Weather Prediction Modeling, which provides critical support to the Hurricane Forecast Improvement Project, among other important forecasting activities. Furthermore, the Committee urges NOAA to expedite the project plan described by the Hurricane Forecast Improvement Act (Public Law 115–25). The Committee encourages NWS to reduce errors in tracking and intensity forecasts of hurricanes by identifying technology and methods available to significantly improve hurricane forecasting.

NWS Radar and Satellite Spectrum Studies.—As NOAA continues its study to evaluate sharing the 1675–1680 MHz GOES band, the Committee directs the agency to consult with private industry about the potential application of spectrum sharing technology for shared commercial use. Furthermore, NOAA is encouraged to study opportunities for early entry and flexible access to the 1300–1350 MHz spectrum band through use of private sector spectrum sharing technologies that protect Federal incumbents while making spectrum available for commercial use. The Com-

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mittee believes such a study may provide additional options for the Spectrum Efficient National Surveillance Radar [SENSR] program to both enable commercial use of the 1300–1350 MHz spectrum band and reduce technology risk in the multistakeholder SENSR program.

NOAA NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The Committee's recommendation provides $242,666,000 for National Environmental Satellite, Data and Information Service [NESDIS] operations. NESDIS programs operate environmental polar-orbiting and geostationary satellites and collect and archive global environmental data and information for distribution to users in commerce, industry, agriculture, science, and engineering, the general public, and Federal, State, and local agencies.

The Committee's recommendations are displayed in the following table:

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Environmental Satellite Observing Systems:	
Office of Satellite and Product Operations	146,924
Product Development, Readiness & Application	31,000
Commercial Remote Sensing Licensing & Enforcement	1,800
Office of Space Commerce	1,800
Group on Earth Observations [GEO]	500
Total, Environmental Satellite Observing Systems	182,024
National Centers for Environmental Information	60,642
GRAND TOTAL NESDIS	242,666

National Centers for Environmental Information [NCEI].—The Committee recommends $60,642,000 for NCEI, which consolidated several programs previously funded separately. While the Committee supports the current budget structure for NESDIS, it is essential to ensure that key programs continue to receive adequate funding. Specifically, the Committee provides not less than the fiscal year 2018 enacted levels of $6,000,000 for Regional Climate Services, $3,650,000 for Regional Climate Centers, and $5,500,000 for Coastal Data Development. NOAA shall consider the Coastal Data Development program as the central repository to manage data collections and information services of the various Gulf of Mexico Restoration activities funded in response to the 2010 Deepwater Horizon oil spill for scientific stewardship. Furthermore, within NCEI, the Committee encourages NOAA to fully support critical international partnerships, including the Global Climate Observing System.

Big Earth Data Initiative.—The Committee rejects the proposed elimination of the Big Earth Data Initiative and provides no less than the fiscal year 2018 amount for the program.

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NOAA MISSION SUPPORT

The Committee's recommendation provides $269,256,000 for NOAA's mission support activities. These programs provide for overall NOAA management, including staffing of the Under Secretary's office and services to NOAA field offices. These programs also support NOAA's Education Office consistent with the recommendations of the Joint Ocean Commission. The facilities subactivity provides for repair and maintenance to existing facilities, planning and design, and environmental compliance.

Committee recommendations are displayed in the following table:

MISSION SUPPORT OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Corporate Services:	
Executive Leadership	27,957
Mission Services and Management	148,000
IT Security	10,050
Payment to DOC Working Capital Fund	55,249
Total, Corporate Services	241,256
NOAA Education Program	28,000
GRAND TOTAL, MISSION SUPPORT	269,256

Corporate Services.—Within funding provided for Corporate Services, NOAA is directed to focus on improving workforce management, particularly expediting the hiring process to fill extended vacancies with highly qualified candidates across the agency's line offices. NOAA shall also focus on improving its management of acquisition and grant services.

Facilities.—The Committee provides no less than the fiscal year 2018 enacted amount for NOAA Facilities.

Education.—The Committee rejects the proposal to eliminate NOAA's Office of Education. Within the funds provided for NOAA's Education Program, $5,000,000 is for competitive educational grants, which includes continued support for Environmental Literacy Grants and for improving geographic literacy; $15,500,000 is for the Educational Partnership Program with minority-serving institutions; and $7,500,000 is for Bay-Watershed Education and Training regional programs. NOAA is encouraged to engage students in live, interactive programming using telepresence technology.

Education Partnership Program.—The Committee encourages NOAA to consider the creation of a Cooperative Science Center at a Hispanic Serving Institution to help educate and train the fastest growing segment of the U.S. population, and one that is underrepresented in NOAA's scientific workforce.

Outstanding Loan Balances.—The Committee encourages NOAA and its respective line offices to work with communities and businesses, on a case-by-case basis, to resolve outstanding balances in a manner that considers the borrower's current financial ability but remains fair to American taxpayers.

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NOAA OFFICE OF MARINE AND AVIATION OPERATIONS

The Committee's recommendation provides $226,420,000 for NOAA's marine and aviation operations. The Office of Marine and Aviation Operations provides aircraft and marine data acquisition, repair, and maintenance of the existing fleet; planning of future modernization; and technical and management support for NOAA-wide activities through the NOAA Commissioned Officer Corps.

OFFICE OF MARINE AND AVIATION OPERATIONS, RESEARCH, AND FACILITIES

[In thousands of dollars]

	Committee recommendation
Marine Operations and Maintenance	190,670
Aviation Operations	35,750
GRAND TOTAL, OMAO	226,420

Capital Assets.—Any decisions related to laying up any vessels, grounding any aircraft, or decommissioning any capital asset are subject to the standard reprogramming procedures set forth in section 505 of this act. Any changes from the spending plan shall also be subject to section 505 of this act. NOAA shall continue to provide the Committee with a monthly operational status of the fleet and aircraft.

Aviation Operations.—The Committee provides the full amount requested for NOAA's Aircraft Operations Center [AOC]. The Committee maintains its direction for NOAA to provide a comprehensive plan to find a permanent, cost-effective home in the Gulf Coast region, potentially co-located with a Federal partner that can meet NOAA's operational needs.

Unmanned Surface Vehicles [USVs].—The Committee is concerned about NOAA's ability to meet the demand for at-sea research days with its current combination of an aging fleet and charter vessels, as well as responding to emerging mission requirements. The Committee recognizes that USVs are not a replacement for crewed research ships, but are a synergistic complement to crewed ships' capabilities. Within funding for Marine Operations and Maintenance, the Committee provides up to $3,000,000 for the competitive acquisition of USVs data as a cost-effective augmentation for relevant research missions and fisheries data collection.

Atmospheric Rivers.—As part of the Explanatory Statement accompanying Public Law 115–141, the Committee requested a report about the feasibility and potential benefit of using airborne assets to conduct storm monitoring of the U.S. West Coast, with a particular interest in atmospheric rivers. The Committee looks forward to the submission of the report. Furthermore, within Aviation Operations, up to $1,000,000 may be used for additional monitoring of atmospheric rivers.

Unmanned Aircraft Systems.—The Committee urges NOAA to expand its data collection for hurricane forecasting to include all levels of the atmosphere below 60,000 feet above sea level and notes the potential of UAS platforms to accomplish this expanded mission while reducing costs and likely promoting more reliable hurricane forecast models. The Committee encourages NOAA to

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improve collaboration with other science agencies of the Federal government to share and expand limited UAS availability, including working with NASA to utilize UAS platforms to supplement data collection from manned hurricane hunter missions.

Dropsondes.—The Committee recognizes the importance of dropsondes as a critical tool for atmospheric data collection, including for hurricane forecast modeling. The Committee directs NOAA to provide, within 90 days of enactment of this act, a comprehensive accounting of its dropsonde use for data collection, including acquisition costs, for fiscal year 2018. Furthermore, the Committee encourages NOAA to outline specific dropsonde acquisition costs as part of its fiscal year 2020 budget request.

NOAA PROCUREMENT, ACQUISITION, AND CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$2,290,684,000
Budget estimate, 2019	1,623,006,000
Committee recommendation	1,806,479,000

The Committee's recommendation provides $1,806,479,000 for NOAA's procurement, acquisition, and construction. The recommendation is $484,205,000 below the fiscal year 2018 enacted level and $183,473,000 above the budget request.

Committee recommendations are displayed in the following table:

PROCUREMENT, ACQUISITION AND CONSTRUCTION

[In thousands of dollars]

	Committee recommendation
National Ocean Service:	
National Estuarine Research Reserve Construction	1,900
Marine Sanctuaries Construction/Acquisition	2,000
Total National Ocean Service—PAC	3,900
Ocean and Atmospheric Research:	
Research Super Computing	41,000
National Weather Service:	
Observations	21,129
Central Processing	66,761
Dissemination	34,619
WFO Construction	19,650
Total, National Weather Service—PAC	142,159
National Environmental Satellite, Data and Information Services:	
Geostationary Systems [GOES–R]	408,380
Polar Weather Satellites	927,991
Cooperative Data and Rescue Services [CDARS]	37,900
Space Weather Follow-on	12,000
COSMIC–2	5,892
Satellite Ground Services	58,000
System Architecture and Advanced Planning	4,929
Projects, Planning, and Analysis	40,000
Satellite CDA Facility	2,450
Commercial Weather Data Pilot	3,000
Total, NESDIS—PAC	1,500,542

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PROCUREMENT, ACQUISITION AND CONSTRUCTION—Continued

[In thousands of dollars]

	Committee recommendation
Mission Support:	
NOAA Construction	31,000
Total, Mission Support—PAC	31,000
Office of Marine and Aviation Operations:	
Fleet Capital Improvements & Tech Infusion	25,878
New Vessel Construction	75,000
Total, OMAO—PAC	100,878
Unobligated balances from prior years	−13,000
GRAND TOTAL, PAC	1,806,479

National Estuarine Research Reserve [NERR] Construction.—The Committee provides no less than the fiscal year 2018 enacted amount for NERR Construction to support the expansion of the NERR system. Furthermore, the Committee remains concerned about the increased costs and lack of transparency associated with certain third-party green building rating systems. The use of certain green building standards can arbitrarily discriminate against domestic building materials such as wood that could be locally sourced, thereby increasing costs to taxpayers without significant benefits in energy and water savings. The Committee again directs NOAA to use funding provided for NERR Construction subject only to green building rating systems or standards that are voluntary consensus standards; have achieved American National Standard Institute [ANSI] Designation; or were developed by an ANSI Audited Designator, and take into consideration the environmental and economic benefits of building materials through lifecycle analysis. Not later than 90 days after enactment of this act, NOAA shall notify the Committee of any new, existing, or planned construction projects at NERRS sites that receive accreditation for energy savings from a third-party green building rating system.

High Performance Computing.—The Committee recognizes NOAA's high performance computing needs and its current limitations on providing high fidelity results in near real-time. Within funding provided for OAR Research Supercomputing, $15,000,000 shall be used to continue to develop a dedicated high performance computing facility in collaboration with partners that have existing high performance computing expertise and scientific synergies. OAR is encouraged to find a funding balance in HPC resources with the partnerships that are currently in existence, with an emphasis on finding synergies with existing NOAA infrastructure.

National Weather Service.—The Committee provides requested amount for National Weather Service Observations to continue the Next Generation Weather Radar Service Life Extension Program as planned, but no less than fiscal year 2018 enacted amount for the Automated Surface Observing System.

NWS Construction and Major Repair.—The Committee provides $11,000,000 above the fiscal year 2018 enacted amount for Facili-

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ties Construction and Major Repair for NWS to address its most pressing major construction needs among the Weather Forecasting Offices.

Integrated Water Prediction.—The Committee provides no less than the fiscal year 2018 enacted level for Central Processing under NWS PAC, which includes not less than $4,500,000 to procure operational high performance computing resources to enable modeling improvements associated with the IWP initiative.

Polar Weather Satellites.—The Committee provides $927,991,000 for Polar Weather Satellites, which is $50,000,000 above the request. While the Committee approves combining the Joint Polar Satellite System [JPSS] and Polar Weather Follow-on [PFO] program offices, section 104 of the act maintains language capping the life cycle cost of JPSS to $11,322,125,000 and adds language capping the life cycle cost of PFO at $7,573,000,000.

Space Weather Follow-on.—The Committee provides $12,000,000 for NOAA's space weather sentinel activity. Funding above the request shall be used for NOAA to pursue launch options for a compact coronagraph. The Committee notes the necessity of having the Federal Government develop and implement a coherent space weather architecture that addresses scientific, national security and meteorologically operational requirements using a constellation of lower cost satellites, akin to a NASA Explorer Class framework, and expects to receive a plan before the end of fiscal year 2018. While NASA's heliophysics program generally addresses the scientific needs and priorities for this domain, it has also been utilized for operational requirements, despite the fact that these satellites are generally not designed for that purpose and are capable of providing forecast warning times of just minutes to a few days. Hence, the Nation must design a space weather program that addresses current needs, particularly given the vulnerability of our communications and electrical infrastructure to severe space weather events and the devastating effects those events would have on the economy.

Metop-C.—The Committee provides $40,000,000 for Projects, Planning, and Analysis to support pre-launch testing and Ground Support Equipment of U.S. instruments on Metop-C, which is scheduled for launch in October 2019. These instruments will provide complementary data to the JPSS morning orbit in polar satellite data and are critical for maintaining Numerical Weather Prediction model accuracy for 3–7 day forecasts.

Commercial Weather Data Pilot.—The Committee provides $3,000,000 to support the assessment and potential use of commercial data in NOAA's weather modeling and forecasting through pilot purchases of commercial data.

Radio Occultation Data.—The Committee is concerned about NOAA's continued access to high quality radio occultation [RO] data for operational forecasts, and continued research to improve modeling capacity. Under Public Law 115–25, NOAA was directed to conduct a commercial pilot project to acquire RO data, and to proceed with the COSMIC program of record. While the Committee is optimistic about the role for commercial RO data, continued operational data is critical for weather forecasting. With NOAA's cancellation of COSMIC 2B and the original COSMIC program

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nearing the end of its life, the Committee directs NOAA to develop and submit a plan within 180 days of passage to manage the risk of an RO data gap and preserve the quality of NOAA forecasts. The plan should include a report on the implementation of the RO provisions of Public Law 115–25.

NOAA Satellite Reporting.—The Committee directs NOAA to provide quarterly programmatic and procurement status reports of all satellites actively orbiting, in space but in standby mode, and under development unless any reprogramming, system failure, construction delay, or other extraordinary circumstance warrants an immediate update. As part of the agency's quarterly satellite briefing, NOAA shall include updates on preparations and enhancements necessary to accommodate an increased volume of satellite data and shall compare initial cost estimates to actual expenditures.

Facilities Maintenance.—The Committee provides $10,000,000 for NOAA' s highest priority facilities repair and deferred maintenance requirements. NOAA has significant facilities repair and deferred maintenance liabilities and the Committee's is concerned by reports, including the Department's OIG Report, "NOAA: Repair Needs Data Not Accurate, and Real Property Utilization Not Monitored Adequately," (OIG–17–032–A), that indicate NOAA is not appropriately managing its real property maintenance needs. Thirty days prior to obligating any of these additional facilities repair and deferred maintenance funds, NOAA shall submit a report providing the following information: (1) a NOAA-wide prioritized list of its deferred facilities maintenance needs, including an explanation of how such list was developed; (2) an estimate of the total amount and composition of deferred facilities maintenance, including an explanation of how such estimate was developed; (3) how NOAA maintains information on, and manages, its deferred maintenance needs and activities; and (4) an update on addressing the recommendations of OIG–17–032–A.

NOAA Marine Operation Facilities.—The Committee has provided funding for the past several fiscal years under Mission Support PAC for preparatory work for new berths and shore facilities at Newport, Rhode Island. The facility will permanently accommodate the NOAA Ship *Henry B. Bigelow* and other vessels in the future. As part of the Explanatory Statement accompanying Public Law 115–141, the Committee requested a plan outlining the cost, size, scope, and timeline for constructing and outfitting this facility, which is co-located on U.S. Navy property. There is increasing urgency to act since NOAA could lose access to some of its existing Atlantic facilities as soon as 2021. The Committee is awaiting this plan, which was due 60 days after enactment of Public Law 115–141, and withholds 25 percent of funds provided for Executive Leadership within the Mission Support line office until NOAA submits it to the Committee.

Mission Support, Facilities Initiative.—Within the funding provided under Mission Support PAC for NOAA Construction, $20,500,000 is to complete the second phase of repairs and construction at NOAA's Mukilteo Research Station.

Vessel Deferred Maintenance and Technology Infusion.—Within the funding provided above the request for Fleet Capital Improve-

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ments and Technology Infusion, $3,000,000 shall be for deferred maintenance and $10,000,000 shall be for technology infusion.

NOAA Fleet Recapitalization.—In November 2016, the Committee approved NOAA's updated Fleet Recapitalization Plan, which established a foundation for new vessel construction over the next 10 years. The Committee is pleased that NOAA's fiscal year 2019 budget request includes $75,000,000 for new vessel construction, which follows the Committee's direction and tempo for revitalizing the agency's aging fleet. The Committee commends NOAA's plan to leverage work done by the U.S. Navy to reduce design risk, ship acquisition cost, and vessel delivery time. The Committee further urges NOAA to continue efforts to find additional ship acquisition efficiencies.

Buy American Provisions.—In recognition of the economic and national security importance of the domestic shipbuilding industrial base, the Department of Commerce, NASA, and NSF are reminded of the Buy American provisions contained in law that apply to the Department of Defense, particularly 10 U.S.C. 2534(a)(3) and (4) regarding air circuit breakers, welded shipboard anchor, mooring chain with a diameter of 4 inches or less, and, to the extent they are unique to marine applications, gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, totally enclosed lifeboats; certain powered and non-powered valves; and certain machine tools for metal-working machinery. In awarding any new contracts related to the acquisition, construction, or conversion of a marine vessel, the Department of Commerce, NASA, and NSF are urged to make every effort to acquire, consistent with schedule and cost competition requirements, only U.S. manufactured components, consistent with 10 U.S.C. 2534 and for auxiliary equipment (including pumps) for shipboard services; propulsion equipment (including engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes.

Fishing Community Presence.—NOAA shall consider all viable ports when undertaking capital planning reviews, including those that do not currently have a significant NOAA presence.

PACIFIC COASTAL SALMON RECOVERY FUND

Appropriations, 2018	$65,000,000
Budget estimate, 2019	
Committee recommendation	70,000,000

The Committee's recommendation provides $70,000,000 for the Pacific Coastal Salmon Recovery Fund [PCSRF]. The recommendation is $5,000,000 above the fiscal year 2018 enacted level and $70,000,000 above the budget estimate. Funds are for conservation and restoration of Pacific salmon populations. State and local recipients of this funding will provide matching contributions of at least 33 percent of Federal funds. In addition, funds will be available to tribes without a matching requirement.

Further, within the funds provided for the Pacific Coastal Salmon Recovery Fund, no eligible coastal State shall receive less than $5,000,000. Additionally, the Committee directs NOAA to provide a report within 90 days of enactment that details the current competitive evaluation process for PCSRF funding and how PCSRF

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benefits both the Endangered Species Act listed Pacific salmon populations and declining stocks which have not yet warranted protection under the Endangered Species Act. Further, NOAA is directed to report on how its current priorities meet the intent of the PCSRF to support the recovery and protection of all declining salmon stocks.

FISHERMEN'S CONTINGENCY FUND

Appropriations, 2018	$349,000
Budget estimate, 2019	349,000
Committee recommendation	349,000

The Committee's recommendation provides $349,000 for the Fishermen's Contingency Fund. The recommendation is equal to the fiscal year 2018 enacted level and equal to the President's request.

FISHERY DISASTER ASSISTANCE

Appropriations, 2018	$20,000,000
Budget estimate, 2019	
Committee recommendation	15,000,000

The Committee's recommendation provides $15,000,000 for Fishery Disaster Assistance to address fisheries disasters declared by the Secretary of Commerce. The recommendation is $5,000,000 below the fiscal year 2018 enacted level and $15,000,000 above the budget request.

FISHERIES FINANCE PROGRAM ACCOUNT

Appropriations, 2018	−$3,000,000
Budget estimate, 2019	−8,000,000
Committee recommendation	−8,000,000

The Committee recommends that direct loans administered through this account for individual fishing quotas may not exceed $24,000,000. Traditional direct loans may not exceed $100,000,000, which is the same as the fiscal year 2018 enacted level and budget request. The Committee encourages NOAA to facilitate new vessel construction, vessel replacement, and upgrades within the Fisheries Finance Program to the greatest extent practicable.

OTHER

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

Appropriations, 2018	$63,000,000
Budget estimate, 2019	58,994,000
Committee recommendation	63,000,000

The Committee's recommendation provides $63,000,000 for Departmental Management Salaries and Expenses. The recommendation is equal to the fiscal year 2018 enacted level and $4,006,000 above the budget request.

Within Departmental Management, the Salaries and Expenses account provides funding for the Secretary, Deputy Secretary, and support staff. Responsibilities involve policy development and im-

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plementation affecting U.S. and international activities, as well as establishing internal goals for operations of the Department.

Not less than 90 days after enactment of this act, the Department shall submit to the Committee a report detailing actions taken to cut costs and a detailed account of funds saved by such actions across the Department's bureaus.

Working Capital Funds.—For each of the three working capital funds within DOC, the following are to be provided to the Committee and the Office of Inspector General by November 30 of each fiscal year: (1) A comparison of the final budget or spending plan at the project or activity level to the actual year-end data as of September 30 of the prior fiscal year, including detailed narratives for variances greater than 5 percent at the project or activity; (2) the initial budget or spending plan by project or activity for the current fiscal year; and (3) a detailed schedule of fiscal year-end unobligated and carryover balances by source funding category and by expiring budget fiscal year, to include: direct authority, Federal and intragovernmental reimbursable authority by trading partner, non-Federal reimbursable authority, amounts held for future asset replacement, and other categories.

Concrete Masonry Products.—The Committee recognizes that concrete block is a durable product used in the construction of public infrastructure, commercial facilities, and homes. The Committee recognizes the need for legislation to enable concrete masonry manufacturers to establish, finance, and carry out a coordinated program of research, education, and promotion of markets for concrete masonry products and that would give the Department legal authority for the program's operation and to maintain oversight.

Small Business Innovation Research.—The Committee recognizes the importance of the Small Business Innovation Research [SBIR] program and its previous accomplishments in facilitating commercial successes from federally funded research and development projects. The SBIR program encourages small domestic businesses to engage in Federal research and development and creates jobs in the smallest firms. The Committee therefore directs the DOC to place an increased focus on awarding SBIR grants to firms with fewer than 50 people.

DATA Act.—As part of an OIG report (OIG–18–005), independent accountants analyzed the Department's second quarter fiscal year 2017 submission of financial and award data in accordance with the Digital Accountability and Transparency Act of 2014 (Public Law 113–101). OIG–18–005 found "material and pervasive errors" in the Department's submission, leading the independent accountants to conclude that the audited submission was not presented in accordance with the Department of Treasury's guidance for compliance under Public Law 113–101. The Committee directs the Department to continue to take action to address the deficiencies highlighted in OIG–18–005.

Improved International Travel Data.—The Committee notes that initial data reported by the Department indicated there was a decrease in international visitors to the United States in 2016 and 2017. The Department has now suspended reporting on new international arrival information due to anomalies found in this data. As a result, the Committee believes more thorough, accurate and

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timely data is needed to effectively understand and address the potential decline in international visitors to the United States, or a potential decline in our market share of international travel. The Committee directs the Department, in coordination with the Departments of State and Homeland Security, as appropriate, to provide: (1) a report on the cause of the anomalies in the international arrivals data and a timeline and course of action for correcting the information; (2) monthly international arrival data for each month within 60 days of the end of each month; (3) average wait times for visitor visa processing, by country, each month within 60 days of the end of each month; (4) refusal rates for visitor visa applications, by country, each month within 60 days of the end of each month. Monthly data should be provided to the Committee for the last 3 years and provided monthly from enactment of this act.

Enterprise Services.—The Committee supports the Department's overall goal to transition the bureaus to a shared services model to standardize and streamline transactional tasks in order to reduce costs and strengthen core mission focus. However, the Committee acknowledges that the shared services model may not make sense for all services and every bureau, as was discussed during the Department's 2019 budget request hearing. The Committee directs the Department to report within 90 days of enactment of the act on how it intends to move forward with this effort, including which portions, if any, of the shared services model USPTO will participate in and how that will impact the implementation of the shared services model.

Cybersecurity.—The Department of Commerce has a well-known and critical cybersecurity mission, not the least of which is the role that NIST plays in providing guidance and assistance to commercial and government stakeholders throughout the world. NIST provides the underlying guidance for the Federal Information Security Management Act requirements, which provide the baseline for cybersecurity risk management against which all Federal agencies are measured. However, the Committee is concerned that the Department as a whole is lagging behind other Federal agencies with respect to cybersecurity. In particular, the Committee is concerned about the pace of implementation by the Department of the Continuous Diagnostics and Mitigation [CDM] program requirements. The Committee directs the Department, within 60 days of enactment of this act, to provide a briefing on the Department's plan for achieving all of the major milestones for Phases 1 through 3 of CDM.

Space Commerce.—The Committee is aware of the instruction for the Department contained in Space Policy Directive 2 [SPD–2] and looks forward to considering a legislative proposal to implement SPD–2 when it is officially transmitted to the Congress. The Committee encourages the Department to work with other Federal agencies to ensure current activities affected by directives in SPD–2 are continued until any proposed legislative action has been signed into law. Activities funded by the Department in fiscal year 2018 that are addressed in SPD–2 have been funded in the same account as funding was provided in fiscal year 2018.

Unobligated Balances.—The Committee remains concerned about the amount of unobligated funding within DOC. As directed in sec-

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tion 507 of this act, the Department is directed to continue reporting all unobligated balances to the Committee on a quarterly basis.

Spending Plans.—Under section 533 of this act, the Department is required to submit a spending plan within 45 days of the enactment of this act. That plan should describe the programs, projects, and activities of the Department so that the Committee receives detailed descriptions of how the Department intends to operationalize the funding provided in annual appropriations bills. The Committee expects a detailed accounting of each bureau's spending, including reimbursable, fee-funded, or working capital fund spending, particularly with regard to specific programs, projects, and activities described in the bill and accompanying report. The Department shall continue to work with the Committee to ensure that its spending plans provide adequate information for continued oversight of the Department.

RENOVATION AND MODERNIZATION

Appropriations, 2018	$45,130,000
Budget estimate, 2019	2,796,000
Committee recommendation	38,612,000

The Committee recommendation provides $38,612,000, which is $6,518,000 below the fiscal year 2018 enacted level and $35,816,000 above the budget request, for continuing renovation activities at the Herbert C. Hoover Building, which is the full amount the Department requires to complete through the sixth phase of the ongoing renovation.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2018	$32,744,000
Budget estimate, 2019	32,030,000
Committee recommendation	32,744,000

The Committee's recommendation provides $32,744,000 for the OIG. The recommendation is equal to the fiscal year 2018 enacted level and $714,000 above the budget request.

In addition to funds provided under this heading, the Committee has recommended transfers to the OIG: $1,000,000 from the U.S. Patent and Trademark Office; $1,302,000 from the National Oceanic and Atmospheric Administration; and $3,556,000 from the Census Bureau for oversight and audits of those activities. The Committee directs the OIG to continue strict oversight activities for satellite procurements, cybersecurity, and the decennial census.

Working Capital Fund Audits.—The Committee continues to direct the OIG to audit all of the working capital funds within the Department to evaluate the Department's budgetary controls over all funds. The OIG shall assess: the controls in place to develop reimbursement formulas; the relationship of reimbursements to client services; the appropriateness of the level of fund balances; and compliance with appropriations law and direction. As part of this assessment, the Inspector General shall pay particular attention to the increasing amounts of funding needed to support the Department's Office of General Counsel, including the justification and metrics for how such funding is being levied against each agency and, reciprocally, how the agencies account for the services they receive from the OIG. If at any point during these audits the OIG

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encounters problems with accessing any necessary information or data from the Department, the OIG is directed to notify the Committee immediately.

Audits and Investigations.—The Committee believes that robust investigations and audits are essential to rooting out waste, fraud, and abuse, but that limiting inquiries only to individuals in the Department does not necessarily lead to comprehensive findings and recommendations. The Committee directs the OIG to modify its policies and procedures to ensure that investigations or reports include interviews with all parties to the project or program in question, including, but not limited to, contractors responsible for projects under review. The Committee cautions the OIG against issuing preliminary findings prior to interviewing a majority of the entities involved with the program or project under investigation, unless the OIG believes the findings are time sensitive or additional interviews are immaterial.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Section 101 makes Department funds available for advanced payments only upon certification of officials designated by the Secretary that such payments are considered to be in the public interest.

Section 102 makes appropriations for salaries and expenses available for the hire of passenger motor vehicles, and for services, uniforms, and allowances as authorized by law.

Section 103 provides the authority to transfer funds between Department accounts. The provision makes transfers subject to the Committee's standard reprogramming procedures and requires notification to the Committee prior to capital asset disposal.

Section 104 extends congressional notification requirements for the NOAA satellite programs.

Section 105 provides authority for the Secretary to furnish certain services within the Herbert C. Hoover Building.

Section 106 clarifies that grant recipients under the Department may continue to deter child pornography, copyright infringement, or any other unlawful activity over their networks.

Section 107 provides NOAA the authority to share resources with entities outside the agency.

Section 108 requires that, before charging for congressional reports, the National Technical Information Service [NTIS] advise the public of free ways to receive or access these reports. For those reports that cannot be found free of charge or when a customer requires a mailed, hard copy, NTIS may only charge a de minimus copying and mailing fee.

Section 109 allows the Secretary to waive the bond requirement for research vessel repair and construction contracts that would align Commerce's authorities with those of other Federal agencies and address difficulties NOAA has experienced in obtaining competitive bids for ship repairs.

Prior to exercising waiver authority under section 109 of this act, the Secretary shall promulgate regulations specifying criteria under which waiver authority may be used, including the types of contracts eligible for consideration, surety alternatives, and acceptable risk profiles in order to protect the taxpayer and ensure that

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NOAA maximizes cost-savings. The Department is directed to notify the Committee not less than 15 days prior to any waiver issued under this section. In addition, the Department shall, not later than 120 days after the date of enactment of this act, prepare a report including the actual costs of repairing, rehabilitating, and replacing vessels in fiscal years 2014, 2015, 2016, 2018, 2019, and annually thereafter, including an indication of those vessels for which NOAA waived the Miller Act.

Section 110 allows NOAA to be reimbursed by Federal and non-Federal entities for performing certain activities.

The Committee remains concerned that agreements for offsetting collections provided for under this section could result in a conflict of interest, or the appearance of a conflict of interest, for the Department. The Department is directed to exercise caution and consider any unintended consequences that could result from such agreements, including, but not limited to, augmentation of appropriations, initiation of new programs not authorized by this act or any other act of Congress, and liabilities extending beyond the period of any such agreement. The Department shall provide to the Committee monthly updates on all offsetting fee collections, including each entity participating in the agreement, as well as the terms of and specific activities funded by the agreement. Additionally, estimates of anticipated fee collections shall be included in the Department's annual spend plans. To further ensure the Committee maintains sufficient oversight for activities carried out under this section, language is included specifying that any offsetting collection would require the consent of each party subject to the agreement and all offsetting collections shall be subject to procedures set forth by section 505 of this act.

Section 111 provides authority for the programs of the Bureau of Economic Analysis and the Bureau of the Census to enter into cooperative agreements in order to assist in improving statistical methodology and research.

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TITLE II

DEPARTMENT OF JUSTICE

The Committee recommends a total of $30,698,837,000 for the DOJ. The recommendation is $402,573,000 above the fiscal year 2018 funding level and $1,864,093,000 above the budget request. The Committee's recommendation emphasizes key priorities regarding funding for the Department's critical ongoing missions and activities to protect the safety, security, and rights of our citizens.

Fighting the Heroin and Opioid Epidemic.—The Committee continues its commitment to helping States and local communities in the fight against heroin and the illegal use of opioids through comprehensive programs covering law enforcement, prevention, and treatment. A total of $482,500,000 in DOJ grant funding is provided to help our State and local partners tackle this epidemic, an increase of $36,000,000 above the fiscal year 2018 level, including increased funding for programs covered under the Comprehensive Addiction and Recovery Act and Community Oriented Policing Services [COPS] Anti-Heroin Task Forces. The Drug Enforcement Administration [DEA] is funded at $2,654,836,000, an increase of $44,936,000, which will allow for the continuation of heroin enforcement teams as well as other interdiction and intervention efforts, including expansion of DEA's 360 Strategy.

Combating the Continued Methamphetamine Crisis.—The Committee notes that in addition to the heroin and opioid epidemic, many communities and families continue to suffer from a longstanding methamphetamine crisis. In many States, particularly in rural areas, meth-related deaths vastly outnumber those from heroin. The Committee recognizes the strain methamphetamine places on families, communities, rural health providers, and law enforcement agencies, including the disproportionate burden to American Indian tribes. The Committee continues its commitment to fight methamphetamine trafficking and use by providing $8,000,000 for competitive grants under the COPS Anti-Methamphetamine Task Forces program as well as $10,000,000 provided to DEA to help State and local law enforcement for meth lab cleanup and container programs. The Committee also notes that of the funding provided in COPS for tribal resources can be used for anti-methamphetamine efforts.

Trafficking in Persons.—The Department shall dedicate no less than the fiscal year 2018 levels for the Human Trafficking Prosecution Unit [HPTU], the Federal Bureau of Investigation [FBI], and the U.S. Attorneys' Offices [USAO] to investigate and prosecute crimes of human trafficking. For fiscal year 2019, the Committee looks forward to reviewing, on an annual basis, the HTPU report on human trafficking victims as well as the FBI report on Innocence Lost Operations, as directed by Senate Report 115–139 and

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codified in Public Law 115–141. The Committee also expects the designation of a lead agent in each FBI field office as a point of contact for slavery and human trafficking investigations, a point of contact in each USAO who shall serve as the coordinator for all activities within that office concerning human trafficking and forced labor matters, and an update regarding improved processes that enable survivors with T-visas to obtain an expedited letter of support from the Department when their criminal case is closed, as required by Senate Report 115–139 and codified in Public Law 115–141.

The Committee reminds the Department of the request to establish and provide an interim report on the progress of a multi-disciplinary task force addressing human trafficking to harvest fish in international waters, as well as the final report due by March 23, 2019, as directed by Senate Report 115–139 and codified in Public Law 115–141.

Child Sexual Exploitation and Sharing Economy.—Not later than 1 year after the date of enactment of this act, the Attorney General shall submit to the Committees on Appropriations and the Judiciary a report detailing the impact of short-term rentals and the sharing economy upon human trafficking and child sexual exploitation. The report shall identify additional challenges that the sharing economy poses in identifying and prosecuting perpetrators of human trafficking and child sexual exploitation. The report shall also include recommendations to minimize the negative impacts of the sharing economy with regard to human trafficking and child sexual exploitation.

Domestic Trafficking Victims Fund Special Assessments.—Section 101 of The Justice for Victims of Trafficking Act of 2015 (Public Law 114–22) mandated the collection of a $5,000 special assessment from persons convicted of certain Federal offenses related to human trafficking and sexual exploitation. Funds from this special assessment are to be deposited into the Domestic Trafficking Victims Fund operated by the Department of Justice. The Committee encourages the Attorney General to use funds under this Act to ensure that Assistant United States Attorneys are specifically trained on the mandatory nature and enforcement of this special assessment, including the imposition of liens under 18 U.S.C. 3613, to provide additional funding, resources, and services for the victims of human trafficking and law enforcement officials involved in the elimination of this crime.

Intellectual Property Rights [IPR] Enforcement.—The Committee expects the Department to continue to make IPR enforcement an investigative and prosecutorial priority. Sophisticated, often transnational, criminal enterprises engage in a range of illegal activity, including identity theft, connected to the theft of copyrighted content. Given the strong links to other illegal activity, the Department's IP-dedicated personnel should investigate U.S.-based sites and applications that are engaged in such criminal activity. The FBI shall submit a report to the Committee, not later than 90 days after enactment of this act, detailing the activities of its dedicated agents investigating IPR cases, particularly in the area of creative content theft.

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The Committee reminds USAO to remain focused on IPR crimes. Based on a new wave of digital copyright piracy involving devices and software that connect televisions directly to copyright-theft sites, the Committee directs the USAOs to place an emphasis on the investigation and prosecution of criminal enterprises distributing such illicit copyright-theft devices.

Cybersecurity.—The Department has several offices with cybersecurity responsibilities, including those within the FBI, the National Security Division, the Criminal Division, and USAO. At a minimum, the Committee directs the Department to maintain its cybersecurity posture at no less than the fiscal year 2018 level to defend and respond to current and emerging attacks that threaten its own infrastructure and activities.

Strengthening Police-Community Relations.—The Committee continues to recognize and support the important need for lasting collaborative relationships between local police and the public and provides $123,000,000 for State and Local Law Enforcement Assistance and Community Oriented Policing Services [COPS] Office grant programs related to police community relations. Strong partnerships between the police and the communities they protect reduce crime, ensure that citizens' civil rights are protected, and improve officer safety.

The Committee supports the FBI's June 10, 2016, guidance affirming the Criminal Justice Information Services [CJIS] Advisory Policy Board recommendation that all law enforcement agencies be National Incident-Based Reporting System [NIBRS] compliant by January 1, 2021. The FBI's NIBRS captures detailed crime incident data, beyond what the Uniform Crime Reporting System currently tracks, such as arrests and officer-involved shootings, is not only critical in aiding State and local law enforcement agencies as they work to keep our communities safe, but also increases transparency and accountability of law enforcement to the public. To assist in this effort, the Committee again funds the National Crime Statistics Exchange [NCS–X] at $5,000,000 to help additional law enforcement agencies make the transition into NIBRS and allow the Bureau of Justice Statistics to produce nationally representative estimates of crimes known to the police that can be disaggregated by victim-offender characteristics, the circumstances of the crime, victim-offender relationship, and other important elements of criminal events.

Addressing Violent Crime.—The Committee supports the Department's ongoing commitment to address violent crime around the country and encourages the Department to continue to devote key law enforcement resources, including Bureau of Alcohol, Tobacco, Firearms and Explosives [ATF], FBI, DEA, and U.S. Marshals Service personnel, to high crime areas, both urban and rural, experiencing ongoing episodes of violent crime.

Fix NICS.—The Fix NICS Act of 2017, enacted as title VI of division S of Public Law 115–141, requires DOJ to develop Federal agency and State implementation plans for the upload of relevant records to National Instant Criminal Background Check System [NICS]. The Committee directs DOJ to use all funds and resources necessary to complete such implementation plans by the deadline required under the act, not later than March 23, 2019, and directs

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the Attorney General to make all implementation plan compliance determinations required under the act no later than September 30, 2019. The Attorney General shall use all necessary resources available under this act to comply with the requirements of Section 103(g) of the Brady Handgun Violence Prevention Act.

Emmett Till Unsolved Civil Rights Crimes Act.—The Committee fully supports the goals of the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114–325) to investigate and prosecute previously unresolved civil rights era "cold case" murders suspected of having been racially motivated, through a partnership among the Civil Rights Division [CRT], the FBI, the Community Relations Service [CRS], State and local law enforcement officials, and other eligible entities. To continue supporting Emmett Till activities, the Committee urges the Department to use such sums as may be necessary from within the base budget for the CRT's Cold Case Initiative; for the FBI to pursue Emmett Till Act cold cases; and for CRS to partner with law enforcement agencies and communities to help resolve conflicts resulting from the investigation of unsolved civil rights era cases. Additionally, the Committee directs the National Institute of Justice, the Bureau of Justice Assistance, and the Office for Victims of Crime to continue providing grants for cold case DNA investigations to aid State and local law enforcement agencies in their investigation and prosecution of unsolved civil rights cold cases.

Working Capital Fund [WCF].—The Committee expects the Department to execute funding to the fullest extent possible without any carryover balances. The Committee directs DOJ to continue to use the WCF only as a repository for reimbursable funds from components and to obligate and execute that funding expeditiously. The DOJ shall provide a report to the Committee within 45 days of enactment of this act regarding balances in the WCF including carryover funds, the intended uses of those funds, and a spending plan. The spending plan shall include: the amount each component contributes to the WCF; a detailed accounting of collections into the WCF from appropriations, reimbursable funds, and alternative sources of funding, including the Three Percent Fund; a list of settlements and collections from the Three Percent Fund in excess of $3,000,000, and a categorical accounting of obligations out of the WCF including a breakdown of services provided from the Department to each component. The Department is further directed to provide quarterly updates on the WCF to the Committee.

DOJ Three Percent Fund [Fund] Transparency.—Section 11013 of the 21st Century Department of Justice Appropriations Authorization Act (Public Law 107–273; 116 Stat. 1823; 28 U.S.C. 527 note) permits the Department to credit 3 percent to the Working Capital Fund of all amounts collected pursuant to the Department's civil debt collection litigation activities. Such collections are deposited into the Fund, and they are intended to be accounted for separately and are not to be commingled with other amounts in the WCF. Pursuant to statute, the Three Percent Fund is to be used: first, for paying the costs of processing and tracking civil and criminal debt-collection litigation, and, thereafter, for financial systems and for debt-collection-related personnel, administrative, and litigation expenses.

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The Committee is concerned that the Fund is now supporting initiatives and personnel well beyond its primary purposes: financial systems and debt collection management. In fact, the Committee is aware that in 2016 the Fund was supporting nearly 600 full-time equivalents, only 42 of which were for the Fund's intended purpose. While the statute allows the Fund to support administrative and litigation expenses, the Committee is concerned that the lack of transparency associated with the Fund suggests that the Department may be funding certain programs and initiatives specifically rejected in annual funding measures.

To improve transparency and accountability, the Committee directs the Department to submit a report to the Committees on Appropriations of the House and Senate, within 90 days of enactment of this act, providing a detailed accounting of Three Percent Fund collections and expenditures over the previous five fiscal years. The report should account for each collection and the 3 percent credit thereof, and should further account for the allocation, obligation, and full-time equivalents for each Fund-supported program or initiative within each DOJ component. The Department is further directed to report, within 30 days of the end of each quarter of the fiscal year thereafter, the collections, credits, and allocations occurring in that quarter.

Madoff Victim Fund [MVF].—The Committee understands that the Special Master appointed by the Department has begun distributing funds from the $4,000,000,000 MVF to victims of the Madoff criminal fraud case. As the Special Master makes further distributions to existing and new claimants, the Committee remains concerned about the lack of transparency regarding the methodology for allowing and disallowing claims, the means to prevent duplication of payments to claimants who have already recovered funds from other sources, and the final thresholds of recovery that the Department and the Special Master believe they can achieve for compensated victims from the MVF.

Therefore, the Committee directs the Special Master to report within 30 days after enactment with information on the formulas and/or criteria used to determine payment amounts, classifications of payments, current and ongoing efforts to protect against duplicative or excessive payments throughout the process, and expected timelines associated with future payments. This report shall include an explanation describing the working relationship between the Special Master and the Bankruptcy Trustee, and if there is not currently a working relationship, a detailed plan for how the Special Master plans to coordinate future efforts to the maximum extent practicable, given the significantly higher level of distribution to the bankruptcy claimants.

Cell-Site Simulator [CSS] Technology.—Funds provided in this act shall be used only to deploy or facilitate the use of CSS technology for criminal investigations if such use complies fully with DOJ's guidance issued on September 3, 2015. The Department shall ensure that this guidance is followed strictly by Federal, State, and local entities that receive funding under this act, to include compliance with requirements of the Fourth Amendment and the Pen Register Act. As directed in the guidance, CSS technology must be configured only as pen registers and may not be used to

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collect content of any communication or subscriber account information. In addition, the departmental guidance requires comprehensive and consistent training on the appropriate use of CSS technology; adopting rigorous practices for handling and retaining data acquired through the use of this technology; and scrupulously auditing the use of such technology. The Committee awaits the Department's report, as specifically outlined in Senate Report 115–139 and codified in Public Law 115–141, on DOJ's use of CSS technology and its compliance with the guidance.

Financial Fraud.—The Committee directs the Attorney General to continue to prioritize resources at the Department of Justice to ensure that reports of financial fraud including scams against senior citizens are thoroughly investigated, with the goal of bringing the perpetrators of these crimes to justice.

Sexual Assault Survivors' Rights Implementation.—The Survivors' Bill of Rights Act of 2016 (Public Law 114–236) directed the Department, in conjunction with the Department of Health and Human Services, to establish a joint working group to develop, coordinate, and disseminate best practices regarding the care and treatment of sexual assault survivors and the preservation of forensic evidence. The Committee looks forward to the report requested in Senate Report 115–139 and codified in Public Law 115–141 as well as the timely completion of the working group's report to Congress containing its findings and recommended actions.

Spending Plan.—In compliance with section 533 of this act, the Committee directs the Department to submit a spending plan, signed by the Attorney General, within 45 days of enactment of this act.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2018	$114,000,000
Budget estimate, 2019	114,207,000
Committee recommendation	114,000,000

The Committee's recommendation provides $114,000,000 for General Administration salaries and expenses. The recommendation is equal to the fiscal year 2018 enacted level and $207,000 below the budget request.

The General Administration account provides funding for senior policy officials responsible for departmental management and policy development. The specific offices funded by this account include: the immediate Office of the Attorney General [OAG]; the immediate Office of the Deputy Attorney General [ODAG]; the immediate Office of the Associate Attorney General; Office of Legal Policy; Office of Public Affairs; Office of Legislative Affairs [OLA]; Office of Professional Responsibility; Office of Intergovernmental and Public Liaison; and the Justice Management Division [JMD].

Wildlife Trafficking.—The Committee continues to note the dramatic and disconcerting increase of criminal activity involving wildlife that includes the illegal trade in rhinoceros horns and elephant ivory, poaching of wild animals for their parts, illegal capture and transport of endangered animals, and illegally harvested timber, as well as money laundering that comes with these products' sale on

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the black market. There are indisputable linkages between these activities and the financing of armed insurgencies and transnational organized crime that threaten the stability and development of African countries and pose a serious threat to U.S. security interests.

The Committee awaits the report as specifically outlined in Senate Report 115–139 and codified in Public Law 115–141, and directs the Attorney General to continue to submit an annual report on the specific steps the Department is taking to further address wildlife trafficking and the illegal natural resources trade.

Timely Responses to Committee Inquiries.—While the Committee primarily communicates with the Department through JMD, it reserves the right to call upon any individual or organization within its jurisdiction for requests for information. The Committee again reminds DOJ that it has both budgetary and oversight capabilities, and requests for additional information from the Chairmen, Vice Chairmen, or Ranking Members or their staffs to OAG, ODAG, and OLA should be treated as a priority for the Department and responded to both courteously and expeditiously.

Special Counsel.—The Committee directs the leadership of the Department to adhere faithfully to all of its established processes and regulations regarding the operations of any Special Counsel.

Public Charge Reporting.—The Committee directs the Department to publicly report on the status of implementing the April 11, 2017, memorandum to Federal prosecutors from the Attorney General, including each USAO District's designated Border Security Coordinator, and the number of Federal criminal prosecutions in the previous and current fiscal year for charges under 8 U.S.C. § 1324, 1325, and 1326, disaggregated by charge, District, and month. The Department shall continue to publish such disaggregated data, on an annual basis.

Commission on Native Children.—The Committee supports the need to address issues affecting Native children and recognizes the important work of the Commission on Native Children. The Committee directs DOJ to continue to support the Commission as specified in the Alyce Spotted Bear and Walter Soboleff Commission on Native Children's Act (Public Law 114–244).

JUSTICE INFORMATION SHARING TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$35,000,000
Budget estimate, 2019	31,713,000
Committee recommendation	35,000,000

The Committee's recommendation provides $35,000,000 for Justice Information Sharing Technology [JIST]. The recommendation is equal to the fiscal year 2018 enacted level and $3,287,000 above the budget request.

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$504,500,000
Budget estimate, 2019	563,407,000
Committee recommendation	563,407,000

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The Committee's recommendation provides $563,407,000 for the Executive Office for Immigration Review, of which $4,000,000 is a transfer from the U.S. Citizenship and Immigration Services [USCIS] Immigration Examiners Fee Account. The recommendation is $58,907,000 above the fiscal year 2018 enacted level and equal to the budget request.

This account funds the Executive Office for Immigration Review [EOIR], including the Board of Immigration Appeals [BIA], immigration judges, and administrative law judges who decide through administrative hearings whether to admit or exclude aliens seeking to enter the country, and whether to deport or adjust the status of aliens whose status has been challenged.

EOIR Backlog of Cases and Immigration Judge Hiring.—The Committee is concerned that EOIR's immigration court caseload continues to escalate, adding to the growing backlog of cases, which totaled 692,298 at the end of March 2018. While the Committee recommendation includes funding for 75 additional immigration judges [IJ], adding to the 200 IJs provided by the Committee in fiscal years 2015–2018, as well as funding for technology and space, the Committee is concerned that providing more IJs alone is not enough to solve the backlog problem. The Committee believes that consistent policies regarding docket management and case adjudication will allow IJs to reduce the impending backlog.

As directed in Senate Report 115–139 and codified in Public Law 115–141, EOIR shall continue to submit monthly performance and operating reports detailing the backlog of cases and the hiring of new IJ teams. The Committee is pleased to learn the hiring process has become more efficient and encourages the Department to continue filling vacant IJ positions with highly qualified individuals from a diverse pool of candidates, including those with non-governmental, private bar experience, to conduct fair, impartial hearings consistent with due process.

As part of the monthly reporting requirement, EOIR is directed to report on any IJs sent on a temporary basis to any court outside of their current location including the number of days designated for the temporary assignment, the location of the temporary assignment and the IJs home location.

EOIR Technology Improvements.—The Committee supports EOIRs efforts to update its technology systems, including a new case management system. The Committee expects EOIR to expedite efforts to implement this system so that temporary IJs can better maintain their home court caseloads while on assignment. Finally, the Committee directs EOIR to develop a strategy for uploading existing case files into this new case management system so that the current cases benefit from the technological efficiencies provided, enabling further reductions in the Immigration Court backlog. EOIR is directed to report to the Committee no later than 30 days after enactment regarding its strategy for including current cases in its case management system, and shall update the Committee quarterly thereafter on technological efficiencies and improvements to the backlog.

Legal Orientation Program [LOP].—The Committee's recommendation maintains the fiscal year 2018 level of no less than $10,400,000 for services provided by LOP. This includes funding for

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both the Immigration Help Desk and LOP for Custodians [LOPC], including efforts, pursuant to the Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457), for custodians of unaccompanied, undocumented children to address the custodian's responsibility for the child's appearance at all immigration proceedings, and to protect the child from mistreatment, exploitation, and trafficking. The Committee directs the Department to continue LOP without interruption, including during any review of the program. The Committee also directs the Department to utilize all appropriated funds solely for legitimate program purposes.

The Committee supports LOP, which was created in 2003 and currently informs more than 50,000 detained non-citizens per year about their legal rights and responsibilities in immigration court. The Committee emphasizes that LOP benefits taxpayers by increasing the efficiency of immigration proceedings and reducing costs related to immigration detention. According to a 2012 Department of Justice report to this Committee, LOP services resulted in net savings to the Government of more than $17,800,000.

Recognizing that LOP currently serves detained individuals in a limited number of States, the Committee directs that attention be paid to geographic equity as LOP expands the reach of its services to additional detention centers. The Committee notes the particular need for legal services at more remote immigration detention sites that are far from legal service providers in urban centers.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2018	$97,250,000
Budget estimate, 2019	95,866,000
Committee recommendation	99,195,000

The Committee's recommendation provides $99,195,000 for the OIG. The recommendation is $1,945,000 above the fiscal year 2018 enacted level and $3,329,000 above the budget request.

This account finances the activities of the OIG, including audits, inspections, investigations, and other reviews of programs and operations of the Department to promote efficiency and effectiveness, and to prevent and detect fraud, waste, and abuse, as well as violations of ethical standards arising from the conduct of Department employees in their numerous and diverse activities.

Oversight of Crime Victims Fund Grants.—Section 510 of this act maintains $10,000,000 for the OIG to continue its expanded audits of the CVF including funding set aside for Indian tribes. The Committee remains concerned that the Department is not doing enough to proportionately adjust its grant monitoring activities to reflect significant changes in CVF spending in order to avoid waste, fraud, and abuse. The Committee directs the OIG to continue its audits of CVF awards and assist the Department to ensure these important funds are used appropriately and effectively.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2018	$13,308,000
Budget estimate, 2019	12,672,000
Committee recommendation	13,308,000

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The Committee's recommendation provides $13,308,000 for the United States Parole Commission. The recommendation is equal to the fiscal year 2018 enacted level and $636,000 above the budget request.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Appropriations, 2018	$897,500,000
Budget estimate, 2019	891,836,000
Committee recommendation	910,500,000

The Committee's recommendation provides $910,500,000 for General Legal Activities salaries and expenses. The recommendation is $13,000,000 above the fiscal year 2018 enacted level and $18,664,000 above the budget request.

This amount funds the establishment of litigation policy, conduct of litigation, and various other legal responsibilities through the Office of the Solicitor General, the Tax Division, the Criminal Division [CRM], the Civil Division, the Environmental and Natural Resources Division, the Civil Rights Division [CRT], the Office of Legal Counsel, and INTERPOL Washington.

INTERPOL Washington.—From within the funds provided for General Legal Activities, the Committee directs the Department to provide no less than the fiscal year 2018 level for INTERPOL Washington. The Committee has provided no-year authority in the amount of $685,000 to ensure sufficient resources are available for INTERPOL Washington's dues payments and help the Department better manage fluctuations in currency exchange rates. INTERPOL Washington's command center [IOCC] operates 24 hours a day, 7 days a week, 365 days a year, responding to requests for international criminal investigative and humanitarian assistance from more than 18,000 U.S. law enforcement agencies and their counterparts in 189 other INTERPOL-member countries. INTERPOL Washington's responsibility to respond to increasing foreign and domestic requests places additional operational demands on the resources of this organization.

Mutual Legal Assistance Treaty Reform.—Mutual Legal Assistance Treaty [MLAT] requests are the formal mechanism in which countries request assistance in obtaining evidence located in a foreign country for criminal investigations and proceedings located in another country. The Committee supports the Department's full request of $32,300,000 for Criminal Division [CRM] to provide sustainability to the MLAT reform process and support the Office of International Affairs [OIA] and has increased funding in this account for this purpose. This funding is critical to avoid further backlogs in the critical support provided by OIA to protect the United States and support U.S. Attorneys' Offices, as well as our State and local law enforcement partners.

Civil Rights.—The Committee provides no less than the fiscal year 2018 enacted level to continue its efforts to enforce civil rights laws; expand its capacity to prosecute and provide litigation support for human trafficking, hate crimes, and unsolved civil rights era crimes; carry out its responsibilities associated with the civil rights of institutionalized persons and the access rights of the dis-

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abled; investigate and prosecute police misconduct; and enhance the enforcement of fair housing and fair lending laws.

Civil Rights Violations in State and Local Prisons and Jails.—The Committee continues to be concerned by reports of civil rights violations in State and local prisons and jails, and directs the CRT to increase efforts to investigate and address violations of the Civil Rights of Institutionalized Persons Act in State and local prisons and jails. The Committee directs the CRT to use such sums as necessary from amounts appropriated in fiscal year 2019 to address such issues in State and local prisons and jails.

Human Rights Crimes.—The Committee remains concerned by the large number of suspected human rights violators from foreign countries who have found safe haven in the United States and directs the CRM to continue its efforts to investigate and prosecute serious human rights crimes, including genocide, torture, use or recruitment of child soldiers, and war crimes. For this purpose, the Committee's recommendation supports continued funding for the CRM to investigate and prosecute individuals who violate Federal laws regarding serious human rights abuses.

Enforcement of Federal Hate Crime Laws.—The Committee is concerned by reports of increased incidents of bias-motivated crimes and directs the Civil Rights Division to aggressively prosecute hate crimes and work with the FBI, U.S. Attorneys, and the Community Relations Service to improve hate crime reporting and prevent hate crimes from taking place in the first instance.

Protecting the Rights of Servicemembers and Veterans.—The Committee recognizes the importance of ensuring that servicemembers and veterans have access to essential legal resources to educate themselves and their families on their rights and enable them to defend themselves during times of need. The Committee supports funding this program at no less than the fiscal year 2018 level to continue to enforce existing law, such as the Uniformed Services Employment and Reemployment Rights Act (Public Law 103–353), and to provide outreach and training efforts on behalf of servicemembers, veterans, and their families.

International Training.—The Committee remains concerned about the budget and staffing challenges faced by the Office of Overseas Prosecutorial Development, Assistance and Training [OPDAT] and International Criminal Investigative Training Assistance Program [ICITAP] programs under the current funding structure provided via the Department of State. While the Committee encourages the Departments of Justice and State to maintain open communications regarding programmatic and resource needs to truly execute their missions, OPDAT and ICITAP should ideally receive a transfer of funds from State within 90 days of enactment of this act. Should an immediate source of funding be needed ahead of a completed transfer of funds, the Committee recommends that the Department of Justice notify the Committee immediately.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

Appropriations, 2018	$10,000,000
Budget estimate, 2019	9,340,000
Committee recommendation	10,000,000

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The Committee's recommendation provides a reimbursement of $10,000,000 for legal costs. The recommendation is equal to the fiscal year 2018 enacted level and $660,000 above the budget request.

This account covers the Department's expenses associated with litigating cases under the National Childhood Vaccine Injury Act of 1986 (Public Law 99–660).

SALARIES AND EXPENSES, ANTITRUST DIVISION

Appropriations, 2018	$164,977,000
Budget estimate, 2019	164,663,000
Committee recommendation	164,977,000

The Committee's recommendation provides $164,977,000 for the Antitrust Division. The recommendation is equal to the fiscal year 2018 enacted level and $314,000 above the budget request. This appropriation is offset by $136,000,000 in pre-merger filing fee collections, resulting in a direct appropriation of $28,977,000.

UNITED STATES ATTORNEYS

SALARIES AND EXPENSES

Appropriations, 2018	$2,136,750,000
Budget estimate, 2019	2,105,182,000
Committee recommendation	2,179,485,000

The Committee's recommendation provides $2,179,485,000 for the Executive Office for United States Attorneys [EOUSA] and the 94 USAOs. The recommendation is $42,735,000 above the fiscal year 2018 enacted level and $74,303,000 above the budget request.

As in past years, the Committee directs the United States Attorneys to focus their efforts on those crimes where the unique resources, expertise, or jurisdiction of the Federal Government can be most effective.

Adam Walsh Act Implementation.—The Committee expects the EOUSA to continue to focus on investigations and prosecutions related to the sexual exploitation of children, as authorized by the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248), and as part of Project Safe Childhood. The recommendation fully funds the budget request of $48,341,000 for this purpose in fiscal year 2019.

Combating Financial and Mortgage Fraud.—The Committee directs the EOUSA to prioritize resources and provide no less than the fiscal year 2018 level to conduct criminal investigations and prosecutions of mortgage and financial fraud, including financial fraud against seniors; predatory lending; and market manipulation matters to ensure that reports of financial fraud are thoroughly addressed and the perpetrators of these crimes are brought to justice.

Civil Rights Prosecutions.—The Committee's recommendation provides no less than the fiscal year 2018 level for continued civil rights enforcement that will advance both criminal and civil litigation, including the prosecution of sex and labor trafficking.

Cybercrime.—As national and international cyber threats become increasingly sophisticated, our Federal prosecutors must become better versed in digital forensic evidence. The Committee's recommendation fully funds the budget request of $60,459,000 for cybercrime activities. The USAO will be able to increase the num-

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ber of investigations and prosecutions of cyber attacks and cyber intrusions, and provide the high-caliber level of training on cybercrime and digital evidence needed for Assistant U.S. Attorneys to be able to analyze and present digital evidence across all types of criminal cases.

The Committee does not support proposed funding cuts for Intellectual Property and Child Pornography activities, and instead directs USAO to provide no less than the fiscal year 2018 funding level for prosecution of these cyber-related crimes.

UNITED STATES TRUSTEE SYSTEM FUND

Appropriations, 2018	$225,908,000
Budget estimate, 2019	223,221,000
Committee recommendation	225,908,000

The Committee's recommendation provides $225,908,000 for the United States Trustee System Fund. The recommendation is equal to the fiscal year 2018 enacted level and $2,687,000 above the budget request. The appropriation is offset by $360,000,000 in fee collections.

The United States Trustee Program, authorized by 28 U.S.C. 581 et seq., is the component of the Department with responsibility for protecting the integrity of the bankruptcy system by overseeing case administration and litigation to enforce the bankruptcy laws.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

Appropriations, 2018	$2,409,000
Budget estimate, 2019	2,409,000
Committee recommendation	2,409,000

The Committee's recommendation provides $2,409,000 for the Foreign Claims Settlement Commission. The recommendation is equal to the fiscal year 2018 enacted level and equal to the budget request.

The Foreign Claims Settlement Commission settles claims of American citizens arising from nationalization, expropriation, or other takings of their properties and interests by foreign governments.

FEES AND EXPENSES OF WITNESSES

Appropriations, 2018	$270,000,000
Budget estimate, 2019	270,000,000
Committee recommendation	270,000,000

The Committee's recommendation provides $270,000,000 for fees and expenses of witnesses. The recommendation is equal to the fiscal year 2018 enacted level and equal to the budget request.

This appropriation, which is considered mandatory for scorekeeping purposes, provides for fees and expenses of witnesses who appear on behalf of the Government in cases in which the United States is a party, including fact and expert witnesses. These funds are also used for mental competency examinations and witness and informant protection. The Committee includes bill language prohibiting the Department from transferring funds out of this account.

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The Committee expects that no funds will be expended for expert witness services, including the payment of fees and expenses of expert witnesses, from any other DOJ accounts but Fees and Expenses of Witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$15,500,000
Budget estimate, 2019	
Committee recommendation	15,500,000

The Committee's recommendation provides $15,500,000 for the CRS. The recommendation is equal to the fiscal year 2018 enacted level and $15,500,000 above the budget request.

The Community Relations Service, established by title X of the Civil Rights Act of 1964, provides assistance to communities and persons in the prevention and resolution of disagreements arising from discriminatory practices.

Hate Crimes Prevention.—Within funds provided, the Committee provides no less than the fiscal year 2018 level to handle the workload and responsibilities stemming from passage of the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act [HCPA] (Public Law 111–84). The HCPA expanded the CRS's mandate, requiring that it help communities prevent and respond to violent hate crimes committed on the basis of gender, gender identity, sexual orientation, religion, and disability, in addition to race, color, and national origin. This funding will maximize the CRS crisis response nationwide and enable CRS to fulfill both its original mandate and expanded mandate under the HCPA.

ASSETS FORFEITURE FUND

Appropriations, 2018	$20,514,000
Budget estimate, 2019	20,514,000
Committee recommendation	20,514,000

The Committee's recommendation provides $20,514,000 for the Assets Forfeiture Fund [AFF]. The recommendation is equal to the fiscal year 2018 enacted level and equal to the budget request.

UNITED STATES MARSHALS SERVICE

Appropriations, 2018	$2,900,892,000
Budget estimate, 2019	2,821,342,000
Committee recommendation	2,948,409,000

The Committee's recommendation provides a total of $2,948,409,000 for the United States Marshals Service [USMS]. The recommendation is $47,517,000 above the fiscal year 2018 enacted level and is $127,067,000 above the budget request.

SALARIES AND EXPENSES

Appropriations, 2018	$1,311,492,000
Budget estimate, 2019	1,270,371,000
Committee recommendation	1,377,409,000

The Committee's recommendation provides $1,377,409,000 for USMS salaries and expenses. The recommendation is $65,917,000

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above the fiscal year 2018 enacted level and $107,038,000 above the budget request. The core missions of USMS include the apprehension of fugitives; protection of the Federal judiciary and witnesses; execution of warrants and court orders; and the custody and transportation of unsentenced prisoners.

In addition to receiving direct appropriations, the Committee is aware that USMS also receives funding from the Department's Assets Forfeiture Fund [AFF] to augment salaries and expenses that are intended to directly administer AFF-related activities like the management and sale of forfeited assets. The Committee directs the Department to continue to provide quarterly reports on the USMS's use of AFF funding, as directed in Senate Report 115–139 and codified in Public Law 115–141.

Investigative Operations.—The Committee directs USMS to provide no less than the fiscal year 2018 levels to maintain its missions regarding gang enforcement, International Megan's Law, and sex offender apprehension. Per Senate Report 115–139 and codified in Public Law 115–141, the Committee expects USMS to continue the process to establish an additional Regional Fugitive Task Force [RFTF], with a report to be submitted within 90 days of enactment of this act on the status of the new RFTF including, staffing, operational space and agreements, equipment, and expected future resource needs.

International Operations.—The Committee reminds USMS to submit the report requested in Senate Report 115–139 and codified in Public Law 115–141 on its extradition program, detailing its international operations workload. The report should include the number of extraditions and deportations, district cooperation, and extradition requests made by foreign counterparts in a timely manner. Given that transnational criminal organizations and fugitives know no geographical bounds, the Committee expresses support for increased USMS capabilities in Mexico and an increased presence in South America.

CONSTRUCTION

Appropriations, 2018	$53,400,000
Budget estimate, 2019	14,971,000
Committee recommendation	35,000,000

The Committee's recommendation provides $35,000,000 for construction in space controlled, occupied, or utilized by the USMS in Federal courthouses and buildings, including but not limited to the creation, renovation, and expansion of prisoner movement areas, elevators, and other law enforcement and court security support space. The recommendation is $18,400,000 below the fiscal year 2018 enacted level and $20,029,000 above the budget request.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$1,536,000,000
Budget estimate, 2019	1,536,000,000
Committee recommendation	1,536,000,000

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The Committee's recommendation provides $1,536,000,000 for Federal Prisoner Detention [FPD]. The recommendation is equal to the fiscal year 2018 enacted level and equal to the budget request.

The Committee expects USMS to anticipate the true funding needs for this account in order to avoid funding shortfalls and the need for emergency reprogrammings to avert deficiencies. The Committee directs USMS to report to the Committee on a quarterly basis the current number of individuals in the detention system, the projected number of individuals, and the associated annualized costs.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$101,031,000
Budget estimate, 2019	101,369,000
Committee recommendation	101,369,000

The Committee's recommendation provides $101,369,000 for the National Security Division [NSD]. The recommendation is $338,000 above the fiscal year 2018 enacted level and equal to the budget request.

The NSD coordinates the Department's national security and counterterrorism missions through law enforcement investigations and prosecutions, and handles counterespionage cases. The NSD works in coordination with the FBI, the Intelligence Community, and the U.S. Attorneys. Its primary function is to prevent acts of terrorism and espionage from being perpetrated in the United States by foreign powers.

Foreign Agents Registration Act [FARA].—The Committee recognizes the importance of the National Security Division's [NSD] enforcement of FARA, Public Law 75–583; in order to increase transparency and accountability across the Federal Government by ensuring that persons acting on behalf of a foreign government disclose that relationship. The Committee continues to support the Office of Inspector General's recommendations to improve NSD's ability to administer and enforce FARA. The Committee directs that the Department continue to provide adequate funding of NSD's FARA activities.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

Appropriations, 2018	$542,850,000
Budget estimate, 2019	521,563,000
Committee recommendation	521,563,000

The Committee's recommendation provides $521,563,000 for Interagency Crime and Drug Enforcement. The recommendation is $21,287,000 below the fiscal year 2018 enacted level and equal to the budget request.

The Interagency Crime and Drug Enforcement account funds the Organized Crime and Drug Enforcement Task Forces [OCDETF]. The mission of the OCDETF is to ensure a coordinated, multi-agen-

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cy, intelligence-based, and prosecutor-led approach to identifying, disrupting, and dismantling those drug trafficking and money laundering organizations primarily responsible for the Nation's illicit drug supply and drug-related violence.

International Drug Enforcement.—OCDETF is urged to continue to coordinate with the DEA and other Federal and international law enforcement partners to play a role in the interception and disruption of foreign drug shipments, as directed by Senate Report 115–139 and codified in Public Law 115–141.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Appropriations, 2018	$9,030,202,000
Budget estimate, 2019	8,872,080,000
Committee recommendation	9,030,202,000

The Committee's recommendation provides $9,030,202,000 for the FBI salaries and expenses. The recommendation is equal to the fiscal year 2018 enacted level and $158,122,000 above the budget request.

Criminal Justice Information Services [CJIS].—The Committee recommends the full funding request for CJIS, including fee collections. The recommendation provides up to $121,000,000 for the FBI to continue improvements to the National Instant Criminal Background Check System [NICS] to increase the capacity and efficiency of the existing NICS system to perform background checks on prospective firearms buyers. The Committee's recommendation does not support the full request to rescind funds from the CJIS fee collections and instead directs the FBI to invest an appropriate amount of the fee collections into making necessary upgrades to CJIS's systems.

Cybersecurity.—The FBI remains the only agency with the statutory authority, expertise, and ability to combine counterterrorism, counterintelligence, and criminal investigatory resources to neutralize, mitigate, and disrupt illegal domestic computer-supported operations. The Committee supports the requested adjustments-to-base and programmatic increases for cybersecurity activities throughout the FBI.

Terrorist Explosive Device Analytical Center [TEDAC].—The Committee's recommendation provides no less than the fiscal year 2018 level for full operational funding to TEDAC and the additional operational support associated with the TEDAC campus in fiscal year 2019, which will continue to strengthen the role of TEDAC as the U.S. Government's strategic-level improvised explosive device exploitation center and provide the resources necessary to fully staff the facility.

Hazardous Devices School [HDS] and International Advanced Canine Technology Center.—The Committee recognizes HDS's status as both the sole certification authority of civilian State, local, and Federal bomb technicians and the sole accrediting authority of civilian State, local, and Federal bomb squads intending to utilize any manner of render safe or device defeat within the United States and its territories. The Committee supports the FBI Weapons of Mass Destruction Directorate's efforts at no less than the fis-

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cal year 2018 level, to more efficiently and effectively disseminate critical threat information to the explosives detection canine community and, in conjunction with government and academic partners to support this national security program.

Enhancements at TEDAC and HDS.—The Committee supports the recent enhancements at TEDAC and HDS, including additional advanced render safe techniques courses for public safety bomb technicians. The Committee encourages the FBI's further research and testing of the functions and effects of explosive devices in order to better exploit design weaknesses and enhance its training courses, which in turn allows HDS to provide the required standardized and consistent training to the entire civilian, domestic bomb squad community. Within the funds provided for FBI, up to $2,500,000 may be made available for the FBI's Research Development Testing and Evaluation [RDTE] Program to rapidly develop tools and techniques to defeat IED threats to the United States, including advanced counter explosive device research focusing on hypervelocity impact and hypervelocity flight dynamics. Using IED information collected from the intelligence community and TEDAC, the RDTE program anticipates advances in IED technology, researches suitable solutions and develops technologies and procedures for incorporation into render safe training at HDS.

Human Rights Violations.—The Committee directs the FBI to continue its efforts to investigate and support the DOJ's criminal prosecution of serious human rights crimes committed by foreign nationals, including genocide, torture, use or recruitment of child soldiers, and war crimes. The Committee's recommendation continues funding this effort at the fiscal year 2018 enacted level.

Innocent Images National Initiative.—The Committee's recommendation supports the fiscal year 2019 request of $91,640,000 for the Innocent Images National Initiative, allowing the FBI to target and investigate sexual predators on the Internet. The Committee is concerned that the proposed reductions to the base program are insufficient to cover the current Innocent Images caseload that combat child sexual exploitation and child victimization.

Law Enforcement Medical Demonstration.—The Committee supports the Bureau's actions to formalize external partnerships in the Operational Medicine Program in order to support medical contingency planning and improve the delivery of medical care for high-risk law enforcement missions. The Committee looks forward to reviewing the Bureau's report, as directed in Senate Report 115–139 and codified in Public Law 115–141 regarding these partnerships.

National Bioforensic Analysis Center.—The Committee recognizes the need to maintain operations at the National Bioforensic Analysis Center [NBFAC] and supports the work performed at the NBFAC in furtherance of the FBI's mission. The Committee understands NBFAC currently operates under a contract executed by the Department of Homeland Security [DHS], and that the FBI intends to enter into a cost-sharing agreement or memorandum of understanding/agreement with DHS, so that the Bureau may continue ongoing operations at this facility.

The Committee supports the bioforensic analysis and investigations performed at NBFAC, and looks forward to learning more about the proposed cost sharing agreement between the Bureau

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and DHS. The Committee supports $20,800,000 for the FBI's role at the NBFAC and directs the FBI to report, not later than 30 days after the enactment of this act, with alternative financial plans regarding the maintenance and or ownership of the facility.

Counter-Unmanned Aircraft Systems [UAS].—The Committee supports efforts to expand the Bureau's counter-UAS program capabilities including increased partnerships with State and local law enforcement.

FBI Police.—A 2014 study conducted by the FBI's Inspection Division revealed that the primary obstacle faced by FBI Police management was the low retention rate of FBI police officers, Federal law enforcement officers tasked with protecting FBI facilities, properties, personnel, visitors, and operations, due to lower pay and fewer benefits compared to other members in the National Capital Region like the U.S. Capitol Police and CIA Police. This has a subsequent negative effect on morale and as a result of lower pay and benefits.

Under 28 U.S.C. 540C, the Director of the FBI, subject to the supervision of the Attorney General, may establish a permanent police force, to be known as the FBI police. The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

The Committee encourages the Director of the FBI to make the rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to other Federal police divisions. Within 180 days of enactment, the FBI shall report to the Committee on the retention rate and pay of the FBI police compared to other Federal law enforcement with similar missions. The Committee urges the FBI to coordinate, as appropriate, with the U.S. Office of Personnel Management [OPM] and any other relevant agency as it implements these activities.

CONSTRUCTION

Appropriations, 2018	$370,000,000
Budget estimate, 2019	51,895,000
Committee recommendation	385,000,000

The Committee's recommendation provides $385,000,000 for FBI construction. The recommendation is $15,000,000 above the fiscal year 2018 enacted level and $333,105,000 above the budget request.

FBI Headquarters.—Due to concerns about the FBI Headquarters Revised Nationally-Focused Consolidation Plan which was submitted to Congress by the General Services Administration [GSA] on February 12, 2018, the Consolidated Appropriations Act, 2018 (Public Law 115–141) included no funding for this project. No funds were requested for the project for fiscal year 2019, and no funds are provided in this bill.

The Committee continues to be reluctant to appropriate any additional funds for this project due to the unanswered questions regarding the new plan, including the revision of longstanding mission and security requirements. The Committee encourages the FBI to work with GSA to submit a prospectus for a new, fully-con-

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solidated headquarters building, including at one of the three previously vetted sites that complies with prior Congressional directives and actions and meets Interagency Security Committee [ISC] Level V security standards.

21st Century Facilities.—The Committee continues to support the FBI's long-term vision for co-locating complimentary mission operations while balancing the eventual transition into a new headquarters building with changing footprints at Quantico, Clarksburg, Huntsville, and Pocatello facilities. The delay in the new FBI headquarters project only exacerbates the need to secure viable space for supporting a variety of missions, workforce, and land requirements. The Committee recommendation provides funding at no less than the fiscal year 2018 enacted level to further support the FBI's 21st Century Facility plans and encourages the FBI to transition from interim facilities to full operating capabilities, including plans for technological requirements. As part of this 21st Century Planning, the FBI should continue to research the feasibility of using public-private partnership opportunities, provided that the annual lease and operating costs are reasonable and the facilities can be securely constructed and maintained at a level that meets the FBI's requirements.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

Appropriations, 2018	$2,609,900,000
Budget estimate, 2019	[1] 2,862,162,000
Committee recommendation	2,654,836,000

[1] The budget request includes $254,000,000 for the consolidation of the High Intensity Drug Trafficking Area [HIDTA] from the Office of National Drug Control Policy to the DEA. The Committee recommendation does not include this transfer.

The Committee's recommendation provides total resources of $2,654,836,000 for the DEA, of which $420,703,000 is derived from the DEA's Diversion Control Fee Account [DCFA]. The recommendation is $44,936,000 above the fiscal year 2018 enacted level and $207,326,000 below the budget request. When compared to the budget request for DEA operations only, the recommendation is $46,674,000 higher. Within the funds provided, $10,000,000 is for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs, and to initiate container programs.

The DEA's mission is to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States—or any other competent jurisdiction—those organizations and principal members of organizations involved in the growing, manufacturing, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Medical Registration Coordination.—The Committee requested a plan from the Department regarding over-prescribing of opioids by medical practitioners as part of Senate Report 114–239 and codified in Public Law 115–31. This plan is well overdue, and the Committee requests its immediate submission.

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Drug Diversion at Veterans Health Administration Facilities.—The Committee remains alarmed by the rates of prescription drug opioid abuse and related overdoses among veterans, as well as allegations of diversion of prescription opioids from Veterans Health Administration [VHA] facilities into the illicit drug market. According to a February 2018 Government Accountability Office report, the oversight of controlled substances within VHA remains a significant problem. That VHA facilities continue to be a source for the illicit distribution and use of opioids is extremely concerning, and the Committee directs the DEA to ensure that investigations of drug diversion in VHA facilities remain a priority. As stated in Senate Reports 114–66, 114–239, and 115–131, the Committee continues to expect the DEA to take steps to ensure that sufficient resources are allocated for investigations of drug diversion at VHA facilities.

Permanent Drug Take Back Collection Sites.—The Committee applauds the option for consumers and long-term care facilities to dispose of unneeded medicines by transferring them, including prescription opioids, to DEA-registered collectors, which safely and securely collect and dispose of pharmaceuticals containing controlled substances. Authorized permanent collection sites may be located in retail pharmacies, hospital or clinic pharmacies, and law enforcement facilities. Some authorized collection sites may also offer mail-back programs or collection receptacles, sometimes called "drop-boxes," to assist consumers in safely disposing unused medicines. The Committee directs DEA to continue this program and expand locations where possible.

Discussions with Reverse Distributors.—The Committee encourages DEA to meet with commercial hazardous waste management industry members, many who are reverse distributors for the receipt and destruction of unwanted controlled substances. Such meetings should include discussions that establish a formal process for evaluating alternative methods of disposal, other than incineration, as a means of meeting DEA's "Non Retrievable" standard. Such methods may include dissolving controlled substances in solvents and acids. Further, the Committee encourages DEA to develop a process for permitting alternative safety measures for the transportation of controlled substances for disposal, including secure tamper-proof evidence packages or security tape sealed drums, to ensure compliance with both the Resource Conservation and Recovery Act (Public Law 94–580) and the Secure and Responsible Drug Disposal Act (Public Law 111–273).

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

Appropriations, 2018	$1,293,776,000
Budget estimate, 2019	1,316,678,000
Committee recommendation	1,316,678,000

The Committee's recommendation provides $1,316,678,000 for ATF. The recommendation is $22,902,000 above the fiscal year 2018 enacted level and equal to the budget request. ATF has diverse law enforcement responsibilities, and the funding increase is

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provided to allow ATF to carry out these duties and to fill existing positions that are currently vacant.

ATF reduces the criminal use of firearms and illegal firearms trafficking, and assists other Federal, State, and local law enforcement agencies in reducing crime and violence. ATF investigates bombing and arson incidents and assists with improving public safety by reducing the criminal misuse of and trafficking in explosives, combating acts of arson and arson-for-profit schemes, and removing safety hazards caused by improper and unsafe storage of explosive materials.

Combating Gun Violence and Enforcing Existing Gun Laws.—The Committee's recommendation maintains ATF's ability to enforce existing firearms laws and perform regulatory oversight and training, including through the National Integrated Ballistics Information Network [NIBIN]. This funding will enable ATF to continue to collect, report, and share ballistic intelligence with Federal, State, local, and tribal law enforcement partners to identify, target, and disrupt violent criminals, including serial shooters. Funds will support work with State and local law enforcement agencies and laboratories to collect ballistic hit information to provide leads to Firearms Intelligence Groups for investigations and document successful prosecutions as a result of NIBIN.

United States-Mexico Firearms Trafficking.—The Committee continues to support the ATF's efforts to combat weapon trafficking on the border. The ATF shall continue to provide the Committee with annual data on the total number of firearms recovered by the Government of Mexico, and of those, the number for which an ATF trace is attempted, the number successfully traced, and the number determined to have originated in the United States prior to being recovered in Mexico.

National Center for Explosives Training and Research [NCETR].—Since fiscal year 2013, ATF has had the use of NCETR at its disposal as a critical facility and Federal asset with unique capabilities. However, the Committee has remained concerned that NCETR has been understaffed and underutilized. Therefore, in an effort to capitalize on the Federal investments that currently exist at NCETR, such as the lab and test range, the Committee directs the Department to partner with Federal, State, and local law enforcement entities, as well as the U.S. military where appropriate, to conduct research in the field of explosives and precursor chemicals.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$7,114,000,000
Budget estimate, 2019	7,042,328,000
Committee recommendation	7,256,280,000

The Committee's recommendation provides $7,256,280,000 for Bureau of Prisons [BOP] salaries and expenses. The recommendation is $142,280,000 above the fiscal year 2018 enacted level and $213,952,000 above the budget request. The Committee supports

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the Department's request to increase funding for BOP's cybersecurity, including improving network defenses and mitigating insider threats.

BOP Staffing and Hiring.—The Committee remains concerned that the Department has maintained a hiring freeze for BOP when it has since lifted the hiring moratorium for other DOJ law enforcement agencies. The inmate to correctional officer ratio continues to remain at 8.3 to 1, a level that the Committee considers unsafe and believes BOP should immediately correct. The Committee directs DOJ to revisit hiring policies to ensure BOP is able to appropriately staff its 122 Federal facilities across the United States, particularly the hiring of correctional officers at medium- and high-security facilities. Finally, the Committee is concerned about the extensive number of eliminated positions proposed by BOP as part of its budget request. The Committee rejects further position eliminations.

Hiring and Staffing Reports.—The Committee directs BOP to submit quarterly hiring and staffing reports, including corrections officer-to-inmate ratios from Pay Period 26–2016 to the present for the OPM position classification standard Correctional Officer Series GS–0007, broken out by region, institution, security level, and shift (morning watch, day watch, evening watch) no later than 90 days after enactment. For any institution with a staffing ratio greater than 25:1, or an incident involving deadly force in any such report, BOP shall provide a separate, detailed explanation of the role staffing may or may not have played in the incident along with a corrective plan to ensure it will not happen again.

Augmentation.—While BOP reports that there is a higher incidence of serious assaults by inmates on staff at high- and medium-security institutions than at the lower security facilities, to meet staffing needs, BOP routinely uses a process called "augmentation," whereby a non-custodial employee is assigned custodial responsibilities. The Committee again directs BOP to curtail its overreliance on augmentation, particularly in housing units, a directive issued as part of Senate Report 115–139 and codified in Public Law 115–141. BOP should instead hire additional full-time correctional staff before continuing to augment existing staff. BOP is further directed to submit quarterly reports to the Committee on the use of augmentation broken out by region, institution, and security level each time this practice is employed.

Alleviating Overcrowding at High-Security Facilities.—The overcrowding rate at high-security prisons remains high at 26 percent. The Committee supports BOP's efforts to alleviate overcrowding at high-security facilities through the process of activating additional prisons. The Committee expects BOP to adhere to its activation schedule regarding these prison facilities, including the acceptance of high-security inmates at the United States Penitentiary [USP] in Thomson, Illinois, as BOP estimates overcrowding at high-security facilities to be reduced to 19 percent with the full opening of USP Thomson. The Committee continues to direct that this facility be designated as a high-security USP.

The Committee previously directed BOP to ensure at least two correctional officers are on duty for each housing unit for all three shifts at all high-security institutions to include United States

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Penitentiaries and Administrative and Federal Detention Centers. BOP is directed to continue to submit quarterly reports to the Committee showing compliance with this directive and provide a cost estimate and strategic plan for implementation for medium-security institutions that currently do not have a second officer for all three shifts.

Medication-Assisted Treatment [MAT] Expansion.—The Committee directs that no less than the fiscal year 2018 level be provided for BOP to continue the MAT program for inmates with heroin and opioid addiction. This voluntary pilot program treats approximately 200 inmates in residential reentry centers. BOP is directed to provide a report to the Committee within 90 days of enactment of this act including the number of locations and number of individuals using MAT as well as a strategic plan for deploying the MAT program to all BOP Regions including timelines and locations.

Federal Detainers.—In an effort to ensure that criminal aliens are not improperly released into our communities, the Committee directs BOP to offer Immigration and Customs Enforcement [ICE] the first opportunity to take into custody and remove an individual with a Federal detainer instead of BOP and ICE automatically deferring to States and municipalities who are seeking custody of the same individual. ICE's decision to exercise this right of first refusal with BOP will be informed, in part, by the State or municipality's willingness to cooperate with Federal authorities on ICE detainers.

Compassionate Release.—The Committee notes that BOP expanded the grounds for, and streamlined the process of, considering requests for compassionate release in 2013. The Committee is also aware that the Department of Justice Office of Inspector General [OIG] recommended additional reforms to the compassionate release program in its 2013 review of the program. In 2016, the U.S. Sentencing Commission [USSC] amended the criteria for compassionate release and encouraged BOP to file a motion for those prisoners who meet the criteria as identified by the Commission.

The Committee awaits the information required by Senate Report 115–139 and codified in Public Law 115–141, including an account of: (1) any steps taken by BOP to implement the OIG and USSC's recommendations; (2) for those recommendations not met, BOP's plan for future implementation and/or an explanation as to why these recommendations cannot be implemented; (3) the number of prisoners granted or denied compassionate release during each of the last 5 years; (4) for each of the past 5 years, the number of requests initiated by or on behalf of prisoners, categorized by the criteria relied on as grounds for a reduction in sentence; (5) for each year, the number of requests approved by the Director of the BOP, categorized by the criteria relied on as grounds for a reduction in sentence; (6) for each year, the number of denials by the Director of the BOP, categorized by the criteria relied on as grounds for a reduction in sentence and the reason given for the denial; (7) for each year, the period of time between the date the request was received by the warden and the final decision, categorized by the criteria relied on as grounds for a reduction in sentence; and (8) for each year, the number of prisoners who died while their compassionate release requests were pending and, for

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each, the amount of time that elapsed between the date the request was received by the warden.

Inmate Mental Health Care and Restrictive Housing.—The Committee was encouraged that the Bureau of Prisons [BOP] agreed to resolve the 15 recommendations made by the Department of Justice Inspector General [DOJ–IG] in July 2017 regarding the need for BOP to improve its screening, treatment, and monitoring of inmates with mental illness housed in Restrictive Housing Units. The Committee encourages BOP to continue to develop evidence-based policies and appropriate facilities that ensure BOP can do its job safely while also providing proper care for those inmates with mental illnesses. As such, the Committee requests a report, within 180 days of enactment of this act, from BOP on the status of resolving each of those 15 DOJ–IG recommendations issued in July 2017.

Correctional Education Evaluation.—The Committee recognizes the value of correctional education in reducing recidivism. The Committee is concerned, however, that there is a lack of comprehensive data and analysis on key questions such as the necessary amount of intervention education; how intervention needs vary by educational program; and what models of instruction and curriculum delivery are most effective in correctional environments. Therefore, the Committee encourages the National Corrections Institute's [NCI] efforts to establish public-private partnerships with research and correctional institutions to evaluate completed demonstration projects involving postsecondary education programs in prisons, and looks forward to reviewing NCI's findings on correctional education in a report submitted to the Committee not later than 90 days after the date of enactment.

Report on Contract Facilities.—The Committee reminds BOP of the direction provided in Senate Report 115–139 as codified in Public Law 115–141 on submitting a detailed report on the use of contract facilities for fiscal years 2016 and 2017. The Committee looks forward to the timely submission of this report.

Freedom of Information Act Records.—The Committee expects BOP to maintain records and respond to records requests, consistent with the requirements of section 5 U.S.C. 552 (commonly referenced as the Freedom of Information Act), for information related to all Federal offenders in the custody of BOP, regardless of whether such offenders are housed in a Federal or non-Federal prison, detention center, correctional institution, privately managed or community-based facility, or local jail. The Committee further notes that BOP should not withhold records from disclosure unless BOP reasonably foresees that disclosure would harm an interest protected by an exemption described in 5 U.S.C. 552b, or as otherwise prohibited by law.

Residential Reentry Centers.—The Committee maintains concerns and expectations regarding Residential Reentry Centers [RRCs] as outlined in Senate Report 115–139 and codified in Public Law 115–141, including the direction requiring BOP to alert the Committee before adopting any significant change in policy or practice involving RRCs or other recidivism-reduction measures. The Committee directs BOP not to cancel or modify any existing contracts for RRCs if another BOP-contracted RRC facility does not exist within 100

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miles of the existing RRC. In instances where RRC contracts are expiring, the Committee directs BOP to take interim and emergency measures to prevent facility closures and the interruption of services, including by expediting solicitations and re-solicitations for existing services.

Minimum Security Camps.—The Committee does not approve of BOP's proposal to close or move any of the Bureau's seven standalone federal correctional minimum security camps.

BUILDINGS AND FACILITIES

Appropriations, 2018	$161,571,000
Budget estimate, 2019	99,000,000
Committee recommendation	274,000,000

This act includes $274,000,000 for the construction, acquisition, modernization, maintenance and repair of prison and detention facilities housing Federal inmates. The recommendation is $112,429,000 above the enacted level and $175,000,000 above the budget request. Within this amount not less than $175,000,000 is for costs related to construction of new facilities currently not fully funded that remain on BOP's Monthly Construction Status Report. BOP shall proceed with ongoing planned and associated new construction efforts to meet projected capacity requirements, as identified in its monthly status of construction reports to the Committee. BOP is directed to continue to provide such reports on a quarterly basis, along with notifications and explanations of any deviation from construction and activation schedules, and any planned adjustments or corrective actions.

The Committee includes bill language in Title V—General Provisions stipulating that no BOP resources may be used for facilities to house detainees from the United States Naval Station, Guantanamo Bay, Cuba.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

Appropriations, 2018	$2,700,000
Budget estimate, 2019	2,700,000
Committee recommendation	2,700,000

The Committee's recommendation provides a limitation on the administrative expenses of $2,700,000 for the Federal Prison Industries, Inc. The recommendation is equal to the fiscal year 2018 enacted level and equal to the budget request.

STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

In total, the Committee recommends $3,001,800,000 for State and local law enforcement and crime prevention grant programs, including: $2,504,300,000 in discretionary appropriations and in mandatory appropriations, and $497,500,000 from funds provided under section 510 of this act. The total is $67,500,000 above the fiscal year 2018 enacted level and $957,000,000 above the budget estimate.

Management and Administration Expenses.—The Department shall, in preparing its fiscal year 2019 spending plan, assess management and administration [M&A] expenses compared to program

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funding. The Committee directs the Department to ensure that its assessment methodology is equitable and, for programs funded through the Crime Victims Fund, that the assessment reflects a fair representation of the share of each program devoted to common M&A costs. The Committee also directs grant offices to minimize administrative spending in order to maximize the amount of funding that can be used for grants or training and technical assistance. The Committee reiterates the direction provided in Public Law 113–76 that the Department shall detail, as part of its budget submission for fiscal year 2020 and future years, the actual costs for each grant office with respect to training, technical assistance, research and statistics, and peer review for the prior fiscal year, along with estimates of planned expenditures by each grant office in each of these categories for the current year and the budget year.

Expanded Purpose Areas for Crime Victim Assistance.—The Committee reminds Office for Victims of Crime [OVC] of the final rule (81 Fed. Reg. 44515) regarding the expansion of purpose areas that can be used for victim services programs including discretionary grants.

Compliance with Federal Laws.—The Committee directs the Department to ensure that all applicants for Edward Byrne Memorial Justice Assistance Grants [Byrne JAG], Community Oriented Policing Services [COPS] grants, and State Criminal Alien Assistance Program [SCAAP] funds are required to attest and certify that the potential grant recipients are in compliance with all applicable Federal laws, and shall be required to continue to remain compliant throughout the duration of their grant award period.

Grant Funding Set-Asides.—The Committee notes the significant number of reductions in grant funding allowable for various purposes, including training, technical assistance, research, evaluation, and statistics activities with set-asides ranging anywhere from 2 percent to 10 percent of total grant funding provided. To that end, the Committee directs the Department to continue providing a comprehensive report concurrently with the spending plan that details the total amount provided for each grant program in this act, the specific reductions taken, the purpose for those reductions, and the final use of those resources, including any transfers that may occur among Office of Justice Programs [OJP], Office on Violence Against Women [OVW], and COPS. The Committee expects that the report will provide a complete analysis of the final amounts externally awarded and the amounts retained internally for other purposes.

Grant Funds for Rural Areas.—The Committee is concerned about the needs of rural areas, especially those communities with high crime rates. The Committee wants to ensure that the challenges encountered by the residents of these areas are being addressed through the equitable use of grant funding. The Committee reminds the Department to consider the unique needs of rural communities when making grant awards through the numerous programs funded under this act.

Tribal Grants and Victim Assistance.—The Committee provides a total of $91,000,000 in discretionary grant funding for tribes as follows: $50,000,000 within OJP for tribal assistance; $7,000,000 for

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a tribal youth program within the Office of Juvenile Justice and Delinquency Prevention; $27,000,000 for tribal resources and $3,000,000 for a Tribal Access Program within the COPS Office; and $4,000,000 for a special domestic violence criminal jurisdiction program within the Office on Violence Against Women.

For tribal assistance grants within OJP, funding is to be used to support efforts to help tribes improve the capacity of their criminal and civil justice systems. OJP is expected to consult closely with tribal stakeholders in determining how tribal assistance funds will be awarded for detention facilities, including outdated detention facilities that are unfit for detention purposes and beyond rehabilitation; courts; alcohol and substance abuse programs; civil and criminal legal assistance; and other priorities. The Committee directs OJP to submit, as part of the Department's spending plan for fiscal year 2019, a plan for the use of these funds that is informed by such consultation.

In addition, the bill includes a 5 percent set-aside for tribes within the Crime Victims Fund. OVC is directed to consult closely with tribal stakeholders to improve services for tribal victims of crime to include expanded purpose areas described in the OVC final rule effective August 8, 2016. OVC shall continue to follow direction provided by the Committee in Senate Report 115–139 and codified in Public Law 115–141 regarding grant application requirements, accountability, and assistance.

Human Trafficking in Indian Country.—The Committee encourages the Departments of Justice, Interior, and Health and Human Services to work together to address the need for and impact of Federal grant assistance regarding human trafficking in Indian Country, to ensure that Federal dollars are used effectively and efficiently.

Post-Conviction Relief for Trafficking Victims.—The Committee recognizes that serious, sustained efforts and investments in victim-centered programs are necessary to help address the rise in human trafficking and is committed to helping victims seek justice and ensure that offenders are held accountable. The Committee is concerned about reports that trafficking victims are prosecuted, both at the Federal and state levels, for crimes directly related to their trafficking. Criminal convictions often disqualify victims from numerous Federal programs and impede their recovery. The Committee is concerned that removing expungement services from eligible activities for fiscal year 2018 OVC grants contradicts the 2017 Trafficking in Persons Report released by the State Department, which encouraged the expansion of vacatur services.

In light of the 2017 State Department report, the Committee requests a study from the Department on the number of trafficked victims who are convicted of crimes related to their trafficking, the types of crimes, and an analysis on how the Federal government can supplement state vacatur programs. The report shall be submitted to Congress within 30 days of enactment of this bill.

Submission of Officer Training Information.—The Committee directs the Department to continue following direction provided in fiscal years 2017 and 2018 regarding the submission of officer training data as part of the Byrne-JAG and COPS hiring grant process.

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STOP School Violence Act.—The Committee provides a total of $100,000,000 for the STOP School Violence Act (Division S, Title V of Public Law 115–141) grant program, which is equal to the authorized amount and is $25,000,000 above the fiscal year 2018 level. Of this amount, $75,000,000 is provided to the Bureau of Justice Assistance [BJA] for evidence-based school safety programs outlined in the Act and $25,000,000 is provided to the COPS Office for their respective competitive grant programs as outlined in the act. States, localities, Tribes and corresponding school districts should consider using BJA funds as permitted under the Act for school violence prevention programs to prevent violent acts before a weapon enters a campus, including development and operation of evidence-based school threat assessments and trainings for school personnel and students to identify and report signs of violence against others or self. As designated in the authorization for the COPS portion of this program, funding is allowable for strengthening security measures, such as technology for expedited notification of local law enforcement during an emergency, locks, lighting, and other deterrent measures.

Consent Decrees and Grant Assistance.—The Committee is aware that the Department's Civil Rights Division is currently enforcing 14 consent decrees. The Committee is also aware of the benefits received by the local communities and their citizens after a consent decree has been successfully enforced and the required reforms are implemented. As tensions between certain communities and police departments have grown in recent years, the Committee seeks to ensure that consent decrees continue to be implemented successfully and accordingly, encourages the Department to provide additional training and technical assistance for jurisdictions participating in a consent decree with the Department.

Financial Exploitation.—The Committee commends the work of the OVC to address the issue of financial exploitation of older Americans by guardians, conservators, and other fiduciaries. As emphasized in Senate Report 115–139 and codified in Public Law 115–141, the Committee encourages OVC to continue working with stakeholders to minimize loss of the assets of individuals subject to conservatorship and to improve access to the legal system by victims of conservatorship exploitation.

Issuance of DOJ Grant Solicitations.—The Committee directs all Department of Justice grant making components to have fiscal year 2019 grant solicitations posted no later than March 31, 2019, to ensure applicants to have a minimum of 60 days to submit an application and to ensure that DOJ has adequate time to consider the funding requests and submissions subject to requirements outlined in section 505 of the bill. Should a new grant program be appropriated or an existing grant program be modified by this act, the Department shall issue solicitations for new programs or re-issue modified grant program solicitations as expeditiously as possible while still meeting the requirements of section 505.

DOJ Grants, Multi-Year Awards Oversight.—The Committee encourages DOJ to review its multi-year grant award processes and protocols to ensure grantees have fully complied with the rules of year one funding before year two funding is disbursed in multi-year grant awards.

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OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

Appropriations, 2018	[1] $492,000,000
Budget estimate, 2019	[2] 485,500,000
Committee recommendation	[1] 497,500,000

[1] Derived by transfer from funding available under section 510 of this act.
[2] Requested to be derived from funding available under section 510 of this act.

The Committee's recommendation provides $497,500,000 for OVW grants. The recommendation is $5,500,000 above the fiscal year 2018 enacted level and $12,000,000 above the budget request. Resources are provided to the OVW to respond to the needs of all victims of domestic violence, sexual assault, dating violence, and stalking, including, but not limited to, Native women, immigrants, LGBT victims, college students, youths, and public housing residents.

The table below displays the Committee's recommendations for the programs under this office.

VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS

[In thousands of dollars]

Program	Committee Recommendation
STOP Grants	215,000
Transitional Housing Assistance	36,000
Research and Evaluation on Violence Against Women	3,000
Consolidated Youth Oriented Program	11,000
Grants to Encourage Arrest Policies	53,000
Homicide Reduction Initiative	*[4,000]*
Sexual Assault Victims Services	37,500
Rural Domestic Violence and Child Abuse Enforcement	42,000
Violence on College Campuses	20,000
Civil Legal Assistance	45,000
Elder Abuse Grant Program	5,000
Family Civil Justice	16,000
Education and Training for Disabled Female Victims	6,000
National Center on Workplace Responses	1,000
Research on Violence Against Indian Women	1,000
Indian Country—Sexual Assault Clearinghouse	500
Tribal Special Domestic Violence Criminal Jurisdiction	4,000
Rape Survivor Child Custody Act	1,500
TOTAL, Violence Against Women Prevention and Prosecution Programs	497,500

STOP Grants.—Within the discretionary budget authority appropriated, $215,000,000 is for formula grants to the States. This is equal to the budget request and equal to the fiscal year 2018 enacted level. The recommendation supports increasing access to comprehensive legal services for victims, providing short-term housing assistance and support services for domestic violence victims, and education and training to end violence against and abuse of women with disabilities.

Sexual Assault Services Act [SASA].—The Committee's recommendation provides $37,500,000, which is $2,500,000 above both the budget request and the fiscal year 2018 enacted level, to directly fund the needs of sexual assault victims.

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As part of VAWA 2005 and reauthorized by VAWA 2013, the Sexual Assault Services Program addresses considerable gaps in services to sexual assault victims. The Committee supports a dedicated stream of funding to provide a broad range of services to adult and child sexual assault victims and their families through the well-established and well-regarded system of community-based rape crisis centers throughout the United States, and maintains its strong commitment to ensuring that these rape crisis centers have access to technical assistance, training, and support.

Protecting VAWA.—The Committee expects the Attorney General to ensure enforcement of Section 5 of the Justice for All Reauthorization Act of 2016 (Public Law 114–324) and to issue guidance making clear that it would be inappropriate to subject OVW funds to such penalties.

OFFICE OF JUSTICE PROGRAMS

The OJP is responsible for providing leadership, coordination, and assistance to its Federal, State, local, and tribal partners to enhance the effectiveness and efficiency of the U.S. justice system in preventing, controlling, and responding to crime. As most of the responsibility for crime control and prevention falls to law enforcement officers in States, cities, and other localities, the Federal Government is effective in these areas only to the extent that it can enter into successful partnerships with these jurisdictions. Therefore, OJP is tasked with administering grants; collecting statistical data and conducting analyses; identifying emerging criminal justice issues; developing and testing promising and innovative approaches to address these issues; evaluating program results; and disseminating these findings and other information to State, local, and tribal governments. The Committee directs OJP to submit an annual report on grant programs that have not received a sufficient number of qualified applicants.

RESEARCH, EVALUATION AND STATISTICS

Appropriations, 2018	$90,000,000
Budget estimate, 2019	77,000,000
Committee recommendation	90,000,000

The Committee's recommendation provides $90,000,000 for the Research, Evaluation and Statistics account. The recommendation is equal to the fiscal year 2018 enacted level and $13,000,000 above the budget request.

Funding in this account provides assistance in the areas of research, evaluation, statistics, hate crimes, DNA and forensics, criminal background checks, and gun safety technology, among others.

The Committee's recommendations are displayed in the following table:

RESEARCH, EVALUATION AND STATISTICS

[In thousands of dollars]

Program	Committee Recommendation
Bureau of Justice Statistics	48,000

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RESEARCH, EVALUATION AND STATISTICS—Continued

[In thousands of dollars]

Program	Committee Recommendation
NCS-X Implementation Program	*[5,000]*
National Institute of Justice	42,000
Domestic Radicalization Research	*[4,000]*
Research on School Safety	*[1,000]*
Juvenile Online Victimization Survey	*[1,000]*
National Center for Restorative Justice	*[3,000]*
TOTAL, Research Evaluation and Statistics	90,000

Spending Plans.—The Department shall submit to the Committee as part of its spending plan for State and Local Law Enforcement Activities a plan for the use of all funding administered by the National Institute of Justice and the Bureau of Justice Statistics, respectively, for approval by the Committee prior to the obligation of any such funds.

Bureau of Justice Statistics [BJS].—The Committee's recommendation provides $48,000,000 for the BJS. Within the funds provided, $5,000,000 is provided for the National Crime Statistics Exchange [NCS–X]. NCS–X will improve the collection and reporting into the NIBRS, which provides more detailed criminal data such as officer-related shooting incidents.

National Institute of Justice [NIJ].—The Committee's recommendation provides $42,000,000 for the NIJ, in addition to $4,000,000 transferred from the OVW for research and evaluation on violence against women and Indian women. Within the funds provided for NIJ, $4,000,000 is provided for domestic radicalization research. The NIJ's mission is to advance scientific research, development, and evaluation to advance the administration of justice and public safety.

National Center on Restorative Justice.—Within the funds available for the NIJ, the Committee provides $3,000,000 for NIJ to enter into a partnership with an accredited university of higher education and/or law school for the purposes of establishing a National Center on Restorative Justice with the purpose of educating and training the next generation of justice leaders. The Center shall also support research focusing on how best to provide direct services to address social inequities, such as simultaneous access to substance abuse treatment and higher education. The Center shall engage and challenge undergraduate, Master's, and law students, in conjunction with criminal justice professionals, community members, educators, and social service providers, at the State, regional, and national level, aiming to broaden their understanding of justice systems and restorative approaches through a degree program, a summer institute, or short courses, while encouraging access to educational opportunities for incarcerated individuals.

Impairment Detection Technology.—The Committee is concerned about the lack of reliable, accurate, and performance-capable devices and technologies that can be used by law enforcement in the field to screen and detect the use of certain drugs, including cannabinoids, opiates, cocaine, methamphetamine, methadone, and fentanyl. The lack of reliable technology for such detection has im-

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plications for public safety in terms of ensuring that impaired drivers are not allowed to remain behind the wheel and to ensure the safety of law enforcement coming into contact with dangerous and potent drugs, such as fentanyl. The Committee is aware that NIJ has previously conducted research in this area in coordination with National Highway Traffic Safety Administration, the National Institute of Drug Abuse, the Centers for Disease Control, the Office of National Drug Control Policy, and the National Institute of Standards and Technology, among others. That research, however, has not been updated since 2015, and to date, no such reliable, broad based technology nor device has been identified to aid law enforcement in the field. The Committee directs the NIJ to re-start this initiative, working in coordination with the same Federal partners and any additional partners that may be useful to the effort, to identify and/or develop such devices and technologies. The Committee further directs the NIJ to report back to the Committee not later than 180 days after enactment of this act, and not less than every 6 months thereafter until such time as technologies are identified and deployed to law enforcement in the field.

National Juvenile Online Victimization Study.—The National Juvenile Online Victimization Study [N–JOV], designed to help law enforcement combat technology-facilitated child exploitation crimes, has been conducted three times, with the last study [N–JOV3] conducted in 2009. As access to the Internet, social media, and other technology has rapidly advanced in the past decade, the ability to protect children against online predatory behavior has struggled to keep pace.

The Committee provides $1,000,000 for NIJ to administer a competitive grant to an accredited research university for an N–JOV4 study. This study will allow for the identification of new threats, problems and concerns encountered by law enforcement in the changing technological environment; improved tracking and monitoring of new and abating threats; and a better understanding of which investigative strategies are associated with more favorable outcomes in protecting children from online victimization.

Researching School Violence.—The Committee provides $1,000,000 for NIJ to continue to develop a model and best practices for comprehensive school safety including identifying the root causes of violence in schools using the four prior years of research conducted under the Comprehensive School Safety Initiative, which funded 100 projects in K–12 schools aimed at preventing school violence in fiscal years 2014 through 2017. NIJ shall provide a report to the Committee within one year of enactment of this act on the model and best practices for schools.

The Committee also directs NIJ to establish metrics to determine the effectiveness in deterring school violence through the grants issued by BJA and COPS as part of the STOP School Violence Initiative. NIJ is directed to provide their methodology on these metrics within 30 days of enactment of this act as well as an annual report published on their website of the success of these grants.

Campus Sexual Assault Prevention Research.—The Committee directs NIJ to continue Federal research projects at institutions of higher education on campus sexual assault prevention interven-

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tions and advance the dissemination of best practices per direction provided in Public Law 115–141.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$1,677,500,000
Budget estimate, 2019	1,132,500,000
Committee recommendation	1,678,500,000

The Committee's recommendation provides $1,678,500,000 for State and local law enforcement assistance. The recommendation is $1,000,000 above the fiscal year 2018 enacted level and $546,000,000 above the budget request.

The Committee's recommendations are displayed in the following table:

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

[In thousands of dollars]

Program	Committee Recommendation
Byrne Memorial Justice Assistance Grants	445,000
Officer Robert Wilson III VALOR Initiative	*[12,000]*
Smart Policing	*[10,000]*
Smart Prosecution	*[10,000]*
NamUs	*[2,400]*
Academic Based Training Program to improve Police-Based Responses to People with Mental Illness	*[2,500]*
John R. Justice Grant Program	*[2,000]*
Prison Rape Prevention and Prosecution	*[15,500]*
Kevin and Avonte's Law	*[2,000]*
Regional Law Enforcement Technology Initiative	*[3,000]*
State Criminal Alien Assistance Program	100,000
Victims of Trafficking Grants	85,000
Capital Litigation and Wrongful Conviction Review	5,000
Economic, High-Tech, White Collar, and Cybercrime Prevention	15,500
Intellectual Property Enforcement Program	*[2,500]*
Digital Investigation Education Program	*[2,000]*
Adam Walsh Act Implementation	20,000
Bulletproof Vests Partnerships	25,000
Transfer to NIST/OLES	*[1,500]*
National Sex Offender Public Website	1,000
National Instant Criminal Background Check System (NICS) Initiative	75,000
NICS Act Record Improvement Program	*[25,000]*
Paul Coverdell Forensic Science	35,000
DNA Initiative	132,000
Debbie Smith DNA Backlog Grants	*[121,000]*
Kirk Bloodsworth Post-Conviction DNA Testing Grants	*[7,000]*
Sexual Assault Forensic Exam Program Grants	*[4,000]*
Sexual Assault Kit Initiative [SAKI]	50,000
CASA-Special Advocates	12,000
Tribal Assistance	50,000
Second Chance Act/Offender Reentry	90,000
Smart Probation	*[6,000]*
Children of Incarcerated Parents Demo Grants	*[5,000]*
Project HOPE Opportunity Probation with Enforcement	*[4,000]*
Pay for Success	*[7,500]*
Pay for Success (Permanent Supportive Housing Model)	*[5,000]*
Anti-Opioid Initiative	360,000
Drug Courts	*[80,000]*
Mentally Ill Offender Act	*[32,500]*
Residential Substance Abuse Treatment	*[35,000]*
Veterans Treatment Courts	*[22,500]*

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STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE—Continued

[In thousands of dollars]

Program	Committee Recommendation
Prescription Drug Monitoring	*[30,000]*
Comprehensive Opioid Abuse Program	*[160,000]*
Justice Reinvestment Initiative	28,000
Keep Young Athletes Safe Act	2,500
Body Worn Camera Partnership Program	22,500
STOP School Violence Act	75,000
Project Safe Neighborhoods	50,000
Byrne Criminal Justice Innovation Program	*[20,000]*
Gang and Youth Violence Education and Prevention	*[5,000]*
Community-Based Violence Prevention Initiatives	*[8,000]*
TOTAL, State and Local Law Enforcement Assistance	1,678,500

Edward Byrne Memorial Justice Assistance Grant Program.—The Committee recommends $445,000,000 for Byrne-JAG. Funding is not available for luxury items, real estate, or construction projects. The Department should expect State, local, and tribal governments to target funding to programs and activities that conform with evidence-based strategic plans developed through broad stakeholder involvement. The Committee directs the Department to make technical assistance available to State, local, and tribal governments for the development or update of such plans. Funding is authorized for law enforcement programs including those that promote data interoperability between disparate law enforcement entities; prosecution and court programs; prevention and education programs; corrections programs; drug treatment and enforcement programs; planning, evaluation, and technology improvement programs; and crime victim and witness programs, other than compensation.

Smart Prosecution.—State and local prosecutors are involved in more than 90 percent of all criminal prosecutions in the United States. Unfortunately, throughout much of the country, local prosecutors' offices are struggling to effectively adjust to the growing amount of evidence and the subsequent intricacies of investigation and prosecution of crimes, particularly cyber, organized, and drug crimes, that have come with the digital age. The Committee supports the use of technology, intelligence, and data analytics in innovative ways that enable prosecutors to focus resources on the people and places associated with high concentrations of criminal activity. The Committee directs that OJP dedicate up to $5,000,000 of the $10,000,000 provided for Smart Prosecution for competitive grants focused on new solutions to public safety concerns, including the use of technology, intelligence, and data analytics to improve the operations of prosecutors' offices in an effort to more efficiently and effectively aid communities in achieving a reduction in crime.

Regional Law Enforcement Technology Initiative.—The Committee recognizes that the ability of local law enforcement to efficiently gather, analyze, and disseminate pertinent information is critical to investigating, reporting, and responding to crimes and suspicious activity in communities. The Committee believes that a technology initiative focused on leveraging local and regional law enforcement partnerships and enabling a secure method for the sharing of sensitive law enforcement information and resources is

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vital to the long-term success of our law enforcement personnel and the safety of our citizens. This initiative could be accomplished through various models, including fusion centers, task forces, or centers of excellence.

The Committee believes that among locations in the United States, law enforcement operating in the five States comprising the Gulf Coast is well situated to serve as a testbed for such an initiative and has provided not less than $3,000,000 for competitive grants to local government entities, including local law enforcement agencies, to develop such an initiative, for the purposes of efficiently supporting and promoting the exchange of information, investigate techniques, and best practices with the ultimate goal of reducing crime and improving officer safety in these communities. The Committee further directs the Department to ensure that the grantee submit a written report on the use of the grant funds, lessons learned, and how such an initiative could be utilized by other law enforcement agencies nationwide.

VALOR Initiative.—The Committee's recommendation provides $12,000,000 within Byrne-JAG for the Officer Robert Wilson III Preventing Violence Against Law Enforcement Officer Resilience and Survivability Initiative [VALOR]. The Committee expects Federal law enforcement agencies to continue and expand on efforts to provide local police with information as to whether or not a suspect has a violent history, to the extent that transfer of such information is allowable and available via Federal law enforcement databases, in an effort to prevent officer deaths. The Committee notes that an additional $10,000,000 is provided under the COPS heading for Protecting Our Lives by Initiating COPS Expansion [POLICE] Act (Public Law 114–199) programs which help to provide active shooter training programs for State and local law enforcement officers.

Kevin and Avonte's Law.—The Committee provides funding of $2,000,000 for competitive grants awarded to non-profit and State and local entities to prevent wandering and locate missing individuals with forms of dementia, such as Alzheimer's Disease, or developmental disabilities, such as autism as described in the underlying authorization of division Q of Public Law 115–141.

Prison Rape Elimination Act [PREA] Audit Quality Initiative.—Facility audits are a key component in helping agencies move their sexual abuse prevention and response policies from written documents to everyday practices. BJA has outlined a meaningful Quality Improvement Initiative, and the Committee supports the Department using the necessary resources to carry out this work.

Fentanyl Detection.—The Committee is aware of far too many incidents of first responders experiencing accidental overdoses after coming into contact with fentanyl or fentanyl analogues and understands the role played by fentanyl detection equipment and training on identifying fentanyl, particularly for police officers and other first responders, to keep officers safe by minimizing exposure. As such, the Committee encourages the Department to support the use of grant funds like Byrne-JAG for the purchase of fentanyl detection equipment and training as well as naloxone distribution for law enforcement safety.

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Academic-Based Training Center to improve Police-Based Responses to People with Mental Illness.—The Committee understands that law enforcement officers are often the first responders to calls regarding individuals with mental illnesses and often encounter mentally ill individuals while completing their routine patrol duties. The Committee recognizes the need for support and training so that law enforcement officers and other first responders are better equipped to handle such encounters and help provide appropriate treatment as well as reduce the number of individuals entering the legal system.

The Committee recommends $2,500,000 for a grant program implementing academic-based, transdisciplinary crisis intervention training to educate, train, and prepare officers so that they are equipped to appropriately interact with mentally ill individuals in the course of completing their job responsibilities. This training should be developed by an institution of higher education, in conjunction with health care professionals to provide crisis intervention training which shall focus on understanding mental and behavioral health, developing empathy, navigating community resources, de-escalation skills and practical application training for all first responders. The Committee expects this grant program to serve as a pilot program, establishing best practices for law enforcement agencies.

Gunfire Detection Technology.—Gunfire detection and location technology has been helpful in assisting law enforcement to rapidly respond to gun crime and analyze physical evidence found at the scene. The Committee encourages the Department to work with State and local governments to assist in the further deployment of such technologies, and to collect and analyze data from such systems in order to better address gun related crimes.

National Instant Criminal Background Check System [NICS] Initiative Grants.—The Committee funds the program at $75,000,000, which is $14,000,000 above the budget request, to continue to improve the submission of State criminal and mental health records to NICS. This investment will strengthen the national background check system by assisting States in finding ways to make more records available in the NICS system, especially mental health records, thereby addressing gaps in Federal and State records currently available in NICS. Those gaps significantly hinder the ability of NICS to quickly confirm whether a prospective purchaser is prohibited from acquiring a firearm. The Committee expects OJP to track whether grant recipients are submitting data in a timely manner into the NICS system.

Project Safe Neighborhoods [PSN].—The Committee's recommendation includes $50,000,000 for PSN, the full, authorized level for this grant program. As referenced in bill language, the Senate passed amendment to the underlying authorization funded several purpose areas. Therefore, the Committee recommendation includes $20,000,000 for the Byrne Criminal Justice Innovation Program, $5,000,000 for the Gang and Youth Violence Education and Prevention Program and $8,000,000 for Community-Based Violence Prevention Initiatives. The remaining funds shall be distributed per the block grant authorization.

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The Committee encourages OJP to use PSN funds to support evidence-based and data-driven focused intervention, deterrence, and prevention initiatives that aim to reduce violence. These initiatives should be trauma-informed, recognizing that people who are at risk of committing violence often themselves have been victims of violent trauma or have witnessed traumatic experiences in the past.

Grants to Combat Human Trafficking.—The Committee's recommendation provides $85,000,000 for services and task force activities for U.S. citizens, permanent residents, and foreign nationals who are victims of trafficking, as authorized by Public Law 106–386 and amended by Public Law 113–4, of which no less than $22,000,000 is for the Enhanced Collaborative Model to Combat Human Trafficking Task Force Program. The Committee urges that human trafficking task forces funded under this grant program take affirmative measures to emphasize the investigation and prosecution of persons who patronize or solicit children for sex as a human trafficking demand reduction strategy. OJP shall consult with stakeholder groups in determining the overall allocation of Victims of Trafficking funding and shall provide a plan to the Committee for the use of these funds as part of the Department's fiscal year 2019 spending plan.

The Committee notes that funding provided in this program may be used for victims of sex and labor trafficking who are minors, as authorized under VAWA 2013. Child trafficking victims require specialized care, and these resources can be used for items like residential care, emergency social services, mental health counseling, and legal services. This funding level also includes $10,000,000 for the Minor Victims of Trafficking Grant program, of which $8,000,000 is for victim services grants for sex-trafficked minors, as authorized by Public Law 113–4, with the remaining $2,000,000 for victim services grants for labor-trafficked minors. The Committee encourages OJP to give an affirmative preference to applicants for grants that treat minors engaged in commercial sex acts as victims of a severe form of trafficking in persons, and discourages the charging of such individuals for prostitution or a sex trafficking offense. The Committee encourages DOJ to work in close coordination with the Department of Health and Human Services to encourage collaboration and reduce duplication of effort.

Capital Litigation Improvement and Wrongful Conviction Review.—The Committee recognizes the need for legal representation and investigation services for individuals with post-conviction claims of innocence. The Committee directs that at least 50 percent of the $5,000,000 appropriated to the Capital Litigation Improvement and Wrongful Conviction Review grant programs shall be used to support Wrongful Conviction Review grantees providing high quality and efficient post-conviction representation for defendants in post-conviction claims of innocence. Wrongful Conviction Review grantees shall be nonprofit organizations, institutions of higher education, and/or state or local public defender offices that have in-house post-conviction representation programs that show demonstrable experience and competence in litigating post-conviction claims of innocence. To avoid any possible conflicts of interest, the Committee directs that the requirement of partnership with a state or local prosecutor's office and an organization or entity dedi-

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cated to ensuring just convictions and/or acquittals be discontinued. Grant funds shall support grantee provision of post-conviction legal representation of innocence claims; case review, evaluation, and management; experts; potentially exonerative forensic testing; and investigation services related to supporting these post-conviction innocence claims.

Bulletproof Vests.—Within the $25,000,000 provided for bulletproof vests, $1,500,000 is to be transferred directly to the NIST Office of Law Enforcement Standards [OLES] to continue supporting ballistic- and stab-resistant material compliance testing programs. The Committee expects the BJA to continue strengthening internal controls to manage the Bulletproof Vest Partnership program. Improving grantee accountability in the timely use of Federal funds to purchase body armor will help every police officer who needs a vest to get one, thus saving officers' lives.

Second Chance Act Grants and Drug Treatment.—The recommendation provides $90,000,000 for Second Chance Act [SCA] grants. The Committee expects that SCA funding will support grants that foster the implementation of strategies that have been proven to reduce recidivism and ensure safe and successful reentry back to their communities of adults released from prisons and jails. The SCA supports activities such as employment assistance, substance abuse treatment including MAT options, housing, local transportation, mentoring, family programming, and victim support. SCA grants will also support demonstration projects designed to test the impact of new strategies and frameworks.

The Committee continues to support the Office of Management and Budget's scoring mechanism for SCA grant funding as it relates to opioid abuse and the heroin epidemic. In addition, when awarding SCA grants, the Committee directs the OJP to consider the impact of reentry of prisoners on communities in which a disproportionate number of individuals reside upon release from incarceration. The OJP shall assess the reentry burdens borne by local communities and local law enforcement agencies; review the resources available in such communities to support successful reentry and the extent to which those resources are used effectively; and make recommendations to strengthen the resources in such communities which are available to support successful reentry and to lessen the burden placed on such communities by the need to support reentry.

DNA Backlog and Crime Lab Improvements.—The Committee is once again extremely disappointed that the Department's budget request slashes funding by $25,000,000 for critical grant programs to help State and local agencies address their backlogs and test forensic evidence. The Committee continues its strong support for DNA backlog and crime lab improvements by recommending $132,000,000 to strengthen and improve Federal and State DNA collection and analysis systems that can be used to accelerate the prosecution of the guilty while simultaneously protecting the innocent from wrongful prosecution. Within funds provided, $121,000,000 is for Debbie Smith DNA Backlog Reduction grants, $7,000,000 is for Kirk Bloodsworth Post-Conviction DNA Testing grants, and $4,000,000 is for Sexual Assault Nurse Examiners grants.

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The Committee expects that the OJP will make funding for DNA analysis and capacity enhancement a priority in order to meet the purposes of the Debbie Smith DNA Backlog Grant Program. The Committee directs the Department to submit to the Committee as part of its spending plan for State and Local Law Enforcement Activities a plan with respect to funds appropriated for DNA-related and forensic programs, including the alignment of appropriated funds with the authorized purposes of the Debbie Smith DNA Backlog Grant Program.

Enforcing the Debbie Smith Act.—The Justice for All Reauthorization Act of 2016 (Public Law 114–324) clarified that not less than 75 percent of amounts made available under this provision shall be provided for grants for activities described under paragraphs (1), (2), and (3) of section (2)(a) of the DNA Analysis and Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)). This 75 percent requirement had previously been codified by Congress and the President as part of the Sexual Assault Forensic Evidence Reporting Act of 2013, which was enacted as Title X of the Violence Against Women Reauthorization Act of 2013 (Public Law 113–4). Though this provision has been codified for more than 4 years, NIJ has failed to recognize it as binding. With the enactment of section 3 of the Justice for All Reauthorization Act of 2016, Congress has made its intent clear. The Committee therefore instructs the Attorney General to ensure that not less than 75 percent of the funds provided under this provision are provided to states and units of local government through grants to address the DNA crime scene evidence backlog.

Sexual Assault Kit Initiative [SAKI].—The Committee's recommendation includes $50,000,000 to continue a competitive grant program started in fiscal year 2015 as part of the initiative to reduce the backlog of rape kits at law enforcement agencies. The NIJ shall provide competitively awarded grants with a comprehensive community-based approach to addressing the resolution of cases in the backlog. The Committee directs the NIJ to provide a report not later than 90 days after enactment of this act on its progress in developing a strategy and model to serve as best practices for discovering and testing kits, training law enforcement, and supporting victims throughout the process as required by Public Law 113–235.

Sexual Assault Forensic Evidence Reporting Act [SAFER].—The SAFER Act was included as title X of the Violence Against Women Act of 2013 (Public Law 113–4) and was reauthorized by the SAFER Act of 2017 (Public Law 115–107). The Act authorized the Attorney General to make grants for the purpose of helping State and local law enforcement agencies conduct audits of the rape kit backlog. In 2016, the Department fully implemented the SAFER Act by providing grants for such a purpose under the Sexual Assault Forensic Evidence-Inventory, Tracking, and Reporting Program. The Committee strongly encourages the continuation of this important program to deliver justice for victims of sexual assault.

Paul Coverdell Forensic Science.—The recommendation provides a total of $35,000,000 of which $17,000,000 is to specifically target the challenges the opioid epidemic has brought to the forensics community as described in the Explanatory Statement accompanying Public Law 115–141.

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Economic, High-Tech, White Collar, and Cybercrime Prevention.—The Committee recommends $15,500,000 to assist State and local law enforcement agencies in the prevention, investigation, and prosecution of economic, high-tech, and Internet crimes. Given the importance of protecting our Nation's new technologies, ideas, and products, the Committee includes the request of $2,500,000 for competitive grants that help State and local law enforcement tackle intellectual property [IP] thefts, such as counterfeiting and piracy.

Additionally, the Committee recognizes the need to expand opportunities for computer and digital forensics education at both the undergraduate and graduate levels in order to prepare for these challenges. To meet this need, $2,000,000 shall be dedicated for a separate competitive grant program to expand a partnership with an institution for higher learning for the purposes of furthering educational opportunities for students training in computer forensics and digital investigation.

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking [SMART Office].—The Committee supports the work being done by the SMART Office to provide technical assistance to State, local, and tribal governments on sex offender registration and notification, but understands that current notification and reporting tools and practices may not be reaching all appropriate law enforcement agencies in a timely manner. The Committee directs the Government Office of Accountability to perform a study examining what technological efficiencies are needed within the SMART Office, including whether sex offender notifications are timely and effective. The Committee looks forward to reviewing this report within 90 days of enactment.

Keeping Young Athletes Safe Act.—The Committee again provides funding of $2,500,000 for a competitive grant program to safeguard young athletes against abuse, including emotional, physical, and sexual abuse, in sports. The Committee directs that funding be prioritized for curriculum development and training for abuse prevention education in youth athletic programs and for investigation and resolution of sexual abuse claims. OJP is directed to submit a report no later than 90 days after enactment of this act describing how grant funding was used by the grantees by purpose area for the prior fiscal year, the number of trainings provided, the number of claims investigated, and the number of investigations referred to law enforcement for prosecution.

Comprehensive Addiction and Recovery Act [CARA] Programs.—The Committee provides a total of $360,000,000 for CARA programs, including $80,000,000 for drug courts; $22,500,000 for veterans treatment courts; $35,000,000 for Residential Substance Abuse Treatment including access to MAT options; $30,000,000 for prescription drug monitoring; $32,500,000 for the Mentally Ill Offender Act; and $160,000,000 for the Comprehensive Opioid Abuse Program [COAP].

The Committee directs that funding for COAP programs is focused on prevention and education efforts, effective responses to those affected by substance abuse, and services for treatment and recovery from addiction. The Committee encourages the Department to prioritize grant funding in States with high per capita opioid overdose death rates to ensure that efforts are focused where

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they are needed the most. Of the $160,000,000 for COAP, no less than $5,000,000 shall be made available for additional replication sites employing the Law Enforcement Assisted Diversion [LEAD] model, with applicants demonstrating a plan for sustainability of LEAD-model diversion programs; no less than $5,000,000 shall be made available for education and prevention programs to connect law enforcement agencies with K–12 students; and no less than $10,000,000 shall be made available for embedding social services with law enforcement in order to rapidly respond to opioid overdoses where children are impacted.

The Committee supports specialized residential substance abuse treatment programs for inmates with co-occurring mental health and substance abuse disorders or challenges. Given the strong nexus between substance abuse and mental illness in our prisons and jails, the Committee encourages the Attorney General to ensure that funds provided for residential substance abuse treatment for state prisoners are being used to treat underlying mental health disorders in addition to substance abuse disorders.

The Committee recognizes the importance of drug courts and the vital role that they serve in reducing crime among people with a substance use or mental health disorder. In recent years, drug courts have been on the front lines of the opioid epidemic and have become important resources for law enforcement and other community stakeholders affected by opioid addiction. The Committee supports the ability of drug courts to address offenders with co-occurring substance abuse and mental health problems, and supports court ordered assisted outpatient treatment programs for individuals struggling with mental illness. Within the funding provided for drug courts, the Committee encourages OJP to give attention to States and localities that have the highest concentrations of opioid-related cases, and to prioritize assistance to underserved areas whose criminal defendants currently have relatively little opportunity to access drug courts. The Committee encourages OJP to coordinate, as appropriate, with other Federal agencies like the Department of Health and Human Services, as it implements these activities in order to avoid duplication.

Finally, the Committee recognizes that the 21st Century CURES Act authorized the funding of Forensic Assertive Community Treatment [FACT] Initiatives as part of the adult and juvenile collaboration program grants. The Committee encourages OJP to make funding available for FACT Initiatives within these programs.

JUVENILE JUSTICE PROGRAMS

Appropriations, 2018	$282,500,000
Budget estimate, 2019	229,500,000
Committee recommendation	297,000,000

The Committee's recommendation provides $297,000,000 for juvenile justice programs. The recommendation is $14,500,000 above the fiscal year 2018 enacted level and $67,500,000 above the budget request.

The Committee strongly supports a comprehensive approach of substantial funding for a robust portfolio of programs that work to improve the lives of the youth in our communities. Title II State Formula and title V juvenile delinquency prevention grants are the

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backbone of programs assisting State and local agencies to prevent juvenile delinquency and ensure that youth who are in contact with the juvenile justice system are treated fairly. Combined with other critical programs like youth mentoring, the Committee believes that a balanced level of programming is the way to best help at-risk and vulnerable youth and their families.

The Committee's recommendations are displayed in the following table:

JUVENILE JUSTICE PROGRAMS

[In thousands of dollars]

Program	Committee Recommendation
Part B—State Formula Grants	66,000
Emergency Planning-Juvenile Detention Facilities	*[500]*
Youth Mentoring Grants	94,000
Title V—Delinquency Prevention Incentive Grants	30,500
Tribal Youth	*[7,000]*
Children of Incarcerated Parents Web Portal	*[500]*
Girls in Justice System	*[2,000]*
Opioid Affected Youth Initiative	*[10,000]*
Children Exposed to Violence	*[11,000]*
Victims of Child Abuse Programs	25,000
Missing & Exploited Children Programs	76,000
Training for Judicial Personnel	3,500
Improving Juvenile Indigent Defense	2,000
TOTAL, Juvenile Justice	297,000

Any deviation from the above plan is subject to the reprogramming requirements of section 505 of this act.

Part B: State Formula Grants.—The Committee provides $66,000,000 for grants to implement comprehensive State juvenile justice plans, including community-based prevention and intervention programs and activities for juvenile offenders. This amount is $6,000,000 above the fiscal year 2018 enacted level and $8,000,000 above the budget request.

Within the amount provided, the Committee recommends $500,000 for competitive demonstration grants for State, local, and tribal juvenile justice detention facilities and systems to meet the needs of children and adolescents housed in detention facilities in preparation for, during, and after a disaster, as detailed in the 2011 emergency planning guidance issued by the Office of Juvenile Justice and Delinquency Prevention [OJJDP].

The Committee directs the OJP to submit as part of its spending plan for State and Local Law Enforcement Activities a plan for the administration of Part B State Formula Grants. The Committee expects this plan to include details pertaining to the formulas utilized in awarding grants under this heading.

The Committee urges DOJ to encourage title II grant recipients to coordinate with their State education agencies to support continuity of education opportunities for adjudicated youth and encourages the Department to continue its efforts to institute reforms to ensure States' compliance with the Title II core requirements. The Department shall report to the Committee on these efforts 60 days after enactment.

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Youth Mentoring Grants.—To support the critical work of national, regional, and local organizations in nurturing and mentoring at-risk children and youth, the Committee recommends $94,000,000 for competitive, peer-reviewed youth mentoring grants, of which $14,000,000 is for helping youth impacted by opioids. Within 45 days of enactment of this act, the OJP is directed to provide a report and spend plan to the Committee detailing the criteria and methodology that will be used to award these grants, as well as an explanation of any deviations from the criteria and Committee directions used in fiscal year 2018. The Committee expects that the OJJDP will take all steps necessary to ensure fairness and objectivity in the award of these and future competitive grants.

Helping Youth Impacted by Opioids.—The recommendation provides $25,500,000 in OJJDP grant funding to support States, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for children, youth, and at-risk juveniles and their families who have been impacted by the opioid crisis and drug addiction. Within this amount, $10,000,000 is provided to continue the Opioid Affected Youth Initiative within Title V: Delinquency Prevention grants, $14,000,000 is provided for youth mentoring grants, and the increase of $1,500,000 for Training for Judicial Personnel shall be dedicated for specialized training for juvenile and family court judges on handling families impacted by opioids including additional pressures on youth in foster care.

Preventing Trafficking of Girls and Involvement in the Juvenile Justice System.—Girls in the United States with a history of sexual and physical abuse, school failure, substance dependency, and involvement in the welfare system, and who live in impoverished communities or are homeless, are at an increased risk of becoming victims of domestic human trafficking. The Committee provides $2,000,000 for the "Girls in the Justice System" grant program, which will enable organizations, including nonprofit entities, with a successful track record of administering prevention and early intervention programs for girls vulnerable to trafficking and who are most likely to end up in the juvenile justice system, at a local or state-level, to replicate these programs at a national level. Funding for this program will further support prevention and early intervention strategies and curricula throughout the country, and place vulnerable girls on a path toward success, stability, and long-term contribution to society.

Children Exposed to Violence.—The Committee notes that nearly two-thirds of children in the U.S. have been exposed to violence, which can impact development, health, and educational outcomes, and perpetuate the cycle of violence and substance abuse. The Committee provides $11,000,000 for grants to help communities reduce crime and violence against children through support to State agencies and law enforcement entities including training and technical assistance to better serve youth exposed to violence.

Victims of Child Abuse Act.—The Committee's recommendation provides $25,000,000 for the various programs authorized under the Victims of Child Abuse Act (Public Law 101–647) and directs OJJDP to ensure that not less than 90 percent of the grants awarded are for the purposes of developing and maintaining child

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advocacy centers [CAC], including training and accreditation. The Committee further directs OJJDP to ensure that these funds are used efficiently in order to ensure the highest percentage possible of Federal funding is used for actual services to victims of child abuse. Within the funds provided, $5,000,000 shall be for Regional Children's Advocacy Centers [RCACs] Programs. The RCACs were established to provide information, consultation, training, and technical assistance to communities, and to help establish child-focused programs that facilitate and support coordination among agencies responding to child abuse.

The Committee continues to support efforts by CACs to use their unique model and expertise to help military installations address cases of child abuse, and again provides $1,000,000 from within the funds provided to continue to support a pilot project to identify, develop, and operationalize best practices. As this effort has been funded since fiscal year 2017, the Committee directs OJJDP to report on the status of this pilot including the locations of CACs and military installations working together, the number of children served through these partnerships, and lessons learned from this pilot program.

Missing and Exploited Children Programs.—The Committee recommends $76,000,000 for Missing and Exploited Children Programs and expects the Department to allocate no less than the current funding level for task force grants, training and technical assistance, research and statistics, and administrative costs for the Internet Crimes Against Children [ICAC] program. The Committee directs OJP to provide a spending plan for the use of these funds as part of the Department's spending plan for fiscal year 2019, which shall include only investments in authorized national programs that serve as a resource center and clearinghouse on missing and exploited children.

Within funds provided, the Committee again directs up to $3,000,000 for a competitive grant program to increase the technological investigative capacity and associated training of law enforcement to support the development, refinement, and advancement of widely used investigative tools, methods, and technologies that address child pornography, exploitation, and sex trafficking as directed in Senate Report 115–139 and codified in Public Law 115–141.

Within the funds provided, the Committee recommends no less than $2,400,000 for the operation and activities of the existing AMBER Alert program. The Department is further directed to provide assistance to tribes as authorized under the Ashlynne Mike AMBER Alert in Indian Country Act (Public Law 115–166) allowing the integration of state AMBER Alert communication plans with tribal systems.

National Endangered Missing Advisory Communications.—The Committee recognizes that the AMBER Alert system has succeeded beyond all expectations, and is credited with directly aiding the safe recovery of approximately 75 children every year. Because immediate public notification is critical in missing child cases and not all cases meet the specific criteria established under the AMBER Alert system, the Committee encourages the Department to explore the establishment of a national endangered missing advisory com-

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munications network that would enable immediate public notification for missing child cases who may be in danger of death or serious bodily injury regardless of evidence of abduction. The Department is requested to report to the Committee within 90 days of enactment of this act the best way to include these nationwide endangered public notifications into existing infrastructure or if a new system is needed, estimated costs for this type of system, and what other Federal, State and local partners are required to successfully operate such a system.

PUBLIC SAFETY OFFICERS BENEFITS

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$116,800,000
Budget estimate, 2019	120,300,000
Committee recommendation	128,800,000

The Committee's recommendation provides $128,800,000 for public safety officers benefits. The recommendation is $12,000,000 above the fiscal year 2018 enacted level and $8,500,000 above the budget estimate. This program provides a one-time death benefit payment to eligible survivors of Federal, State, and local public safety officers whose death was the direct and proximate result of a traumatic injury sustained in the line of duty or certain eligible heart attacks or strokes. Within funds provided, $104,000,000 is for death benefits for survivors, an amount estimated by the Congressional Budget Office and considered mandatory for scorekeeping purposes.

The Committee also recommends $24,800,000, as requested, for disability benefits for injured officers and education benefits for the families of officers who have been permanently disabled or killed in the line of duty.

COMMUNITY ORIENTED POLICING SERVICES

COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

Appropriations, 2018	$275,500,000
Budget estimate, 2019	
Committee recommendation	310,000,000

The Committee's recommendation provides $310,000,000 for community oriented policing services. The recommendation is $34,500,000 above the fiscal year 2018 enacted level and $310,000,000 above the budget request.

The Committee's recommendations are displayed in the following table:

COMMUNITY ORIENTED POLICING SERVICES

[In thousands of dollars]

Program	Committee Recommendation
COPS Hiring Grants	235,000
Tribal Resources Grant Program	*[27,000]*
Tribal Access Program	*[3,000]*
Community Policing Development/Training and Technical Assistance	*[10,000]*
Regional Information Sharing Activities	*[37,000]*
Law Enforcement Mental Health and Wellness Act	*[2,000]*

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COMMUNITY ORIENTED POLICING SERVICES—Continued

[In thousands of dollars]

Program	Committee Recommendation
POLICE Act	10,000
Anti-Methamphetamine Task Forces	8,000
Anti-Heroin Task Forces	32,000
STOP School Violence Act	25,000
TOTAL, Community Oriented Policing Services	310,000

Any deviations from the above plan are subject to the reprogramming requirements of section 505.

COPS Hiring Program.—The Committee recommends $235,000,000 for COPS Hiring grants to help State, local, or tribal law enforcement agencies to create and preserve police officer positions and to increase community policing capacity and crime prevention efforts. Grants will have an award cap of $125,000 and require grantees to provide a 25 percent local match. The Committee encourages the COPS Office to focus on efforts to train and increase the capacity of law enforcement agencies, executives and managers serving rural communities to enhance the use of community policing practices and innovations in policing to expand the effectiveness of limited resources.

Regional Information Sharing Activities.—The Committee recommends $37,000,000, an increase of $27,000,000 above the budget request and $1,000,000 above the fiscal year 2018 enacted level, to support activities that enable the sharing of nationwide criminal intelligence and other resources with State, local, and other law enforcement agencies and organizations. Such activities should address critical and chronic criminal threats, including gangs, terrorism, narcotics, weapons and officer safety or "event deconfliction," and should reflect regional as well as national threat priorities. In addition, funds shall be available to support local-to-local law enforcement data and information sharing efforts focused on solving routine crimes by sharing law enforcement information not categorized as criminal intelligence. All activities shall be consistent with national information-sharing standards and requirements as determined by the BJA.

Anti-Methamphetamine Task Forces.—The Committee's recommendation provides $8,000,000 for the COPS Office to make competitive grants to law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures. These funds shall be utilized for investigative purposes to locate or investigate illicit activities such as precursor diversion, laboratories, or methamphetamine traffickers.

Anti-Heroin Task Forces.—The Committee reiterates concerns over the dramatic rise of heroin abuse, deaths, and related crime in the United States. The need for additional resources and training to address these challenges is apparent, and the Committee created the anti-heroin program within the COPS Office in fiscal year 2015, continually providing funding in succeeding fiscal years. Despite the plea for additional resources from law enforcement as well as the interest of the Committee, the Department again pro-

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poses to eliminate this program as part of the fiscal year 2019 budget request. Instead, the Committee provides $32,000,000 for the COPS Office to make competitive grants to law enforcement agencies in States with high per capita levels of primary treatment admissions for both heroin and other opioids. These funds shall be utilized for drug enforcement, including investigations and activities related to the distribution of heroin or unlawful diversion and distribution of prescription opioids. Priority shall be given to those drug task forces, managed and operated by the State, serving a majority of counties in the State.

School Resource Officers.—The Committee directs that the COPS Office continue to implement requirements and procedures regarding written memorandum of understanding and training requirements, including clear definitions of officers' roles and responsibilities on campus, for any COPS Hiring Grant funds used to hire school-based law enforcement officers.

Policing Practices and Accountability Initiative.—The Committee supports the COPS Office's efforts to integrate the Task Force on 21st Century Policing recommendations and urges the Policing Practices and Accountability Initiative to continue its work across Department of Justice programs and agencies to provide support and best practices for law enforcement agencies working to address issues of public trust.

Leadership Training.—The Committee believes that comprehensive, career-long leadership education and development for all local law enforcement officers, from newly sworn officers to those with command level experience, remains critical to reduce crime, control emergent situations, decrease liability and risk, and strengthen relationships between law enforcement agencies and the communities they serve. The Committee encourages the Department to develop a multi-year strategy to build local problem-solving capacity with law enforcement via ethical leadership development, which may include an online learning system that could be matched with existing training programs.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends the following general provisions:

Section 201 limits the amount of funding the Attorney General can use for official reception and representation.

Section 202 prohibits the use of funds in this title to pay for an abortion except where the life of the mother would be in danger, or in the case of rape or incest.

Section 203 prohibits the use of funds in this title to require a person to perform or facilitate an abortion.

Section 204 requires female prisoners to be escorted when off prison grounds.

Section 205 allows the Department of Justice, subject to the Committee's reprogramming procedures, to transfer up to 5 percent between appropriations, but limits to 10 percent the amount that can be transferred into any one appropriation.

Section 206 limits the placement of maximum or high security prisoners to appropriately secure facilities.

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Section 207 restricts Federal prisoner access to certain amenities.

Section 208 requires review by the Deputy Attorney General and the Department's Investigative Review Board prior to the obligation or expenditure of funds for major technology projects.

Section 209 requires the Department to follow reprogramming procedures prior to any deviation from the program amounts specified in this title or the reuse of specified deobligated funds provided in previous years.

Section 210 prohibits the use of funds for OMB Circular A–76 competitions for work performed by employees of the Bureau of Prisons or of the Federal Prison Industries, Incorporated.

Section 211 prohibits U.S. Attorneys from simultaneously holding multiple jobs outside of the scope of a U.S. Attorney's professional duties.

Section 212 permits up to 3 percent of grant and reimbursement program funds made available to the Office of Justice Programs to be used for training and technical assistance, and permits up to 2 percent of grant and reimbursement program funds made available to that office to be transferred to the National Institute of Justice or the Bureau of Justice Statistics for criminal justice research and statistics.

Section 213 gives the Attorney General the authority to waive matching requirements for Second Chance Act adult and juvenile reentry demonstration projects; State, tribal and local reentry courts; and drug treatment programs. If a waiver is granted, the Attorney General shall document any factors and material presented by a grantee upon determining that a fiscal hardship exists prior to making an award.

Section 214 waives the requirement that the Attorney General reserve certain funds from amounts provided for offender incarceration.

Section 215 prohibits funds, other than funds for the national instant criminal background check system established under the Brady Handgun Violence Prevention Act, from being used to facilitate the transfer of an operable firearm to a known or suspected agent of a drug cartel where law enforcement personnel do not continuously monitor or control such firearm.

Section 216 places limitations on the obligation of funds from certain Department of Justice accounts and funding sources.

Section 217 permits the Department of Justice to participate in Performance Partnership Pilot collaboration programs.

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TITLE III

SCIENCE

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriations, 2018	$5,544,000
Budget estimate, 2019	5,544,000
Committee recommendation	5,544,000

The Committee's recommendation provides $5,544,000 for the Office of Science and Technology Policy [OSTP]. The recommendation is the same as both the fiscal year 2018 enacted level and the budget request.

OSTP was created by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (Public Law 94–282) and coordinates science and technology policy for the White House. OSTP provides scientific and technological information, analyses, and advice for the President and the executive branch; participates in the formulation, coordination, and implementation of national and international policies and programs that involve science and technology; maintains and promotes the health and vitality of U.S. science and technology infrastructure; reviews and analyzes, with the Office of Management and Budget, the research and development budgets for all Federal agencies; and coordinates research and development efforts of the Federal Government to maximize the return on the public's investment in science and technology and to ensure Federal resources are used efficiently and appropriately.

Scientific Review.—The Committee maintains a firm belief that long-standing investments in basic research have resulted in transformational discoveries and dramatic improvements in the economy, healthcare, infrastructure, communications, national security, and many other sectors. Much of this success can be attributed to the process of peer review for the allocation of research funding and publication, and on community prioritization, such as through decadal surveys, which provide clear priorities for Federal investment and valuable oversight benchmarks. The Committee directs OSTP to ensure Federal science agencies continue to rely on peer review and prioritization efforts from the scientific community.

Open Access to Federal Research.—The Committee has received reports by OSTP on the progress of all Federal agencies in developing and implementing policies to increase public access to federally funded scientific research. The Committee is pleased by the progress, but previously instructed OSTP to have all relevant departments' and agencies' plans approved by the end of calendar year 2014 with implementation occurring by early calendar year 2018. OSTP is directed to continue providing annual reports to the Committee in order to keep Congress apprised of the remaining

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progress needed to make federally funded research accessible to the public as expeditiously as possible.

Science, Technology, Engineering, and Mathematics Education.—The Committee continues to support effective mission-oriented science, technology, engineering, and mathematics [STEM] education programs at NASA, NOAA, NSF, and NIST within this bill, and encourages OSTP to work with non-Federal education and outreach communities.

Emerging Contaminants.—Emerging contaminants are increasingly being detected at low levels in drinking water systems across the country. Prolonged exposure to unregulated drinking water contaminants may pose human health risks, and the lack of research on potential health effects has hindered Federal and State efforts to develop and strengthen the effectiveness of drinking water advisories or standards for these materials. The OSTP Director shall continue efforts to address critical research gaps related to emerging contaminants.

Research on the Great Lakes Resources.—The Committee notes that the Great Lakes resources represent a unique, linked, and economically-critical freshwater ecosystem that faces significant environmental challenges, including invasive species, runoff, and HABs, and believes its long-term health depends on the quality of scientific knowledge and technical and policy solutions gained by research operations. The Committee is concerned that the vessels of the Great Lakes ecosystem Federal research fleet and regional academic institutions' fleets are nearing the end of their useful service lives and inadequate for the demands of their interdisciplinary research mission, resulting in capability gaps and undermining Federal research goals. Accordingly, the Committee directs OSTP, no later than 180 days after enactment of this act, to submit an assessment of Great Lakes resources research operations, to include an evaluation of current large lake fleet capabilities, projected fleet requirements and costs, and the feasibility of Federal agencies, including NOAA and NSF, in partnering with regional institutions and universities that have recognized commitments to fresh water research sciences to procure and operate research vessels on the Great Lakes and within the Great Lakes ecosystem.

NATIONAL SPACE COUNCIL

Appropriations, 2018	$1,965,000
Budget estimate, 2019	1,965,000
Committee recommendation	1,965,000

The Committee provides $1,965,000 for the National Space Council. The recommendation is the same as both the fiscal year 2018 enacted level and the request.

The National Space Council was established by title V of Public Law 100–685 and after ceasing operation in 1993, was reestablished by Executive Order 13803. The National Space Council provides advice and assistance to the President on national space policy and strategy. The Council reviews United States Government space policy, including long-range goals; develop a strategy for national space activities; and develop recommendations for the President on space policy and space-related issues. The National Space Council's additional roles are to monitor and coordinate implemen-

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tation of the Nation's objectives in space by executive departments and agencies; foster close coordination, cooperation, and technology and information exchange among the civil, national security, and commercial space sectors; and facilitate resolution of differences concerning major space and space-related policy issues.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Appropriations, 2018	$20,736,140,000
Budget estimate, 2019	19,892,200,000
Committee recommendation	21,323,400,000

The Committee's recommendation provides $21,323,400,000 for the National Aeronautics and Space Administration [NASA]. The recommendation is $587,260,000 above the fiscal year 2018 enacted level and $1,431,200,000 above the budget request.

NASA was established by the National Aeronautics and Space Act of 1958 (Public Law 85–568) to conduct space and aeronautical research and development and to conduct flight activities for peaceful purposes. NASA's unique mission of exploration, discovery, and innovation is intended to preserve the United States' role as both a leader in world aviation and as the pre-eminent space-faring nation. It is NASA's mission to: advance human and robotic exploration, use, and development of space; advance and communicate scientific knowledge and understanding of the Earth, the Moon, the solar system, and the universe; and research, develop, verify, and transfer advanced aeronautics and space technologies.

For Science, the Committee's recommendation strives to keep NASA's near-term launches on track to continue progress in exploring our solar system and the universe, understanding the sun, and observing our planet. The Committee expects NASA to continue making progress on the recommendations of the National Academies' decadal surveys, now and in the future.

This bill continues investments in human spaceflight that will travel beyond low-Earth orbit with NASA developed crew and launch vehicles; enables the burgeoning domestic launch industry that is bringing cargo, and eventually crew, to the International Space Station; and supports NASA's science and technology programs. These elements should be viewed as complementary pieces of a balanced whole.

NASA is directed to continue providing the Committee with a quarterly launch schedule, by mission, that describes risks associated with launch delays due to problems with the launch vehicle, impacts of launch delays to other missions in the launch queue, and a budget estimate of the anticipated carrying costs for missed launch windows.

The Committee is counting on NASA to maintain focus on improving oversight and accountability throughout the agency. NASA's acquisition management continues to be on the GAO "high risk" list. GAO's most recent assessment of NASA's large-scale projects found the agency's cost and schedule performance on major projects has deteriorated since last year. Since May 2017, the average launch delay has increased from 7 to 12 months and development cost growth is at least 18.8 percent, up from 15.6 percent in 2017. NASA is directed to cooperate fully and to provide timely program analysis, evaluation data, and relevant information to the

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GAO so that GAO can report to Congress shortly after the annual budget submission of the President and semiannually thereafter on the status of large-scale NASA programs, projects, and activities based on its review of this information.

In addition, NASA is directed to provide the Committee, with its budget justification, the reserves assumed by NASA to be necessary within the amount proposed for each directorate, theme, program, project, and activity, or, if the proposed funding level for a directorate, theme, program, project, or activity is based on confidence level budgeting, the confidence level and reserves assumed in the proposed funding level.

The Committee understands that NASA projects undergo major reviews in addition to regular oversight throughout the year. When one of these reviews results in changing the cost profile of a project in the current or budget request year, the Committee expects to be informed in a timely fashion so that its actions can reflect the most recent NASA analysis and expectation. Keeping the Committee up to date should reduce NASA's propensity to submit spending plans that disregard Congressional direction.

The Federal funding priorities for NASA set forth in this bill and report should not be interpreted as suggestions from the Committee. Rather they should be interpreted like any other statutory requirement levied upon NASA. The Committee objects to NASA's efforts in recent fiscal years to redirect funding away from priorities clearly set by the Congress in law. NASA's continued use of section 505 of this bill in this manner will result in limited funding flexibility in the future.

The Committee does not adopt the proposed reconfiguration of NASA's account structure. Instead, the Committee has maintained the same account structure as fiscal year 2018 and has chosen to rename the Education account to Science, Technology, Engineering, and Mathematics [STEM] Opportunities.

The Committee is supportive of NASA's STEM education efforts that provide hands-on learning experiences for middle, high school, and college students, including space launch activities, and therefore rejects the proposed cancellation of education programs. These types of programs allow students to experience the full range of STEM-related skills involved in designing, testing, and launching vehicles and designing payloads to deepen their interest in science and engineering fields.

The Committee has chosen to articulate the funding levels of programs, where appropriate, in the form of tables and, if necessary, supplemented with explanatory report language.

SCIENCE

Appropriations, 2018	$6,221,500,000
Budget estimate, 2019	5,895,000,000
Committee recommendation	6,400,300,000

The Committee provides $6,400,300,000 for Science, which is $178,800,000 above the fiscal year 2018 enacted level and $505,300,000 above the budget request. The Science account encompasses: Earth Science, Planetary Science, Astrophysics, the James Webb Space Telescope, Heliophysics, and Education. This funding supports NASA programs that seek to answer fundamental

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questions concerning the ways in which Earth is changing; the comparison of Earth with other planets in the solar system and around other stars; the connections between the Sun and Earth; and the origin and evolution of planetary systems, the galaxy, and the universe, including the origin and distribution of life in the universe. These objectives are assisted by input from the scientific community through decadal surveys and are achieved through robotic flight missions, ground-based scientific research and data analysis, and the development of new technologies for future missions. NASA shall continue its progress toward implementing the recommendations of decadal surveys in Earth Science, Heliophysics, Planetary Science, and Astrophysics.

The Committee commends the Science Mission Directorate's [SMD] efforts to respond to data challenges by implementing innovative cloud storage agreements, investing in data and information systems, and developing supercomputing capabilities. By procuring information technology [IT] services through a utility-based model and paying only for services consumed, SMD's cloud computing engagements have delivered rapid and measurable capability gains, along with significant cost savings. The Committee directs NASA to report to the Committees on Appropriations not later than 90 days after the enactment of this act on the status of expanding the adoption of cloud computing within the Mission Directorate, including the use of commercial cloud computing services, use cases where cloud computing has enhanced services, current plans for the expansion of cloud computing, security impacts, any factors delaying or inhibiting the expansion of cloud computing usage, and any cost savings achieved in the previous 3 fiscal years by the utilization of commercial cloud computing services.

SCIENCE

[In thousands of dollars]

	Committee recommendation
Earth Science	1,931,000
Planetary Science	2,201,500
Astrophysics	1,243,200
James Webb Space Telescope	304,600
Heliophysics	720,000
Total, Science	6,400,300

Earth Science.—Within the amount for Earth Science, the Committee recommendation includes $162,400,000 for Landsat 9 to maintain a 2020 launch profile; $161,000,000 for the Plankton, Aerosol, Cloud ocean Ecosystem [PACE] mission to maintain a 2022 launch date; $18,000,000 for CLARREO Pathfinder to continue progress on a Tier-1 decadal survey recommendation; $5,100,000 for OCO–3; $10,000,000 for the Carbon Monitoring System; and $1,700,000 for NASA instruments on the Deep Space Climate Observatory. Within 30 days of the enactment of this act, NASA shall report on the 5-year budget profile needed for PACE and CLARREO Pathfinder to achieve planned launch dates and continue originally planned operations. The recommendation fully

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supports Earth Venture and NASA–ISRO Synthetic Aperture Radar at no less than the request level.

The Committee is also supportive of efforts for the development of aircraft instrumentation and arrays that can conduct remote sensing for scientific and operational research, and directs the agency to continue partnering with non-Federal researchers to test new technologies for analyzing snow, ice and soil moisture.

Sustainable Land Imaging and Competition.—In the interest of maximizing capability and cost-effectiveness, the Committee directs NASA to provide a report on the details of acquisition plans for Sustainable Land Imaging [SLI] beyond Landsat-9, that accommodate a full and open competition for the acquisition of instruments for the SLI satellite program, within 120 days after passage of this legislation.

Earth Science Decadal.—The Committee supports the release and recommendations of the National Academy of Sciences' Earth Science and Applications from Space Decadal Survey report and directs NASA to implement its findings to the extent practicable. As articulated by the report, NASA should plan to competitively select future missions that address high priority target observables in the designated and explorer categories. The Committee believes an increase in competed, Principal Investigator-led missions will encourage responsible cost and schedule constraints, develop novel remote sensing technologies, and leverage the talents and expertise of scientists at universities and research institutions.

Unmanned Aerial Vehicles.—The Committee strongly supports NASA's efforts to develop and refine Unmanned Aerial Vehicle [UAV] platforms and encourages NASA to improve collaboration and cooperation with other science agencies of the Federal Government to share and expand limited UAV availability, including working with NOAA, to allow expanded utilization and supplement data collection in support of hurricane forecast modeling.

Planetary Science.—The Committee recommendation includes the request level of $60,000,000 for Near Earth Object Observations, and $97,000,000 for Planetary Defense/Double Asteroid Redirection Test [DART]. The Committee acknowledges that NASA will use resources available in fiscal year 2018 to address the Mars 2020 heat shield testing mishap and, therefore, provides the request level for Mars 2020. The Committee reiterates its previous direction that if the Mars helicopter demonstration would delay the overall Mars 2020 mission, it should not be included in the Mars 2020 program. Funding for Mars Exploration includes $50,000,000 for studies and technology development for a 2026 Mars sample return mission.

The recommendation also includes the request level for New Frontiers, Radioisotope Power Systems, and the Europa Clipper. For Europa Clipper, a portion of the fiscal year 2019 funding may be derived from the project's substantial prior year balances. The recommendation also includes $218,000,000, as requested, for Lunar Discovery and Exploration, including $18,000,000 to continue the Lunar Reconnaissance Orbiter. The Lunar Discovery and Exploration program will provide science payloads and instruments for Lunar Lander missions, like those developed in partnership with NASA's Lunar CATALYST program. These small robotic missions, starting in 2020, intend to provide NASA with access to the

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lunar surface for the first time in nearly 50 years and allow for affordable commercial procurement of a variety of science and exploration payloads to prepare for future science and crewed Exploration Missions. This program supports a regular cadence of at least one robotic mission to the lunar surface per year using U.S.-built Lunar Landers.

DART.—The Committee directs NASA to continue the development of the DART technology demonstration mission, with a target launch not later than June 2021. The Committee understands that ground based telescopes and radars will be used to provide the needed measurements to assess the degree of deflection resulting from the DART impactor and that this telescope support is already baselined in the NASA mission. The Committee directs NASA to develop a plan for funding the Planetary Defense Office for DART and subsequent activities which will support successive space-based survey missions and technology demonstrations that will rapidly advance the Nation's planetary defense capabilities.

Green Bank Observatory.—The Committee recognizes the significant investment NSF has made to develop the world-class scientific facility at the Green Bank Telescope Observatory [GBO] and the benefit NASA has gained through its use of the GBO facility. NASA is encouraged to continue its use of GBO to support its Planetary Science Research program, including orbital debris monitoring and other activities, and to coordinate with NSF and other government agencies to develop and support multi-agency management plans for GBO, including research, facilities, and maintenance funding. NASA shall include in its fiscal year 2020 budget request any planned support for the subsequent 5 fiscal years.

Astrophysics.—The Committee recommendation includes no less than $98,300,000 for the Hubble Space Telescope, no less than $15,000,000 for search for life technology development to leverage and scale technologies developed for the James Webb Space Telescope, and $352,000,000 for the Wide-Field InfraRed Survey Telescope [WFIRST]. The Committee has again rejected the proposal to cut Hubble operations given costs that the program has absorbed to continue three fellowship programs, address hardware degradation through software changes, and enhance the long-term value of Hubble's data archive.

WFIRST.—The Committee rejects the proposal to cancel this mission which was the highest priority of the most recent Astrophysics decadal survey to settle fundamental questions about the nature of dark energy and has provided $352,000,000 for WFIRST to be developed on a timeline that allows a 2025 launch date. The Committee is concerned about the growing cost of the prime mission and expects NASA to use a firm $3,200,000,000 mission cost cap in its future planning of the mission. To reduce mission costs and ensure that overlap with the James Webb Space Telescope is maximized, NASA should implement the most efficient development program for the telescope and its instruments.

Decadal Survey.—The Committee, NASA, and NSF, among others, rely on decadal surveys to prioritize scientific investments in large, medium, and small projects. The Committee directs NASA to support the National Academies in keeping the next Astrophysics decadal survey on schedule, rather than delaying the survey, as the

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astronomy community and other Federal agencies are relying on its results.

Stratospheric Observatory for Infrared Astronomy [SOFIA].—NASA regularly reviews its missions, as part of the senior review process, to measure mission performance based on scientific merit, national needs, the technical status of the mission, and budget efficiency to help resources prioritize and ensure they are meeting their science goals. NASA is encouraged to review SOFIA at the appropriate time to determine if this mission should have its prime mission extended.

SMD Education.—The Committee provides no less than $45,000,000 for education. The Committee supports the recommendation that the Astrophysics program administer this SMD-wide education funding. The Committee encourages SMD-funded investigators to be directly involved in outreach and education efforts. NASA should continue to prioritize funding for on-going education efforts linked directly to its science missions.

James Webb Space Telescope.—The Committee maintains its strong support for the completion of the James Webb Space Telescope [JWST], and provides $304,600,000, the same as the budget request. The bill maintains an overall development cost ceiling for JWST at $8,000,000,000, and the Committee intends to hold NASA and its contractors to that commitment. At this time, NASA has not submitted a request to increase the cap, despite numerous cost and schedule challenges. The Committee is disappointed with the execution and management of this project, especially given the attention paid to it by NASA and contractor leadership. The Committee expects to be briefed expeditiously when the ongoing independent assessment is complete and expects to be kept fully informed on issues relating to program and risk management, achievement of cost and schedule goals, and the program's technical status. The Committee appreciates GAO's continuing work to monitor JWST progress, costs, and schedule.

Heliophysics.—The Committee recognizes that a greater understanding of our Sun and the accompanying technologies developed for that purpose will help to mitigate the hazards that solar activity poses to ground- and space-based platforms that strengthen our national security, economic competitiveness, and scientific prowess. The recommendation provides $720,000,000 for Heliophysics, including $100,000,000 for Solar Terrestrial Probes, an increase of $9,000,000 above the request to support continued mission formulation and development of Interstellar Mapping and Acceleration Probe [IMAP], implement accompanying Missions of Opportunity [MOs], and maintain operations for ongoing missions.

Heliophysics Explorer.—The Committee is encouraged by NASA's commitment to implement a 2-year cadence of alternating Small Explorer [SMEX] and Mid-sized Explorer [MIDEX] missions, and enable a regular selection of MOs to allow heliophysics researchers to rapidly respond to and participate in missions both inside and outside of NASA. The recommendation provides the request level of $109,200,000 for Heliophysics Explorers.

Diversify, Realize, Integrate, Venture, Educate [DRIVE] Initiative.—The Committee supports implementation of the DRIVE initiative, a top priority of the National Research Council Decadal

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Survey, which would increase the competitive Heliophysics research program from 10 percent to 15 percent of the budget request to enable the development of new technologies and establish competitively-awarded Heliophysics Science Centers. The Committee recognizes the increasingly multidisciplinary nature of Heliophysics and seeks to provide researchers with the necessary tools to enable continued scientific progress in this field.

Space Weather Research.—In response to the Space Weather Action Plan and the recommendations of the Decadal Survey, the Committee recommendation provides no less than $15,000,000 for the space weather research program to support innovation in solar observational capabilities and continue development of a space weather research program that advances research-to-operations, operations-to-research, and computational aspects of space weather mitigation. NASA should coordinate with NOAA and the Department of Defense to ensure that NASA is focused on research and technology that enables other agencies to dramatically improve their operational space weather assets and the forecasts they generate using data from those assets, including current and future ground-based telescopes and instruments that are expected to come on line, such as the Daniel K. Inouye Solar Telescope.

AERONAUTICS

Appropriations, 2018	$685,000,000
Budget estimate, 2019	633,900,000
Committee recommendation	725,000,000

The Committee provides $725,000,000 for Aeronautics, which is $40,000,000 above the fiscal year 2018 enacted level and $91,100,000 above the budget request. The Aeronautics account funds research in key areas related to the development of advanced aircraft technologies and systems, including those related to aircraft safety, ultra-efficient vehicles and fuel efficiency, hypersonics, and research that supports the Next Generation Air Transportation System in partnership with the Joint Planning and Development Office.

The Committee supports New Aviation Horizons and is encouraged by NASA's efforts toward developing a Low Boom Flight Demonstrator X-plane, referred to as the Low Boom Flight Demonstrator [LBFD]. Within the funds provided for Aeronautics, appropriate funds are included to enable the next X-plane demonstration planned beyond LBFD.

Advanced Materials Research.—The Committee recognizes the continuing role NASA and university research institutions play in developing advanced materials platforms for next-generation air and space vehicles. NASA is encouraged to partner with academic institutions that have strong capabilities in aviation, aerospace structures, and materials testing and evaluation, and provides $5,000,000 above the request to advance university-led aeronautics materials research.

Unmanned Traffic Management.—The Committee commends NASA for leveraging its capabilities in assisting the Nation's UAS test sites to advance its efforts on the unmanned traffic management [UTM] program. NASA is encouraged to work with Federal agencies, States, counties, cities, and tribal jurisdictions on re-

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search toward the development of a future UTM system that will ensure the broadest level of acceptance from local jurisdictions.

The Committee is interested in NASA research and development efforts designed to further new innovations in propulsion, simplified vehicle operations, increased automation, and the integration of these operations into controlled airspace. The Committee believes these technologies can address critical mobility challenges. The Committee expects NASA to work with industry stakeholders and coordinate with the Federal Aviation Administration [FAA] to expedite technology introduction and maximize improvements in safety, affordability, and environmental benefits like noise and emissions reduction. As part of this effort, NASA is encouraged to leverage other directorates' research efforts, test sites, and industry partnerships where applicable.

Unmanned Aerial Systems Research.—NASA conducts research to reduce technical barriers associated with integrating UAS into the National Airspace System [NAS]. This research remains a national priority with the potential to increase public safety and bring economic benefits to a wide range of industries.

Advanced Composites.—To address the ongoing need for improved methods, tools, and protocols to reduce the development and certification timeline for composite materials and structures, the Committee funds advanced composites at the fiscal year 2019 request level.

SPACE TECHNOLOGY

Appropriations, 2018	$760,000,000
Budget estimate, 2019	[1] 818,000,000
Committee recommendation	932,800,000

[1] Amount shown reflects the fiscal year 2019 budget request in the fiscal year 2018 account structure.

The Committee provides $932,800,000 for Space Technology, which is $172,800,000 above the fiscal year 2018 enacted level and $114,800,000 above the budget request, as formatted in the fiscal year 2018 account structure. The Space Technology Program funds basic research that can advance multi-purpose technologies to enable new approaches to NASA's current missions. These technologies can serve all NASA mission directorates and are not solely focused on enabling human spaceflight. Funding for the human research program remains in Exploration Research and Technology and is not transferred to Space Technology, as requested. Space Technology also includes funding for NASA's Small Business Innovative Research [SBIR] and Small Business Technology Transfer programs.

The Committee is supportive of many of the technologies being developed within Space Technology, which will have wide ranging benefits for NASA missions and throughout the agency. Of particular note are the enabling technologies of Solar Electric Propulsion; the laser communications relay demonstration; in-space manufacturing and assembly; and composite tanks and structural materials. These key supporting technologies will provide enabling capabilities for multiple robotic and human exploration missions. The Committee is also supportive of the Regional Economic Develop-

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ment Program and encourages NASA to consider expanding the program to all 50 States.

The recommendation includes $35,000,000 for additive manufacturing, $20,000,000 for the Flight Opportunities Program, and $5,000,000 to advance large scale production and use of innovative nanomaterials, including carbon nanotubes.

Satellite Servicing/RESTORE–L.—The Committee recommends $180,000,000 for the Restore-L Project only to conduct and demonstrate the capabilities to refuel satellites in low earth orbit utilizing Landsat-7. The project shall target a launch before Landsat-7's fuel supply runs out in late calendar year 2020. As the program progresses from research to implementation, the Committee encourages NASA to work with private sector and university partners to facilitate commercialization of the technologies developed within the program and directs NASA to submit with its fiscal year 2020 budget request a report on current efforts underway to encourage commercialization of technology within the Restore-L program, with a focus on how intellectual property will be handled.

Nuclear Propulsion.—NASA is continuing its work to develop the foundational technologies and advance low-enriched uranium nuclear thermal propulsion systems that can provide significantly faster trip times for crewed missions than non-nuclear options. Not less than $75,000,000 shall be expended to support the development and demonstration of a nuclear thermal propulsion system. Within 180 days of the enactment of this act, NASA, in conjunction with other relevant Federal departments and agencies shall submit a multi-year plan that enables a demonstration no later than 2024 and describes future missions and propulsion and power systems enabled by this capability.

Small Satellite Technical Challenges.—The Committee provides $2,000,000 above the budget request to further address the technical challenges associated with designing, fabricating, and testing capable small satellites and constellations of satellites.

Small Business Innovation Research.—The Committee recognizes the importance of the SBIR program and its previous success in commercialization of results from federally funded research and development projects. The SBIR program encourages domestic small businesses to engage in Federal research and development, and creates jobs. The Committee therefore directs NASA to place an increased focus on awarding SBIR awards to firms with fewer than 50 employees.

EXPLORATION

Appropriations, 2018	$4,790,000,000
Budget estimate, 2019	[1] 4,743,500,000
Committee recommendation	5,338,700,000

[1] Amount shown reflects the fiscal year 2019 budget request in the fiscal year 2018 account structure.

The Committee provides $5,338,700,000 for Exploration, which is $548,700,000 above the fiscal year 2018 enacted level and $595,200,000 above the budget request, as formatted in the fiscal year 2018 account structure. The Exploration account funds the capabilities required to develop, demonstrate, and deploy the transportation, life support, and surface systems that will enable sus-

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tained human presence beyond low-Earth orbit and throughout the solar system. The Committee believes the Nation deserves a safe and robust human spaceflight program to explore beyond low-Earth orbit.

The Space Launch System [SLS], Orion multi-purpose crew vehicle, and Exploration ground systems are all critical infrastructure for the development and sustainment of the Nation's human exploration goals. These investments will enable the human exploration of space beyond low Earth orbit, and provide flexibility for a variety of mission destinations including the Moon and Mars.

The Committee provides: $2,150,000,000 for SLS and concurrent Exploration Upper Stage development; $1,350,000,000 for Orion; and $795,000,000 for Exploration Ground Systems, including $255,000,000 for construction of a second mobile launch platform and associated SLS activities. In addition to this funding, $25,900,000 is further provided under Construction of Facilities for Exploration-related construction, bringing the total funding for ground systems to $820,900,000. These funding levels reflect consistent programmatic funding to ensure the earliest possible crewed launch of SLS, as well as prepare for future science and crewed missions. The Committee is disappointed by reports that workmanship and manufacturing challenges could delay the launch of Exploration Mission-1 until calendar year 2020.

It is important to note that the funding levels provided by the Committee support the development of multiple iterations of launch and crew test articles and flight vehicles that are being developed and produced during fiscal year 2019. By providing the funds to complete a second mobile launch platform, NASA will have greater mission flexibility to launch using SLS launch vehicle variants that utilize both the Interim Cryogenic Propulsion Stage and Exploration Upper Stage engines. This flexibility will allow for SLS to have a more regular launch cadence, enable earlier crewed launches for future lunar missions, and provide further opportunities for scientific missions, such as the Europa Clipper.

NASA's human exploration program is made up of three distinct, but equally important pieces: the SLS heavy-lift launch vehicle and its propulsion systems, Orion, and the supporting ground systems that process and enable the launch of these vehicles. If any of these activities are delayed, then the entire exploration enterprise of launching humans beyond low Earth orbit by NASA is also hindered. Therefore, it is important to view these programs as part of a complete system and to budget accordingly so that the Nation can advance its exploration goals.

The Committee is disappointed that NASA has been slow to comply with previous bill language to provide the Committee with an integrated budget for these activities that shows a budget profile to launch Exploration Mission-2 as early as possible. NASA's delayed response to the provision does not reflect positively on the ability for NASA to execute Space Policy Directive 1 [SPD–1] which calls for NASA to lead missions that return humans to the Moon and eventually Mars. Without such a coordinated spending plan, NASA has been hindered with inefficient planning due to unrealistic proposed budgets in previous years and will continue to face challenges into the future without such a plan. NASA is again di-

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rected in bill language to provide such a budget and the Committee expects a response that is timely and conforms to the goals laid out in SPD–1.

Advanced Exploration Systems [AES].—The Committee provides $1,043,700,000 for AES. Within these amounts, $504,200,000 is for development of the Lunar Orbital Platform in support of development of the initial power and propulsion element. The Committee is supportive of the Human Research Program, but does not agree with NASA's proposed move of this activity and other activities funded in this account in fiscal year 2018 into Space Technology and instead provides funding for this activity within AES.

Advanced Cislunar and Surface Capabilities [ACSC].—The Committee provides $116,500,000 for ACSC. As NASA embarks on a return to the Moon as part of its larger human exploration strategy, the need for the development of a range of lander technologies to support such missions is critical. Small and medium-sized landers will be needed for exploration activities while building up to larger landers and eventually human ascent vehicles. NASA should ensure that its investments in this account and in science are coordinated and that between the two accounts, the agency is pursuing the development of landers of varying sizes and capabilities so as to meet its long-term science and exploration goals. Public-private partnerships [PPPs] with U.S. commercial space companies could help expedite development of lunar landers, including development of hardware, propulsion, communications, and software necessary for lunar landing vehicles, and NASA is encouraged to use firm fixed-price partnerships with PPPs, as appropriate. To ensure that landers in a range of sizes are a part of ACSC, NASA shall allocate $25,000,000 within its lunar lander demonstration program in fiscal year 2019 to meet the goal of delivering medium to large payloads to the lunar surface by 2023.

SPACE OPERATIONS

Appropriations, 2018	$4,751,500,000
Budget estimate, 2019	4,624,600,000
Committee recommendation	4,639,100,000

The Committee provides $4,639,100,000 for Space Operations, which is $112,400,000 below the fiscal year 2018 enacted level and $14,500,000 above the budget request. The Space Operations account funds the International Space Station [ISS] and the supporting functions required to conduct operations in space. The ISS is a complex of research laboratories in low-Earth orbit in which American, Russian, and international partner astronauts conduct unique scientific and technological investigations in a microgravity environment.

Commercial Low-Earth Orbit Development [LEO].—The Committee supports maintaining the International Space Station [ISS] with direct Federal funding beyond 2025 until a viable alternative exists to achieve NASA's objectives in LEO. The Committee supports public-private partnerships to advance commercial capabilities in LEO, particularly those involving in-kind contributions by NASA, such as making a docking node on the ISS available for partnership opportunities. The agreement provides $40,000,000 for

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port implementation analysis and power augmentation studies necessary to enable potential future commercial activities at the ISS.

Space Transportation.—The Committee provides the requested amounts of $1,935,600,000 for the delivery of cargo and payments for current and future crew services to the ISS, and up to $173,100,000 for payment of successfully completed crew development milestones. The Committee is hopeful that crewed demonstration missions will be flown soon, but notes that the GAO has reported in "NASA: Assessments of Major Projects" that the certification of both contractors' vehicles will likely be delayed until calendar year 2019 or possibly later. The Committee encourages NASA to regain the ability to launch astronauts to ISS from the United States in a safe and timely manner but is concerned that further delays to the crew program will lead to additional unanticipated scheduling challenges and transportation costs. NASA shall inform the Committee of the causes of any delays to demonstration missions, certification dates, and any additional associated costs, including additional payments for alternative transportation services, at the time they are determined by NASA, and not wait to disclose them as part of the regular quarterly reporting requirement.

ISS Research.—Increased crew time aboard the ISS presents more research opportunities. The Committee directs NASA to promote new grant opportunities that will support and further biological and physical sciences research within a microgravity environment, including continued study of and quantifying potential exposure to cosmic rays through initiatives such as the Alpha Magnetic Spectrometer. In making grant opportunities available, the Committee urges the Administrator to abide by the priorities established by the National Academies' decadal survey titled "Recapturing a Future for Space Exploration: Life and Physical Sciences Research for a New Era."

Rocket Propulsion Test Program.—The Committee recommends the fiscal year 2019 requested amount for the NASA Rocket Propulsion Test program to ensure test infrastructure remains adequate to support the Space Launch System and other propulsion development programs.

Testing Infrastructure.—The Committee encourages NASA to develop plans to fully utilize NASA-owned rocket testing infrastructure for commercially developed launch vehicles to ensure that these vehicles are not only tested in the same manner as Government-developed launch vehicles, but also at the same facilities, to ensure consistency in testing across all potential vehicles.

Space and Flight Support Launch Services.—The Committee believes that the small launch vehicle development will lead to a capability that will maximize benefits to the government, the private sector, and universities while promoting increased participation in the small launch market. The recommendation supports funding in Space Technology, Science, and Exploration, estimated at $30,000,000, that is provided to the Launch Services Program to procure launch vehicles of small payloads to increase opportunities for improved access to suborbital and orbital launch opportunities once the current round is completed. NASA shall also keep the Committee informed of the two upcoming demonstration launches planned for 2018, as well as its future plans to maximize utiliza-

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tion of this program that will lower small launch costs and increase access to space.

Space Network Ground Segment Sustainment [SGSS].—The Committee understands that the independent review of SGSS is underway and will be complete by the end of July 2018. The recommendation provides $109,900,000 to complete the initial Operational Readiness Review of SGSS, including installing and testing the software pool on one antenna at the White Sands Complex. If the independent review team recommends SSGS completion through Final Acceptance Review in fiscal year 2021, and this recommendation is accepted, the Committee understands funding beyond fiscal year 2019 will be required.

21st Century Launch Complex.—The Committee notes that maintaining multiple launch sites contributes to assured access to the ISS for NASA, researchers, and industry. The recommendation includes $15,000,000 for NASA-owned launch facilities, of which $10,000,000 shall be for the Wallops Flight Facility launch complex. Within 45 days of the enactment of this act, NASA shall submit to the Committees on Appropriations a prioritized list of remaining needs for NASA-owned launch facilities necessary for range modernization to meet critical maintenance, capacity, and range safety needs over the next 5 years, along with an indication of whether these projects are planned to be funded under Exploration or Construction of Facilities [CoF]. The Committee notes that significant funding for Kennedy Space Center and Wallops Flight Facility projects have been included in CoF in both the fiscal year 2018 enacted bill and in this act.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS OPPORTUNITIES

Appropriations, 2018	$100,000,000
Budget estimate, 2019	
Committee recommendation	110,000,000

The Committee does not agree with the proposed cancellation of the activities within Education and has provided funding for the programs formerly within Education under a new Science, Technology, Engineering, and Mathematics [STEM] Opportunities account for the upcoming fiscal year. The Committee provides $110,000,000 for STEM Opportunities, which is $10,000,000 above the fiscal year 2018 enacted level and $110,000,000 above the budget request. As part of this activity, NASA is directed to continue progress toward the Committee and NASA's shared goal of capping administrative costs at no more than five percent. This account funds STEM education activities to educate and inspire our next generation of explorers and innovators.

The Committee is not averse to considering funding these activities either within the STEM Opportunities directorate or other alternative locations, but believes that they should continue. NASA has an enormous reach in inspiring the future scientists, engineers, and other technical activities that keep the Nation at the forefront of research and exploration and should review its programs to ensure they are appropriately funded.

The Committee directs NASA to use fiscal year 2019 to review the programs within the STEM Opportunities Mission Directorate,

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along with its other education-related activities, in order to set NASA's STEM activities on a path forward to take advantage of the positive impact NASA's programs and missions have on the public. NASA shall provide the Committee a report on the results of this comprehensive review, including options for sustained and improved educational impact at all levels across the country, 90 days from enactment of this act.

The funds within STEM Opportunities are provided to ensure continuity in the ongoing programs as NASA evaluates its role in STEM education and development of students in science and engineering fields.

STEM OPPORTUNITIES

[In thousands of dollars]

	Committee recommendation
NASA Space Grant	44,000
Established Program to Stimulate Competitive Research [EPSCOR]	21,000
Minority University Research and Education Project	33,000
STEM Education and Accountability Projects	12,000
TOTAL	110,000

Space Grant.—The Committee provides $44,000,000 for Space Grant and directs NASA to support a multi-year extension of the current Space Grant program, and to allocate the entire funding amount for consortia-led institutions in all 52 participating jurisdictions according to the percentage allocation provided to States in the current 5-year grant award.

Competitive Program.—The Committee provides $10,000,000 for the Competitive Program for Science, Museums, Planetariums, and NASA Visitors Centers within the STEM Education and Accountability Projects. This competitive grant program creates interactive exhibits, professional development activities, and community-based programs to engage students, teachers, and the public in science, technology, engineering, and mathematics.

SAFETY, SECURITY, AND MISSION SERVICES

Appropriations, 2018	$2,826,900,000
Budget estimate, 2019	2,749,700,000
Committee recommendation	2,750,000,000

The Committee provides $2,750,000,000 for Safety, Security, and Mission Services, which is $76,900,000 below the fiscal year 2018 enacted level and $300,000 above the budget request. The Safety, Security, and Mission Services account funds agency management, including headquarters and each of the nine NASA field centers, as well as the design and execution of non-programmatic Construction of Facilities and Environmental Compliance and Restoration activities.

Independent Verification and Validation [IV&V] Program.—Within the amounts provided for cross-agency support, the Committee recommends $39,100,000 for NASA's IV&V Program.

Virtual Institute for Aerospace Systems Engineering.—The Committee is concerned with the increases in NASA's mission costs and

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schedule as reported by GAO. As missions become more complex and new technologies are proposed for development, NASA programs increasingly need improved estimates of the cost and schedules necessary to mature technologies for use in NASA missions. Reducing development and schedule uncertainty associated with integrating new technologies will benefit NASA as it embarks on ambitious missions across the Science, Aeronautics, and Exploration mission directorates. The Committee encourages NASA to work with government, academic, and industry partners to establish a "virtual institute" focused on advancing systems engineering with the goal of improving mission success and affordability.

Information Technology.—The Committee is extremely concerned with reports from the Inspector General [IG] and GAO on the state of NASA's Information Technology [IT] security. NASA needs to have outward facing systems that provide information and scientific data to users. These systems also must have protections in place for sensitive data and internal operations. NASA requires an appropriate workforce to ensure the agency's IT systems are secure. Both the IG and GAO highlight deficiencies within the Office of the Chief Information Officer. NASA is directed to provide the Committee with its plans to implement the recent recommendations of the IG and GAO on IT security no later than 30 days after enactment.

Cybersecurity.—The Committee's recommendation includes the full request for Agency Information Technology Services to support shifting NASA's IT model to one that enhances cybersecurity with strong governance and strong information security practices.

Buy American Provisions.—NASA is reminded of language included in the NOAA section of this report regarding Buy American provisions related to the acquisition, construction, or conversion of a marine vessel or marine vessel components.

CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

Appropriations, 2018	$562,240,000
Budget estimate, 2019	388,200,000
Committee recommendation	388,200,000

The Committee provides $388,200,000 for Construction and Environmental Compliance and Restoration, which is $174,040,000 below the fiscal year 2018 enacted level and the same as the budget request. The Construction and Environmental Compliance and Restoration account provides for design and execution of programmatic, discrete and minor revitalization, construction of facilities projects, facility demolition projects, and environmental compliance and restoration activities.

Ensuring Continued Access to Kennedy Space Center [KSC].—The Committee notes that NASA's Indian River Bridge provides access from payload processing facilities on the mainland of Florida to the launch complexes at KSC and Cape Canaveral Air Force Station. Cape Canaveral is among the world's busiest spaceports and hosted two-thirds of all U.S. launches in 2017. Maintenance on the bridge has not been prioritized by NASA, and as early as 2021, the bridge structure may be so degraded that it will be "de-rated" from supporting heavy loads such as trucks transporting space payloads. If this occurs, the impact to national security, civil, and commercial

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space operations will be substantial. The Committee directs NASA to ensure continued access to KSC, including consideration of innovative funding solutions involving the State of Florida, the Department of Defense, and NASA. The Committee looks forward to receiving a construction proposal from NASA that may include in-kind contributions, including land transfers.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2018	$39,000,000
Budget estimate, 2019	39,300,000
Committee recommendation	39,300,000

The Committee's recommendation provides $39,300,000 for the Office of Inspector General, which is $300,000 above the fiscal year 2018 enacted level and the same as the budget request. The Office is responsible for promoting efficiency and preventing and detecting crime, fraud, waste, and mismanagement.

ADMINISTRATIVE PROVISIONS

The Committee includes bill language regarding the availability of funds for certain prizes.

The Committee also includes bill language regarding transfers of funds between accounts and the NASA spending plan for fiscal year 2019.

NATIONAL SCIENCE FOUNDATION

Appropriations, 2018	$7,767,356,000
Budget estimate, 2019	7,472,000,000
Committee recommendation	8,068,667,000

The Committee's recommendation provides $8,068,667,000 for the National Science Foundation [NSF]. The recommendation is $301,311,000 above the fiscal year 2018 enacted level and $596,667,000 above the budget request.

The National Science Foundation was established as an independent agency by the National Science Foundation Act of 1950 (Public Law 81–507) and is authorized to support research and education programs that promote the progress of science and engineering in the United States. The Foundation supports research and education in all major scientific and engineering disciplines through grants, cooperative agreements, contracts, and other forms of assistance in all parts of the United States. The Foundation also supports unique domestic and international large-scale research facilities.

RESEARCH AND RELATED ACTIVITIES

Appropriations, 2018	$6,334,476,000
Budget estimate, 2019	6,150,680,000
Committee recommendation	6,556,183,000

The Committee's recommendation provides $6,556,183,000. The recommendation is $221,707,000 above the fiscal year 2018 enacted level and $405,503,000 above the budget request.

The Research and Related Activities [R&RA] appropriation funds scientific discovery, trains a dynamic workforce, and supports broadly accessible state-of-the-art tools and facilities. Research ac-

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tivities contribute to the achievement of these outcomes through expansion of the knowledge base; integration of research and education; stimulation of knowledge transfer between academia and the public and private sectors; and international activities, and bring the perspectives of many scientific disciplines to bear on complex problems important to the Nation. The Foundation's discipline-oriented R&RA account includes: Biological Sciences; Computer and Information Science and Engineering; Engineering; Geosciences; Mathematical and Physical Sciences; Social, Behavioral and Economic Sciences; Office of Cyberinfrastructure; Office of International Science and Engineering; Office of Polar Programs; Integrative Activities; and the U.S. Arctic Research Commission.

The Committee's fiscal year 2019 recommendation supports Federal long-term basic research that has the potential to transform our economy and our way of life in the context of a constrained Federal budget. Private industry, foundations, and non-profits bring additional expertise, resources, and capacity to NSF-funded research. This can further accelerate discovery and translation of research to products and services, and enhances the preparation of the future workforce to benefit society and grow the American economy. The Committee strongly encourages NSF to leverage the Nation's research communities through partnering and collaboration to make available infrastructure, expertise, and financial resources to the U.S. scientific and engineering research and education enterprise.

Scientific Facilities and Instrumentation.—A critical component of the Nation's scientific enterprise is the infrastructure that supports researchers in discovery science. Investments to advance the frontiers of research and education in science and engineering are critical to the Nation's innovation enterprise. The Committee encourages the NSF to fully fund its U.S. scientific research facilities and instruments to adequately support scientists and students engaged in sustained, cutting-edge research.

Astronomy.—U.S.-based astronomy researchers and facilities funded through NSF continue to make groundbreaking discoveries utilizing world-class scientific research instruments and facilities. NSF funding enables research in the U.S., at facilities across the globe, and at observatories operated by universities, including the National Optical Astronomy Observatories, the National Radio Astronomy Observatories, and the National Solar Observatory. As NSF determines the appropriate levels of support for astronomy research grants by scientists and students engaged in ground-breaking research and investments, the Committee expects NSF to continue its support of world-class scientific research facilities and instrumentation to maximize its investments in research while preliminarily preparing for facility upgrades and activities associated with supporting the next Astrophysics decadal. In addition to this support, partnerships should be explored when feasible to maximize research capabilities at such facilities.

10 Big Ideas.—NSF has embarked on a long-term plan to use 10 Big Ideas, along with two convergence accelerators, to guide funding for areas that will drive NSF's long-term research agenda and investments in fundamental research. These ideas are meant to define the focus of cutting-edge research uniquely suited for NSF's

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broad portfolio. The Committee is supportive of NSF using its position as the lead Federal agency in supporting basic research in all fundamental science areas and expects that as NSF uses the 10 Big Ideas as a focusing tool, the funding for the fundamental scientific disciplines will be maintained. The Committee has provided significant funding above the amount provided in fiscal year 2018 and also above the amount requested in fiscal year 2019. Therefore, NSF shall maintain its core research at levels not less than those provided in fiscal year 2017. The Committee believes that the additional funds provided for fiscal year 2019 are more than adequate to continue basic research and allow NSF to position the United States to continue as a global science and engineering leader using the 10 Big Ideas framework.

Windows on the Universe.—One of NSF's 10 Big Ideas includes pursuing multi-messenger research that utilizes NSF's previous investments in both physics and astronomy to simultaneously study cosmic events in light, particles, and gravitational waves. NSF is encouraged to support both ongoing operations of existing and future NSF funded astronomy and physics facilities within its budget as part of their 10 Big Idea planning.

Navigating the New Arctic.—As the Foundation develops the Navigating the New Arctic program, the Committee urges NSF to formulate research programs leveraging expertise from regions accustomed to adapting to changing marine ecosystems. Specifically, NSF should consider the impact of the opening of the two transarctic sea routes and the proximity to deep U.S. ports.

Established Program to Stimulate Competitive Research [EPSCoR].—The Committee underscores the importance of the EPSCoR program in spurring innovation and strengthening the research capabilities of institutions that are historically underserved by Federal research and development funding. The EPSCoR program is funded at no less than $176,650,000. NSF shall make every effort to achieve efficiencies to ensure that no more than 5 percent of the amounts provided for the program are used for administration and other overhead costs.

Study of Temperate Woodland and Alpine Ecosystems and Ecoregions.—The Committee expects NSF to continue supporting research on unique mountain temperate woodland ecosystems and ecoregions, and to advance research in this area in order to better understand and sustain the health and vitality of mountain ecosystems.

Mathematical Sciences Institutes.—The Committee recognizes the importance of the NSF Mathematical Sciences Institutes across the country, which provide important basic research in multiple fields.

Rules of Life.—One of the research gaps in biological knowledge is the inability to look at an organism's genetics and environment and predict its observable characteristics. Research in this area will open new doors to answer fundamental questions in life sciences. To that end, the Committee supports NSF's funding for research in plant genomics and directs NSF to continue to advance the ongoing plant genomics research program, further its work in crop-based genomics research, and to maintain a focus on research related to crops of economic importance. These activities directly address the Rules of Life research question that is a focus of NSF.

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USArray Monitor Transfer.—The Committee encourages NSF to continue its work with the U.S. Geological Survey [USGS] to transfer monitoring stations in seismically active areas with sparse instrumentation to the USGS that NSF had planned to be removed in 2019.

VORTEX–SE.—NSF has been working in conjunction with the NOAA to build up to a full research campaign to study the unique characteristics of tornadoes in the southeast. The large VORTEX–SE field campaign is expected to take place in the spring of 2020. The previous field campaigns in 2016 and 2017 have provided important new insights into the observing strategy for the larger VORTEX–SE field campaign and the field data collected as part of these campaigns is currently being assimilated into storm-scale models, which in turn enables improvements in tornado forecast capability. In preparation for the 2020 field campaign, the Committee expects that future budget requests for VORTEX–SE will include adequate budgetary resources for associated research and instrumentation that will maximize the scientific return of the 2020 field campaign. As part of VORTEX–SE, the Committee encourages NSF to look beyond its traditional research disciplines and programs and to utilize the collaborative opportunities of the Prediction of and Resilience against Extreme Events program for co-funding grants that enhance understanding of the fundamental natural processes and hazards of tornadoes in the southeast and to improve models of these seasonal extreme events.

High-Performance Computing.—The Committee commends NSF on its continuing commitment to its high-performance computing and data analysis capabilities and urges NSF to make timely and significant investments in high-performance computing. NSF should remain committed to developing and supporting systems that facilitate tremendous leaps in computational simulation including artificial intelligence, storage, quantum computing, and data analyses that enable a broad range of scientific research. Leading edge high-performance computing infrastructure is vital for continued U.S. world leadership and international scientific competitiveness, particularly given computational investments and technical achievements in high-performance computing by other nations, notably China and Japan. The Committee recommends that NSF establish a timely, well-funded budget line in future budget submissions to Congress to support world-class leadership computing for the national open science community.

Domestic Manufacturing.—The Committee encourages NSF to continue to support meritorious research on the U.S. steel industry.

Cybersecurity.—The Committee's recommendation includes no less than the fiscal year 2018 enacted level for cybersecurity research.

Innovation Corps.—The Committee provides no less than the fiscal year 2018 amount for the Innovation Corps [I–Corps] program to build on the successes of its innovative public-private partnership model. Technology transfer is an important contributor to American innovation, and NSF plays a critical role in enabling our Nation's brightest academic minds to bring their ideas and ingenuity to the marketplace. Scientists are trained in discovery but need help turning their research into real-world products and prof-

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its. Programs like I–Corps create jobs in our laboratories today and jobs in American industries tomorrow. The Committee encourages NSF to facilitate greater participation in the program from academic institutions in States that have not previously received awards.

Marine Seismic Research.—The Committee continues to recognize the importance of ensuring that NSF-funded marine research vessels with unique capabilities remain available to the academic community to support a variety of important undersea research efforts and acknowledges that NSF plans to fund projects on the *R/V Marcus G. Langseth* through 2020. Within 45 days of enactment, NSF shall brief the Committees on future plans for marine seismic research, including maintaining access to world class research tools.

HBCUs Excellence in Research.—The Committee supports the Historically Black Colleges and Universities [HBCUs] Excellence in Research program, and the recommendation includes $15,000,000 for the program. The program is assisting in addressing NSF's previously troubling track record of only providing substantial research funding to a small number of HBCUs.

MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

Appropriations, 2018	$182,800,000
Budget estimate, 2019	94,650,000
Committee recommendation	249,254,000

The Committee's recommendation provides $249,254,000 for Major Research Equipment and Facilities Construction [MREFC]. The recommendation is $66,454,000 above the fiscal year 2018 enacted level and $154,604,000 above the budget request.

The MREFC appropriation supports the acquisition, procurement, construction, and commissioning of unique national research platforms and facilities as well as major research equipment. Projects supported by this appropriation push the boundaries of technology and offer expanded opportunities for the science and engineering community. Preliminary design and development activities, ongoing operations, and maintenance costs of the facilities are provided through the R&RA appropriation account.

The Committee's recommendation includes funding at the requested level for the continued construction of the Daniel K. Inouye Solar Telescope and the Large Synoptic Survey Telescope. In addition, the Committee provides the requested $28,700,000 in order to complete funding for the second Regional Class Research Vessel [RCRV] and $60,500,000 to begin the funding for the third RCRV. Finally, NSF is directed to fund the construction effort associated with the Antarctic Infrastructure Modernization for Science [AIMS] project through the MREFC account and provides $95,104,000 with the remainder of the funding for AIMS provided within the Research and Related Activities account.

The Committee encourages GAO to continue its annual review of programs funded within MREFC so that GAO can report to Congress shortly after each annual budget submission of the President and semiannually thereafter on the status of large-scale NSF projects and activities based on its review of this information. The Committee notes that MREFC has a "no cost overrun" policy and

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expects GAO's analysis to address any NSF adjustments to proposed activities and scope.

Buy American Provisions.—NSF is reminded of language included in the NOAA section of this report regarding Buy American provisions related to the acquisition, construction, or conversion of a marine vessel or marine vessel components.

EDUCATION AND HUMAN RESOURCES

Appropriations, 2018	$902,000,000
Budget estimate, 2019	873,370,000
Committee recommendation	915,000,000

The Committee's recommendation provides $915,000,000 for this account. The recommendation is $13,000,000 above the fiscal year 2018 enacted level and $41,630,000 above the budget request.

The Education and Human Resources appropriation supports a comprehensive set of programs across all levels of education in STEM. The appropriation supports activities that unite school districts with institutions of higher learning to improve precollege education. Other precollege activities include the development of the next generation of STEM education leaders, instructional materials, and the STEM instructional workforce. Undergraduate activities support curriculum, laboratory, and instructional improvement; expand the STEM talent pool; attract STEM participants to teaching; augment advanced technological education at 2-year colleges; and develop dissemination tools. Graduate support is directed to research and teaching fellowships, internships, and instructional workforce improvement by linking precollege education systems with higher education. Programs also seek to broaden the participation of groups underrepresented in the STEM enterprise and promote informal science education.

Advanced Technological Education.—The Committee provides $66,000,000 for Advanced Technological Education.

Fellowships and Scholarships.—The Committee does not adopt the proposed funding reductions for the NSF Scholarships in STEM, Robert Noyce Scholarship Program, or the Graduate Research Fellowship and instead provides the fiscal year 2018 funding level for these programs.

CyberCorps: Scholarships for Service.—The CyberCorps program has awarded more than 3,000 scholarships to train Federal cybersecurity professionals. Nearly half of the program's graduates are placed in national security and defense agencies. The Committee provides no less than $55,000,000 for the CyberCorps: Scholarships for Service program, of which not less than $7,500,000 should be used to continue work with community colleges that have been designated as a Center of Academic Excellence in Information Assurance 2–Year Education [CAE2Y] by the National Security Agency and the Department of Homeland Security, including through providing scholarships to students at CAE2Y's who will not transfer into a 4-year program, such as career-changers who possess 4-year degrees and veterans of the Armed Forces. Additionally, the Committee urges NSF to collaborate with the National Initiative for Cybersecurity Education at NIST on their efforts to develop cybersecurity skills in the workforce, especially in support of non-traditional or technical degree qualifications.

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Informal Science Education.—The Committee maintains its strong support for NSF's informal science education program and provides no less than $62,500,000 for Advancing Informal STEM Learning and $51,880,000 for STEM+C Partnerships. The Committee encourages NSF to coordinate and provide necessary support for investments in both in- and out-of-school time STEM education programs across Federal agencies, including support for extracurricular STEM programs. The Education and Human Resources directorate is further encouraged to continue its NSF-wide efforts to support informal STEM education programs, including leveraging the research directorates to support activities that match their respective content areas.

Division of Research on Learning [DRL] in Formal and Informal Settings.—As part of the research funded through the DRL, the Committee recognizes the importance of out-of-school time STEM mentor-led engagement programs, including STEM networks, festivals, and competitions. Such programs are highly effective in filling the higher education STEM pipeline. The Committee urges NSF to focus on populations underrepresented in the STEM fields and encourages NSF to fund out-of-school time STEM engagement program activities.

Division on Human Resource Development.—The Committee recommends $35,000,000 for the HBCUs Undergraduate Program, $8,000,000 for the Alliance for Graduate Education and the Professoriate, $46,000,0000 for the Louis Stokes Alliances for Minority Participation, $15,000,000 for the Tribal Colleges and Universities Program, and $24,000,000 for Centers for Research Excellence in Science and Technology. In addition, $30,000,000 is provided for the Hispanic Serving Institutions program to build capacity at institutions of higher education that typically do not receive high levels of NSF funding.

Bioprocessing.—The Committee encourages NSF to include training in bioprocessing within appropriate research areas as part of their educational efforts.

Inclusion Across the Nation of Communities of Learners of Underrepresented Discoverers in Engineering and Science [INCLUDES].—The Committee supports the Big Idea to broaden participation in science and engineering by developing networks and partnerships that involve organizations and consortia from different sectors committed to the common agenda of STEM inclusion, and the recommendation provides $20,000,000 for INCLUDES.

Advancement of Women in Academic Science and Engineering Careers [ADVANCE].—The Committee is supportive of the ADVANCE program, which funds efforts to address the systemic barriers to women's STEM careers. To maintain these efforts, the Committee provides $18,000,000, the same as the fiscal year 2018 funding level.

AGENCY OPERATIONS AND AWARD MANAGEMENT

Appropriations, 2018	$328,510,000
Budget estimate, 2019	333,630,000
Committee recommendation	328,510,000

The Committee's recommendation provides $328,510,000 for Agency Operations and Award Management. The recommendation

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is the same as the fiscal year 2018 enacted level and $5,120,000 below the budget request.

The appropriation provides salaries and expenses, including: staff salaries, benefits, travel, training, rent, advisory and assistance services, communications and utilities expenses, supplies, equipment, and other operating expenses necessary for management of NSF's research and education activities.

The Committee continues to believe that NSF should include criteria that evaluate how a proposal will advance our Nation's national security and economic interests, as well as promote the progress of science and innovation in the United States.

The Committee reiterates its long-standing requirement that NSF submit reprogrammings when initiating new programs or activities of more than $500,000 or when reorganizing components. The Committee expects to be notified of reprogramming actions which involve less than the above-mentioned amount if such actions would have the effect of changing the agency's funding requirements in future years, or if programs or projects specifically cited in the Committee's reports are affected.

OFFICE OF THE NATIONAL SCIENCE BOARD

Appropriations, 2018	$4,370,000
Budget estimate, 2019	4,320,000
Committee recommendation	4,370,000

The Committee's recommendation provides $4,370,000 for the Office of the National Science Board. The recommendation is the same as the fiscal year 2018 enacted level and $50,000 above the budget request.

The National Science Board is the governing body of NSF and is charged with serving as an independent adviser to the President and Congress on policy matters related to science and engineering research and education.

Operations and Maintenance Costs.—The Committee notes the report requested in fiscal year 2018 on whether the issue of increasing operations and maintenance costs for large facilities merits a change in NSF's funding principles was released on May 24, 2018. The Committee stands ready to consider any formal proposals made by the Board and the Foundation during the fiscal year 2020 budget process.

OFFICE OF INSPECTOR GENERAL

Appropriations, 2018	$15,200,000
Budget estimate, 2019	15,350,000
Committee recommendation	15,350,000

The Committee's recommendation provides $15,350,000 for the Office of Inspector General [OIG]. The recommendation is $150,000 above the fiscal year 2018 enacted level and the same as the budget request.

The OIG appropriation provides audit and investigation functions to identify and correct deficiencies that could lead to instances of fraud, waste, or mismanagement.

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ADMINISTRATIVE PROVISION

The bill includes one administrative provision to allow limited transfers of funds among accounts.

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TITLE IV

RELATED AGENCIES

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

Appropriations, 2018	$9,700,000
Budget estimate, 2019	9,200,000
Committee recommendation	10,065,000

The Committee's recommendation provides $10,065,000 for the salaries and expenses of the Commission on Civil Rights, $365,000 above the fiscal year 2018 enacted level and $865,000 above the request.

State Advisory Committees [SAC].—The SACs represent the eyes and ears of the Commission in their respective States. The Committee is pleased with the Commission's decision to extend all existing SAC charters from 2 years to 4 years and looks forward to the improvements in work quality that can be attributed to this change. In order to facilitate these improvements, additional funding has been provided to allow each of the SACs to hold at least one face-to-face meeting annually and to enable the Commission to provide the SACs with appropriate support in order accomplish this goal.

Donations.—The Commission shall provide to the Committee quarterly updates on all gifts and donations, as well as the terms of and specific activities funded by the gift or donation. Additionally, anticipated funding from gifts or donations shall be included in the Commission's annual spend plan.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

Appropriations, 2018	$379,500,000
Budget estimate, 2019	363,807,000
Committee recommendation	379,500,000

The Committee's recommendation provides $379,500,000 for Equal Employment Opportunity Commission [EEOC] salaries and expenses. This recommendation is the same as the fiscal year 2018 enacted level and $15,693,000 above the request.

The EEOC is the leading Federal agency dedicated to eradicating employment discrimination in both the public and private sectors on the basis of race, color, national origin, sex, religion, pregnancy, age, disability, and family medical history or genetic information. The EEOC serves both U.S. public and private workplaces by helping provide a fair and inclusive workplace, which engenders employee satisfaction and commitment, and enhances employee retention, productivity, and profitability.

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Inventory Backlog Reduction.—The Committee notes that at the end of fiscal year 2017 the EEOC had a private sector inventory of 61,621 cases and a substantial Federal sector hearing inventory. While this represents a significant decrease in the inventory backlog, it still represents a substantial number of unresolved cases. Using appropriated funds for activities that do not directly resolve this backlog of existing and incoming claims denies cases with complainants the opportunity of a timely resolution. EEOC's own budget submission states that justice delayed is justice denied. Therefore, the Committee directs the EEOC to prioritize its staffing and resources toward reducing the number of current and outstanding unresolved private sector pending charges and public sector hearings. Further, EEOC is directed to report to the Committee within 30 days of enactment on the number of A, B, and C charges for each of the last 5 fiscal years.

Public Comment on EEOC Guidance.—The Committee is concerned that as the EEOC conducts its business in protecting against employment discrimination, its guidance proposals can be adopted without the opportunity of public input prior to implementation and enforcement. Therefore, if requested by at least two Commissioners, the EEOC shall make any new guidance available for public comment in the Federal Register for not less than 30 days prior to taking any potential action on proposed guidance.

State and Local Enforcement Assistance.—The Committee recommends up to $29,500,000 to assist State and local enforcement agencies. This will help ensure that EEOC provides adequate resources to its State partners.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

Appropriations, 2018	$93,700,000
Budget estimate, 2019	87,615,000
Committee recommendation	95,000,000

The Committee's recommendation provides $95,000,000. The recommendation is $1,300,000 above the fiscal year 2018 enacted level and is $7,385,000 above the budget request.

ITC is an independent, quasi-judicial agency responsible for conducting trade-related investigations and providing Congress and the President with independent technical advice related to U.S. international trade policy. The Committee reminds the administration and the Office of Management and Budget that Congress granted ITC specific bypass authority for submitting its budget estimate to the Legislative Branch, pursuant to section 175 of the Trade Act of 1974. Therefore, all future budget estimates for ITC shall be transmitted to Congress without revision by the President, pursuant to such act.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

Appropriations, 2018	$410,000,000
Budget estimate, 2019	18,200,000
Committee recommendation	410,000,000

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The Committee's recommendation rejects the proposal to terminate the payment to LSC and provides $410,000,000 for payment to LSC. The recommendation is the same as the fiscal year 2018 enacted level and $391,800,000 above the President's budget request.

The Committee's recommendation provides $376,000,000 for basic field programs, to be used for competitively awarded grants and contracts; $19,400,000 for management and administration; $4,000,000 for client self-help and information technology; $5,100,000 for OIG; $1,000,000 for loan repayment assistance; and $4,500,000 for LSC's Pro Bono Innovation Fund.

Governance and Management.—LSC must continue to improve its governance and management in order to further restore the transparency of the organization and direct additional funds into legal aid, where resources are desperately needed. The Committee expects the Inspector General of LSC to continue conducting annual audits of LSC grantees to ensure that funds are not being used in contravention of the restrictions by which LSC grantees are required to abide.

Pro Bono Innovation Fund.—The Committee's recommendation provides no less than $4,500,000 to continue the Pro Bono Innovation Fund. This fund supports innovative projects that promote and enhance pro bono initiatives throughout the Nation, as well as leverages Federal dollars to increase free legal aid for low-income Americans by engaging private attorneys.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The Committee's recommendation continues the administrative provisions contained in the fiscal year 1998 appropriations act (Public Law 105–119) regarding operation of this program to provide basic legal services to disadvantaged individuals and the restrictions on the use of LSC funds.

LSC funds cannot be used to engage in litigation and related activities with respect to a variety of matters including: (1) redistricting; (2) class action suits; (3) representation of illegal aliens; (4) political activities; (5) abortion; (6) prisoner litigation; (7) welfare reform; (8) representation of charged drug dealers during eviction proceedings; and (9) solicitation of clients. The exception to the restrictions occurs in a case where there is imminent threat of physical harm to the client or prospective client.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

Appropriations, 2018	$3,431,000
Budget estimate, 2019	2,449,000
Committee recommendation	4,200,000

The Committee rejects the proposed elimination of the Marine Mammal Commission and instead provides $4,200,000. The recommendation is $769,000 above the fiscal year 2018 enacted level and $1,751,000 above the budget request.

The Marine Mammal Commission and its Committee of Scientific Advisors on Marine Mammals provide oversight and recommend actions on domestic and international topics to advance policies and

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provisions of the Marine Mammal Protection Act. The Commission provides precise, up-to-date scientific information to Congress on issues related to the safety of marine mammals.

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

Appropriations, 2018	$57,600,000
Budget estimate, 2019	63,000,000
Committee recommendation	57,600,000

The Committee's recommendation provides $57,600,000 for the Office of the United States Trade Representative [USTR]. The recommendation is equal to the fiscal year 2018 enacted level and $5,400,000 below the budget request. USTR is responsible for developing and leading international negotiations for the United States on policies regarding international trade, direct investment, and commodities. Its areas of responsibility include all matters relating to the World Trade Organization; trade, commodity, and direct investment matters dealt with by certain international institutions; industrial, agricultural, and services trade policy; and trade-related protection of intellectual property and the environment.

Within funds provided, the Committee continues to support USTR's accepting full financial responsibilities of the Interagency Center on Trade Implementation, Monitoring, and Enforcement (formerly named the Interagency Trade Enforcement Center) in fiscal year 2019.

Trade and Agricultural Exports.—The Committee supports efforts to reduce foreign tariffs and non-tariff trade barriers for U.S. agricultural exports, including the strong enforcement of trade rules and regulations. However, the Committee is concerned trade actions resulting in decreased foreign market access for U.S. agricultural products due to retaliation threaten to harm our Nation's farmers and ranchers. The Committee urges USTR and Secretary of Commerce to fully evaluate and consider the impact foreign tariffs and other retaliatory actions have on U.S. farmers and ranchers when negotiating with trade partners and in making trade related decisions.

De Minimis Thresholds.—The Committee recognizes that the current disparity in *de minimis* thresholds have a disproportionate impact on small businesses, who often take advantage of e-commerce to send low-value shipments to customers in foreign countries. USTR is encouraged to consider these impacts when negotiating with trading partners to address excessively low *de minimis* thresholds.

Economy Act Transfers.—USTR is directed to continue isolating Economy Act payments as individual transfers and to submit documentation of and justification for all Economy Act transfers, regardless of amount, to and from other Federal agencies, to the Committees not less than 15 days before such transfers of sums are made.

Travel.—USTR is directed to provide monthly travel reports detailing all trips outside of the United States, including the purposes and costs of such trips. Additionally, USTR shall continue to provide the Committee with quarterly reports outlining the status of

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ongoing trade negotiations, enforcement activities, and objectives achieved for existing trade agreements.

TRADE ENFORCEMENT TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

Appropriations, 2018	$15,000,000
Budget estimate, 2019	
Committee recommendation	15,000,000

The Committee's recommendation provides $15,000,000 for the Trade Enforcement Trust Fund as authorized under the Trade Facilitation and Trade Enforcement Act of 2015 (Public Law 114–125). The recommendation is equal to the fiscal year 2018 enacted level and $15,000,000 above the budget request.

Trade Enforcement Trust Fund.—The Committee supports efforts to enforce U.S. rights under trade agreements and to increase compliance of U.S. trade partners. The Committee requests USTR provide a breakdown of expenses for the Trade Enforcement Trust Fund's activities such as: the number of positions supported by the funding; a detailed list of the enforcement actions taken by the Trust Fund since 2015, such as the initiation of consultations with trading partners; the filing of World Trade Organization cases; the commencement of dispute settlement proceedings under free trade agreements; and other enforcement actions not listed here but deemed necessary for the Committee's review.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

Appropriations, 2018	$5,121,000
Budget estimate, 2019	6,921,000
Committee recommendation	6,121,000

The Committee's recommendation provides $6,121,000 for the State Justice Institute. The recommendation is $1,000,000 above the fiscal year 2018 enacted level and $800,000 below the budget request.

The Institute was created in 1984 to further the development and adoption of improved judicial administration in State courts.

State Courts Response to the Opioid Epidemic and the Impact on Children.—In addition to base funding, the recommendation includes an additional $1,000,000 above the fiscal year 2018 level for activities that can improve State court responses to the opioid epidemic, particularly with respect to children and families affected by opioids. Expected activities include implementation of pilot programs that focus on reducing trauma and promoting safe and timely placement of children; partnerships that explore placing children with relatives across State lines; promoting evidence-based prevention and intervention strategies for infants exposed to opioids and other substance abuse; identification of best practices, pilots, and evaluation of early intervention strategies for parents with substance abuse issues at risk of losing their children; education of judges, court staff, foster parents, and others on identification and early intervention strategies in cases that involve young children of parents with opioid use disorder; and partnerships with State

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Prescription Drug Monitoring Programs and child welfare agencies to pilot data sharing initiatives to improve services to children and families.

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TITLE V

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends the following general provisions for the departments, agencies and commissions funded in the accompanying act. Similar provisions were included in the fiscal year 2018 act.

Section 501 prohibits the use of appropriations for certain publicity and propaganda purposes.

Section 502 prohibits any appropriations contained in this act from remaining available for obligation beyond the current fiscal year unless expressly provided.

Section 503 limits funds for certain consulting purposes.

Section 504 provides that, should any provision of the act be held to be invalid, the remainder of the act would not be affected.

Section 505 stipulates the policy and procedures by which funding available to the agencies funded under this act may be reprogrammed for other purposes.

Section 506 provides for a penalty for persons found to have falsely mislabeled products.

Section 507 requires agencies to provide quarterly reports to the Appropriations Committees regarding unobligated balances.

Section 508 requires agencies and departments funded in this act to absorb any necessary costs related to downsizing or consolidation within the amounts provided to the agency or department.

Section 509 limits funds for the sale or export of tobacco or tobacco products.

Section 510 stipulates obligation of receipts and the use of certain funds for victim services available under the Crime Victims Fund.

Of the funds set aside for Indian tribes, the Committee expects that the Office for Victims of Crime [OVC] will award such funds to Indian tribes that have not been designated high-risk grantees by the Department of Justice and that comply with grant application requirements. OVC is expected to provide instructional model grant applications and other guidance to aid tribes in preparing grant applications. Grant-receiving tribes will need to certify that grant funds will not be used to supplant funds otherwise available for tribal victim assistance so that OVC can ensure grant accountability and that grants are being used effectively to improve services for tribal victims of crime.

Section 511 prohibits the use of Department of Justice funds for programs that discriminate against, denigrate, or otherwise under-

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mine the religious beliefs of students participating in such programs.

Section 512 limits transfers of funds between agencies.

Section 513 requires the Inspectors General of the Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation to conduct reviews of activities funded in this act and requires certifications regarding conflicts of interest.

Section 514 prohibits funds for certain telecommunications and information technology acquisitions unless the acquiring department or agency has assessed the supply chain risk of the technology, including risks from technology originating in China, Russia, Iran, and North Korea.

Section 515 prohibits the use of funds to support or justify the use of torture.

Section 516 limits funds pertaining to certain activities related to the export of firearms.

Section 517 limits funds that would deny permits to import certain products.

Section 518 prohibits funds for activities that seek to include certain language in new trade agreements.

Section 519 prohibits funds to authorize a national security letter in contravention of the statutes authorizing the FBI to issue national security letters.

Section 520 requires notification to the Committees in the event of cost overruns.

Section 521 authorizes funds appropriated for intelligence activities for the Department of Justice during fiscal year 2019 until the enactment of the Intelligence Authorization Act for Fiscal Year 2019.

Section 522 prohibits contracts or grant awards in excess of $5,000,000 unless the prospective contractor or grantee has certified in writing that he or she has filed all Federal tax returns, has not been convicted of a criminal offense under the IRS Code of 1986, and has no unpaid Federal tax assessment.

Section 523 specifies rescissions of prior appropriations.

Section 524 provides for a rescission from defunct NASA accounts.

Section 525 prohibits the use of funds to purchase first class or premium airline travel in contravention of current regulations and improves reporting.

Section 526 prohibits the use of funds to pay for the attendance of more than 50 employees at any single conference outside the United States and limits the cost of any such conference incurred by an agency.

Section 527 prohibits the use of funds in this act for the transfer or release of certain individuals detained at Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories or possessions.

Section 528 prohibits the use of funds in this act to construct, acquire, or modify any facility in the United States, its territories, or possessions to house certain individuals who, as of June 24, 2009, were located at Naval Station, Guantanamo Bay, Cuba, for the pur-

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poses of detention or imprisonment in the custody or control of the Department of Defense.

Section 529 requires agencies funded in this act to report on undisbursed balances.

Section 530 prohibits the use of funds by the National Aeronautics and Space Administration [NASA] or the Office of Science and Technology Policy [OSTP] to engage in bilateral activities with China or a Chinese-owned company or effectuate the hosting of official Chinese visitors at certain facilities unless the activities are authorized by subsequent legislation or NASA or OSTP have made a certification pursuant to subsections (c) and (d) of this section.

Section 531 prohibits funds made available by this act from being used to deny the importation of certain shotgun models.

Section 532 prohibits the use of funds to establish or maintain a computer network that does not block pornography, except for law enforcement purposes.

Section 533 requires departments and agencies funded in this bill to submit spending plans to the House and Senate Appropriations Committees within 45 days of enactment of this act.

Section 534 prohibits the use of funds to implement the Arms Trade Treaty until the Senate approves a resolution of ratification for the Treaty.

Section 535 prohibits funds to pay for award or incentive fees for contractors with below satisfactory performance or performance that fails to meet the basic requirements of the contract. The Committee directs any head of any executive branch department, agency, board, commission, or office funded by this act to require that all contracts within their purview that provide award fees to link such fees to successful acquisition outcomes, specifying the terms of cost, schedule, and performance.

Section 536 prohibits the use of funds by the Department of Justice to prevent States from implementing laws related to a certain section of the Agricultural Act of 2014.

Section 537 prohibits the use of funds by the Department of Justice to prevent States from implementing State laws related to medical marijuana.

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COMPLIANCE WITH PARAGRAPH 7, RULE XVI OF THE STANDING RULES OF THE SENATE

Rule XVI, paragraph 7 requires that every report on a general appropriation bill filed by the Committee must identify items of appropriation not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

The Committee recommends funding for the following programs or activities that currently lack an authorization for fiscal year 2019, either in whole or in part, and therefore fall under this rule:

APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2019

Agency/program	Last year of authorization
Department of Commerce:	
International Trade Administration:	
Export Promotion	1996
Bureau of Industry and Security:	
Export Administration	2001
Economic Development Administration:	
Salaries and Expenses	2008
Economic Development Assistance Programs:	
Public Works and Economic Development	2008
Bureau of the Census:	
Salaries and Expenses	2015
National Telecommunications and Information Administration:	
Salaries and Expenses	1993
National Institute of Standards and Technology:	
Scientific and Technical Research and Services	2013
Industrial Technology Services	2013
Construction of Research Facilities	2013
National Oceanic and Atmospheric Administration:	
Operations, Research, and Facilities:	
National Ocean Service:	
Coral Reef Conservation	2004
Hydrographic Services	2007
Coastal Zone Management	1999
Marine Protection, Research, Preservation & Sanctuaries	2005
National Marine Fisheries Service:	
Endangered Species Act Amendment	1992
Marine Mammal Protection	1999
NOAA Marine Fisheries Program	2000
Interjurisdictional Fisheries	2012
Magnuson-Stevens Fishery Conservation and Management	2013
Estuary Restoration	2012
Oceanic and Atmospheric Research:	
National Sea Grant College Program	2008
Procurement, Acquisition and Construction:	
National Ocean Service:	
Marine Protection, Research, Preservation & Sanctuaries	2005
Department of Justice:	
General Administration:	
Salaries and Expenses	2009
Justice Information Sharing Technology	2009

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APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2019—Continued

Agency/program	Last year of authorization
Administrative Review & Appeals:	
Salaries and Expenses	2009
Office of Inspector General:	
Salaries and Expenses	2009
U.S. Parole Commission:	
Salaries and Expenses	2009
Legal Activities:	
General Legal Activities:	
Salaries and Expenses	2009
Antitrust Division:	
Salaries and Expenses	2009
U.S. Attorneys:	
Salaries and Expenses	2009
Foreign Claims Settlement Commission:	
Salaries and Expenses	2009
Fees and Expenses of Witnesses	2009
Community Relations Service:	
Salaries and Expenses	2009
Assets Forfeiture Fund Current Budget Authority	2009
U.S. Marshals Service	2009
Salaries and Expenses	N/A
Federal Prison Detention	N/A
Construction	N/A
National Security Division:	
Salaries and Expenses	N/A
Interagency Law Enforcement:	
Interagency Crime and Drug Enforcement	2009
Federal Bureau of Investigation	2009
Salaries and Expenses	N/A
Construction	N/A
Drug Enforcement Administration:	
Salaries and Expenses	2009
Bureau of Alcohol, Tobacco, Firearms and Explosives:	
Salaries and Expenses	2009
Federal Prison System	2009
Salaries and Expenses	N/A
Buildings and Facilities	N/A
Office on Violence Against Women Programs:	
National Institute of Justice Research and Evaluation on Violence Against Women	N/A
Consolidated Youth Oriented Program	N/A
Homicide Reduction Initiative	N/A
Research—Violence Against Indian Women	2015
Sexual Assault in Indian Country Clearinghouse	N/A
Office of Justice Programs:	
Research, Evaluation, and Statistics:	
National Institute of Justice	1995
Bureau of Justice Statistics	1995
State and Local Law Enforcement Assistance:	
Byrne Memorial Justice Assistance Grants	2012
Body-Worn Camera Partnership	N/A
VALOR Initiative	N/A
Smart Policing	N/A
Smart Prosecution	N/A
John R. Justice Grant Program	2014
Adam Walsh Act	2009
State Criminal Alien Assistance Program	2011
Residential Substance Abuse Treatment	2000
Drug Courts	2008
Economic, High Tech, White Collar and Cybercrime Prevention	N/A
Second Chance Act/Offender Reentry	2010
Smart Probation	N/A
Children of Incarcerated Parents Demo Grants	N/A
Pay for Success (Discretionary)	N/A

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APPROPRIATIONS NOT AUTHORIZED BY LAW—FISCAL YEAR 2019—Continued

Agency/program	Last year of authorization
Pay for Success (Permanent Supportive Housing Model)	N/A
National Sex Offender Website	N/A
Veterans Treatment Courts Program	N/A
Rape Kit Backlog	N/A
Justice Reinvestment Initiative	N/A
Project HOPE Opportunity Probation with Enforcement	N/A
Juvenile Justice Programs:	
Part B—State Formula	2007
Emergency Planning in Juvenile Justice Facilities	N/A
Title V—Local Delinquency Prevention Incentive Grants	2008
Gang/Youth Violence Education and Prevention	N/A; 2007
Missing and Exploited Children Programs	2004; 2019
Competitive Grants for Girls in the Justice System	N/A; 2007
Children of Incarcerated Parents Web Portal	2007
COPS Programs:	
COPS Hiring Program	2009
Regional Information Sharing Activities	2003
Anti-Methamphetamine Task Forces	N/A
Anti-Heroin Task Forces	N/A
National Aeronautics and Space Administration:	
Science	2018
Aeronautics	2018
Exploration	2018
Space Operations	2018
Education	2018
Safety, Security and Mission Services	2018
Construction and Environmental Compliance and Restoration	2018
Office of the Inspector General	2018
National Science Foundation	2013
Related Agencies:	
U.S. Equal Employment Opportunity Commission:	
Salaries and Expenses	2000
Commission on Civil Rights:	
Salaries and Expenses	1995
International Trade Commission:	
Salaries and Expenses	2004
Payment to the Legal Services Corporation:	
Salaries and Expenses	1980
Marine Mammal Commission:	
Salaries and Expenses	1999
Office of the U.S. Trade Representative:	
Salaries and Expenses	2004
State Justice Institute:	
Salaries and Expenses	2008

[1] NOAA authorizations are spread across over 60 separate statutory authorities. In many cases, the authorizations do not match exactly to specific programs.

COMPLIANCE WITH PARAGRAPH 7(c), RULE XXVI OF THE STANDING RULES OF THE SENATE

Pursuant to paragraph 7(c) of rule XXVI, on June 14, 2018, the Committee ordered favorably reported a bill (S. 3072) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2019, and for other purposes, provided, that the bill be subject to amendment and that the bill be consistent with its budget allocation, and provided that the Chairman of the Committee or his designee be authorized to offer the substance of the original bill as a Committee amendment in the nature of a substitute to the House

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companion measure, by a recorded vote of 30–1, a quorum being present. The vote was as follows:

Yeas	Nays
Chairman Shelby	Mr. Lankford
Mr. McConnell	
Mr. Alexander	
Ms. Collins	
Ms. Murkowski	
Mr. Graham	
Mr. Blunt	
Mr. Moran	
Mr. Hoeven	
Mr. Boozman	
Mrs. Capito	
Mr. Daines	
Mr. Kennedy	
Mr. Rubio	
Mrs. Hyde-Smith	
Mr. Leahy	
Mrs. Murray	
Mrs. Feinstein	
Mr. Durbin	
Mr. Reed	
Mr. Tester	
Mr. Udall	
Mrs. Shaheen	
Mr. Merkley	
Mr. Coons	
Mr. Schatz	
Ms. Baldwin	
Mr. Murphy	
Mr. Manchin	
Mr. Van Hollen	

COMPLIANCE WITH PARAGRAPH 12, RULE XXVI OF THE STANDING RULES OF THE SENATE

Paragraph 12 of the rule XXVI requires that Committee reports on a bill or joint resolution repealing or amending any statute or part of any statute include "(a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the Committee."

In compliance with this rule, no changes to existing law are displayed because this bill proposes no changes.

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BUDGETARY IMPACT OF BILL

PREPARED IN CONSULTATION WITH THE CONGRESSIONAL BUDGET OFFICE PURSUANT TO SEC. 308(a), PUBLIC LAW 93–344, AS AMENDED

[In millions of dollars]

	Budget authority		Outlays	
	Committee allocation	Amount in bill	Committee allocation	Amount in bill
Comparison of amounts in the bill with the subcommittee allocation for 2019: Subcommittee on Commerce, Justice, Science, and Related Agencies:				
Mandatory	319	319	332	[1] 332
Discretionary	62,995	62,995	70,863	[1] 70,863
Security	5,400	5,400	NA	NA
Nonsecurity	57,595	57,595	NA	NA
Projection of outlays associated with the recommendation:				
2019				[2] 46,063
2020				14,874
2021				4,391
2022				1,249
2023 and future years				4,968
Financial assistance to State and local governments for 2019	NA	−5,204	NA	[2] 180

[1] Includes outlays from prior-year budget authority.
[2] Excludes outlays from prior-year budget authority.

NA: Not applicable.

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2018 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2019

[In thousands of dollars]

Item	2018 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2018 appropriation	Budget estimate
TITLE I—DEPARTMENT OF COMMERCE					
International Trade Administration					
Operations and administration	495,000	451,147	499,000	+4,000	+47,853
Offsetting fee collections	−13,000	−11,000	−11,000	+2,000	.....
Direct appropriation	482,000	440,147	488,000	+6,000	+47,853
Bureau of Industry and Security					
Operations and administration	75,500	81,647	82,600	+7,100	+953
Defense function	38,000	39,000	39,000	+1,000	.....
Total, Bureau of Industry and Security	113,500	120,647	121,600	+8,100	+953
Economic Development Administration					
Economic development assistance programs	262,500	.....	266,500	+4,000	+266,500
Salaries and expenses	39,000	14,937	39,000	.....	+24,063
Total, Economic Development Administration	301,500	14,937	305,500	+4,000	+290,563
Minority Business Development Agency					
Minority business development	39,000	10,000	39,000	.....	+29,000
Economic and Statistical Analysis					
Salaries and expenses	99,000	100,987	102,000	+3,000	+1,013
Bureau of the Census					
Current surveys and programs	270,000	249,125	270,000	.....	+20,875

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Periodic censuses and programs (new structure)	2,544,000	3,551,388	3,551,388	+1,007,388	.....
Total, Bureau of the Census	2,814,000	3,800,513	3,821,388	+1,007,388	+20,875
National Telecommunications and Information Administration					
Salaries and expenses	39,500	33,646	39,500	.....	+5,854
United States Patent and Trademark Office					
Salaries and expenses, current year fee funding	3,500,000	3,370,000	3,370,000	−130,000	.....
Offsetting fee collections	−3,500,000	−3,370,000	−3,370,000	+130,000	.....
Total, United States Patent and Trademark Office	.....	.....	.....	.....	.....
National Institute of Standards and Technology					
Scientific and technical research and services	724,500	573,429	724,500	.....	+151,071
Industrial technology services	155,000	15,094	155,000	.....	+139,906
Manufacturing extension partnerships	(140,000)	.....	(140,000)	.....	(+140,000)
National Network for Manufacturing Innovation	(15,000)	.....	(15,000)	.....	(+15,000)
Construction of research facilities	319,000	40,549	158,000	−161,000	+117,451
Working Capital Fund (by transfer)	(9,000)	(9,000)	(9,000)	.....	.....
Total, National Institute of Standards and Technology	1,198,500	629,072	1,037,500	−161,000	+408,428
National Oceanic and Atmospheric Administration					
Operations, research, and facilities	3,536,331	2,937,753	3,599,126	+62,795	+661,373
(By transfer)	(144,000)	(144,000)	(157,980)	(+13,980)	(+13,980)
Subtotal	3,536,331	2,937,753	3,599,126	+62,795	+661,373
Procurement, acquisition and construction	2,290,684	1,623,006	1,806,479	−484,205	+183,473
Pacific coastal salmon recovery	65,000	.....	70,000	+5,000	+70,000
Fishermen's Contingency Fund	349	349	349	.....	.....
Fishery Disaster Assistance	20,000	.....	15,000	−5,000	+15,000
Fisheries Finance Program Account	−3,000	−8,000	−8,000	−5,000	.....
Total, National Oceanic and Atmospheric Administration	5,909,364	4,553,108	5,482,954	−426,410	+929,846

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2018 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2019—Continued

[In thousands of dollars]

Item	2018 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2018 appropriation	Budget estimate
Departmental Management					
Salaries and expenses	63,000	58,994	63,000	.....	+4,006
Renovation and modernization	45,130	2,796	38,612	−6,518	+35,816
Office of Inspector General	32,744	32,030	32,744	.....	+714
Total, Departmental Management	140,874	93,820	134,356	−6,518	+40,536
Total, title I, Department of Commerce	11,137,238	9,796,877	11,571,798	+434,560	+1,774,921
(By transfer)	153,000	153,000	166,980	+13,980	+13,980
TITLE II—DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses	114,000	114,207	114,000	.....	−207
Justice information sharing technology	35,000	31,713	35,000	.....	+3,287
Total, General Administration	149,000	145,920	149,000	.....	+3,080
Executive Office for Immigration Review	504,500	563,407	563,407	+58,907	.....
Transfer from immigration examinations fee account	−4,000	−4,000	−4,000	.....	.....
Direct appropriation	500,500	559,407	559,407	+58,907	.....
Office of Inspector General	97,250	95,866	99,195	+1,945	+3,329
United States Parole Commission					
Salaries and expenses	13,308	12,672	13,308	.....	+636
Legal Activities					
Salaries and expenses, general legal activities	897,500	891,836	910,500	+13,000	+18,664

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Vaccine Injury Compensation Trust Fund	10,000	9,340	10,000	.....	+660
Salaries and expenses, Antitrust Division	164,977	164,663	164,977	.....	+314
Offsetting fee collections—current year	−126,000	−136,000	−136,000	−10,000	.....
Direct appropriation	38,977	28,663	28,977	−10,000	+314
Salaries and expenses, United States Attorneys	2,136,750	2,105,182	2,179,485	+42,735	+74,303
United States Trustee System Fund	225,908	223,221	225,908	.....	+2,687
Offsetting fee collections	−135,000	−360,000	−360,000	−225,000	.....
New fees (Sec. 3004, Public Law 115–72)	−96,000	.....	.....	+96,000	.....
Direct appropriation	−5,092	−136,779	−134,092	−129,000	+2,687
Salaries and expenses, Foreign Claims Settlement Commission	2,409	2,409	2,409	.....	.....
Fees and expenses of witnesses	270,000	270,000	270,000	.....	.....
Salaries and expenses, Community Relations Service	15,500	.....	15,500	.....	+15,500
Assets Forfeiture Fund	20,514	20,514	20,514	.....	.....
Total, Legal Activities	3,386,558	3,191,165	3,303,293	−83,265	+112,128
United States Marshals Service					
Salaries and expenses	1,311,492	1,270,371	1,377,409	+65,917	+107,038
Construction	53,400	14,971	35,000	−18,400	+20,029
Federal Prisoner Detention	1,536,000	1,536,000	1,536,000	.....	.....
Total, United States Marshals Service	2,900,892	2,821,342	2,948,409	+47,517	+127,067
National Security Division					
Salaries and expenses	101,031	101,369	101,369	+338	.....
Interagency Law Enforcement					
Interagency Crime and Drug Enforcement	542,850	521,563	521,563	−21,287	.....
Federal Bureau of Investigation					
Salaries and expenses	3,663,553	3,599,403	3,663,553	.....	+64,150
Counterintelligence and national security	5,366,649	5,272,677	5,366,649	.....	+93,972
Subtotal, Salaries and expenses	9,030,202	8,872,080	9,030,202	.....	+158,122

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-L-000157
18-cv-2422(FBI)-5678

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2018 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2019—Continued

[In thousands of dollars]

Item	2018 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2018 appropriation	Budget estimate
Construction	370,000	51,895	385,000	+15,000	+333,105
Total, Federal Bureau of Investigation	9,400,202	8,923,975	9,415,202	+15,000	+491,227
Drug Enforcement Administration					
Salaries and expenses	2,609,900	2,608,162	2,654,836	+44,936	+46,674
Diversion control fund	−419,574	−420,703	−420,703	−1,129	
Total, Drug Enforcement Administration	2,190,326	2,187,459	2,234,133	+43,807	+46,674
High Intensity Drug Trafficking Areas Program		254,000			−254,000
Bureau of Alcohol, Tobacco, Firearms and Explosives					
Salaries and expenses	1,293,776	1,316,678	1,316,678	+22,902	
Federal Prison System					
Salaries and expenses	7,114,000	7,042,328	7,256,280	+142,280	+213,952
Buildings and facilities	161,571	99,000	274,000	+112,429	+175,000
Limitation on administrative expenses, Federal Prison Industries, Incorporated	2,700	2,700	2,700		
Total, Federal Prison System	7,278,271	7,144,028	7,532,980	+254,709	+388,952
State and Local Law Enforcement Activities					
Office on Violence Against Women:					
Prevention and prosecution programs					
(By transfer)	(492,000)		(497,500)	(+5,500)	(+497,500)
Office of Justice Programs:					
Research, evaluation and statistics	90,000	77,000	90,000		+13,000

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DOJ-FBI-18-0520, 18-0521-L-000158

18-cv-2422(FBI)-5679

State and local law enforcement assistance	1,677,500	1,132,500	1,678,500	+1,000	+546,000
Juvenile justice programs	282,500	229,500	297,000	+14,500	+67,500
Public safety officer benefits:					
Death benefits	92,000	104,000	104,000	+12,000	.....
Disability and education benefits	24,800	16,300	24,800	.....	+8,500
Subtotal	116,800	120,300	128,800	+12,000	+8,500
Total, Office of Justice Programs	2,166,800	1,559,300	2,194,300	+27,500	+635,000
Community Oriented Policing Services:					
COPS programs	275,500	.....	310,000	+34,500	+310,000
Total, State and Local Law Enforcement Activities	2,442,300	1,559,300	2,504,300	+62,000	+945,000
Total, title II, Department of Justice	30,296,264	28,834,744	30,698,837	+402,573	+1,864,093
TITLE III—SCIENCE					
Office of Science and Technology Policy	5,544	5,544	5,544	.....	.....
National Space Council	1,965	1,965	1,965	.....	.....
National Aeronautics and Space Administration					
Science	6,221,500	5,895,000	6,400,300	+178,800	+505,300
Aeronautics	685,000	633,900	725,000	+40,000	+91,100
Space Technology	760,000	.....	932,800	+172,800	+932,800
Exploration Research and Technology	.....	1,002,700	.....	.....	−1,002,700
Exploration	4,790,000	.....	5,338,700	+548,700	+5,338,700
Deep Space Exploration Systems	.....	4,558,800	.....	.....	−4,558,800
Space Operations	4,751,500	.....	4,639,100	−112,400	+4,639,100
LEO and Spaceflight Operations	.....	4,624,600	.....	.....	−4,624,600
STEM Opportunities formerly Education	100,000	.....	110,000	+10,000	+110,000
Safety, Security and Mission Services	2,826,900	2,749,700	2,750,000	−76,900	+300
Construction and environmental compliance and restoration	562,240	388,200	388,200	−174,040	.....
Office of Inspector General	39,000	39,300	39,300	+300	.....
Total, National Aeronautics and Space Administration	20,736,140	19,892,200	21,323,400	+587,260	+1,431,200

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-L-000159
18-cv-2422(FBI)-5680

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2018 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2019—Continued

[In thousands of dollars]

Item	2018 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2018 appropriation	Budget estimate
National Science Foundation					
Research and related activities	6,263,476	6,079,680	6,485,183	+221,707	+405,503
Defense function	71,000	71,000	71,000	.....	.....
Subtotal	6,334,476	6,150,680	6,556,183	+221,707	+405,503
Major research equipment and facilities construction	182,800	94,650	249,254	+66,454	+154,604
Education and human resources	902,000	873,370	915,000	+13,000	+41,630
Agency operations and award management	328,510	333,630	328,510	.....	−5,120
Office of the National Science Board	4,370	4,320	4,370	.....	+50
Office of Inspector General	15,200	15,350	15,350	+150	.....
Total, National Science Foundation	7,767,356	7,472,000	8,068,667	+301,311	+596,667
Total, title III, Science	28,511,005	27,371,709	29,399,576	+888,571	+2,027,867
TITLE IV—RELATED AGENCIES					
Commission on Civil Rights					
Salaries and expenses	9,700	9,200	10,065	+365	+865
Equal Employment Opportunity Commission					
Salaries and expenses	379,500	363,807	379,500	.....	+15,693
International Trade Commission					
Salaries and expenses	93,700	87,615	95,000	+1,300	+7,385
Legal Services Corporation					
Payment to the Legal Services Corporation	410,000	18,200	410,000	.....	+391,800

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-L-000160
18-cv-2422(FBI)-5681

Marine Mammal Commission					
Salaries and expenses	3,431	2,449	4,200	+769	+1,751
Office of the U.S. Trade Representative					
Salaries and expenses	57,600	63,000	57,600	.....	−5,400
Trade Enforcement Trust Fund	15,000	.....	15,000	.....	+15,000
State Justice Institute					
Salaries and expenses	5,121	6,921	6,121	+1,000	−800
Total, title IV, Related Agencies	974,052	551,192	977,486	+3,434	+426,294
TITLE V—GENERAL PROVISIONS					
DOC National Institute of Standards and Technology, Technology Innovation Program (rescission)	.....	−2,000	.....	.....	+2,000
DOC National Oceanic and Atmospheric Administration, Operations, Research and Facilities (rescission)	.....	.....	.....	.....	.....
DOC National Oceanic and Atmospheric Administration, Procurement Acquisition and Construction (rescission)	.....	.....	.....	.....	.....
Economic Development Assistance Programs (rescission)	−10,000	.....	−10,000	.....	−10,000
Rescission of emergency funding	.....	−40,000	.....	.....	+40,000
DOJ, Working Capital Fund (rescission)	−154,768	−69,768	−75,000	+79,768	−5,232
DOJ, Assets Forfeiture Fund (rescission, temporary)	.....	.....	.....	.....	.....
DOJ, Assets Forfeiture Fund (rescission, permanent)	−304,000	.....	−674,000	−370,000	−674,000
FBI, Salaries and expenses:					
(Fees) nondefense (rescission)	−51,642	−60,044	−52,048	−406	+7,996
(Fees) defense (rescission)	−75,649	−87,956	−76,243	−594	+11,713
Federal Prisoner Detention (rescission)	.....	−71,000	.....	.....	+71,000
DOJ, Federal Prison System, Buildings and Facilities (rescission)	.....	−50,000	.....	.....	+50,000
Violence against women prevention and prosecution programs (rescission)	−15,000	.....	−10,000	+5,000	−10,000
Office of Justice programs (rescission)	−40,000	−85,000	−40,000	.....	+45,000
COPS (rescission)	−10,000	.....	−10,000	.....	−10,000
Keeping Young Athletes Safe	2,500	.....	.....	−2,500	.....
NASA closeouts (rescission)	.....	−4,000	−4,000	−4,000	.....
Total, title V, General Provisions	−658,559	−469,768	−951,291	−292,732	−481,523

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-L-000161
18-cv-2422(FBI)-5682

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 2018 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 2019—Continued

[In thousands of dollars]

Item	2018 appropriation	Budget estimate	Committee recommendation	Senate Committee recommendation compared with (+ or −)	
				2018 appropriation	Budget estimate
OTHER APPROPRIATIONS					
FURTHER ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2018 (P.L. 115–123)					
DEPARTMENT OF COMMERCE					
Economic Development Administration					
Economic Development Assistance Programs (emergency)	600,000			−600,000	
National Oceanic and Atmospheric Administration					
Operations, Research, and Facilities (emergency)	120,904			−120,904	
Procurement, Acquistion and Construction (emergency)	79,232			−79,232	
Fisheries Disaster Assistance (emergency)	200,000			−200,000	
Total, National Oceanic and Atmospheric Administration	400,136			−400,136	
Total, Department of Commerce	1,000,136			−1,000,136	
DEPARTMENT OF JUSTICE					
United States Marshals Service					
Salaries and expenses (emergency)	2,500			−2,500	
Federal Bureau of Investigation					
Salaries and expenses (emergency)	8,601			−8,601	
Counterintelligence and national security (emergency)	12,599			−12,599	
Total, Federal Bureau of Investigation	21,200			−21,200	

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-L-000162
18-cv-2422(FBI)-5683

Drug Enforcement Administration					
Salaries and expenses (emergency)	11,500	.....	.....	−11,500	.....
Federal Prison System					
Salaries and expenses (emergency)	16,000	.....	.....	−16,000	.....
Buildings and facilities (emergency)	34,000	.....	.....	−34,000	.....
Total, Federal Prison System	50,000	.....	.....	−50,000	.....
Total, Department of Justice	85,200	.....	.....	−85,200	.....
SCIENCE					
National Aeronautics and Space Administration					
Construction and Environmental Compliance and Restoration (emergency)	81,300	.....	.....	−81,300	.....
National Science Foundation					
Research and Related Activities (emergency)	16,300	.....	.....	−16,300	.....
Total, Science	97,600	.....	.....	−97,600	.....
RELATED AGENCIES					
Legal Services Corporation					
Payment to the Legal Services Corporation (emergency)	15,000	.....	.....	−15,000	.....
Total, Other Appropriations	1,197,936	.....	.....	−1,197,936	.....
Grand total	71,457,936	66,084,754	71,696,406	+238,470	+5,611,652
Appropriations	(70,921,059)	(66,554,522)	(72,647,697)	(+1,726,638)	(+6,093,175)
Rescissions	(−661,059)	(−429,768)	(−951,291)	(−290,232)	(−521,523)
Emergency appropriations	(1,197,936)	.....	.....	(−1,197,936)	.....
Rescissions of emergency funding	.....	(−40,000)	.....	.....	(+40,000)
(By transfer)	645,000	153,000	664,480	+19,480	+511,480

○

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DOJ-FBI-18-0520, 18-0521-L-000163
18-cv-2422(FBI)-5684

[redacted]

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b7E -1

From: [redacted]
Sent: Tuesday, June 19, 2018 11:11 AM
To: [redacted]
Subject: New HQ TPs
Attachments: New Strategy for POTUS.docx

Is this too much detail?

[redacted]

AMERICAN OVERSIGHT

New FBI Headquarters Strategy

[redacted] b5 -1 b7E -4

- National Headquarters strategy to relocate [redacted] positions to: b7E -4
  - Huntsville
    - Hazardous Devices School (trains and certifies all public safety bomb technicians) in Huntsville since 1971
    - The Terrorist Explosive Device Analytical Center (TEDAC) (forensically and technically exploits Improvised Explosive Devices (IEDs)) recently completed construction of its Laboratory, Collaboration Center and Repository
      - Operations moved from Quantico
    - Beginning to construct an Operational Support Facility for [redacted] personnel b7E -4
    - 5 year investment plan: Envision Redstone as the FBI's technological and analytical hub
  - Pocatello
    - FBI in Pocatello since 1984
    - Gradually added personnel and capabilities to the existing structure
      - Currently have 9 FBI Divisions located in Pocatello, with responsibilities ranging from investigations, intelligence, IT, travel and records management
    - New Data Center under construction
      - Will provide enough space for [redacted] additional personnel b7E -4
  - Clarksburg
    - Home to the FBI's Criminal Justice Information Services (CJIS) Division since 1995
      - CJIS responsible for criminal justice programs, including:
        - Biometric identification (most notably fingerprints),
        - National Instant Criminal Background Check System (NICS) for gun checks
        - National Crime Information Center (NCIC),
        - Uniform Crime Report (UCR), etc.
      - In 2015, constructed a [redacted] person joint FBI/DOD Biometrics Technology Center (BTC) on the CJIS campus b7E -4
      - Currently working on a plan to reconfigure inefficient/underutilized space in main building and provide an additional [redacted] seats.

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This document FBI_0006855 has been produced natively

AMERICAN OVERSIGHT

[redacted]

From: [redacted] b6 -1 b7C -1
Sent: Monday, June 25, 2018 12:34 PM
To: [redacted]
Cc:
Subject: RE: QFR draft

Hey [redacted]

Just a quick update - we are still waiting on Zack to get back to us on the WH questions. My boss indicated he would remind Zack early this week after the IG report/congressional testimony furor from last week had cooled.

We will keep you posted, and I will keep reminding my boss to remind Zack.

Also, will try to get back to you with any comments on the revisions you sent out shortly.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, June 25, 2018 10:54 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft b6 -1 b7C -1 b7E -1

Team - please let me know if there is any further action/assistance needed with this.

Thanks
[redacted]

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, June 14, 2018 11:34 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

AMERICAN OVERSIGHT
18-cv-2422(FBI)-5703

[redacted]

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Thanks again!

r/
[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, June 11, 2018 3:45 PM
To: [redacted]

[redacted]

Cc: [redacted]
Subject: RE: QFR draft

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[redacted]

Do folks have time this week to meet? How does Thursday look? I'd be happy to set it up.

Thanks all.
[redacted]

b6 -1
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b7E -1

[redacted]

-----Original Message-----
From: [redacted]

AMERICAN OVERSIGHT

Sent: Tuesday, June 05, 2018 2:34 PM
To:
Cc:
Subject: FW: QFR draft

b6 -1
b7C -1
b7E -1

Hi guys,

Attached are OGC's edits to the EPW QFRs. Can you look at these and, if we need to, we can discuss them with on Friday or Monday?

Thanks!

-----Original Message-----
From:
Sent: Tuesday, June 05, 2018 2:25 PM
To:
Cc:
Subject: QFR draft

b6 -1
b7C -1
b7E -1

Hey

Attached, per our conversation, are and my comments. If you can coordinate with the PMO (except on the ones marked WH issue) while we are gone, we can chat on Friday when we return.

Thanks and Best Regards,

AMERICAN OVERSIGHT

From:
Sent: Wednesday, June 27, 2018 3:25 PM
To:
Cc:
Subject: RE: QFR draft

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b7E -1

☺

From:
Sent: Wednesday, June 27, 2018 9:54 AM
To:
Cc:
Subject: RE: QFR draft

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b7E -1

Thanks it does sound like a plan. In response to your comments please see my comments below.

DOJ-FBI-18-0520, 18-0521-L-000170

AMERICAN OVERSIGHT

[redacted]

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Based on this summary – are we ok with the current answer?

52. Edits look good

54. Edits look good

[redacted]

Thanks

[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 26, 2018 11:46 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b5 -1
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b7C -1
b7E -1

Hi [redacted]

[redacted]

Does that sound like a plan?

AMERICAN OVERSIGHT

[redacted]

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-----Original Message-----
From: [redacted]
Sent: Thursday, June 14, 2018 11:34 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

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b7E -1

[redacted]

Thanks again!

r/
[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, June 11, 2018 3:45 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

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[redacted]

Do folks have time this week to meet? How does Thursday look? I'd be happy to set it up.

AMERICAN OVERSIGHT

Thanks all.

[redacted]

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[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:34 PM
To: [redacted]
Cc: [redacted]
Subject: FW: QFR draft

b6 -1
b7C -1
b7E -1

Hi guys,

Attached are OGC's edits to the EPW QFRs. Can you look at these and, if we need to, we can discuss them with [redacted] on Friday or Monday?

Thanks!

[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:25 PM
To: [redacted]
Cc: [redacted]
Subject: QFR draft

b6 -1
b7C -1
b7E -1

Hey [redacted]

Attached, per our conversation, are [redacted] and my comments. If you can coordinate with the PMO (except on the ones marked WH issue) while we are gone, we can chat on Friday when we return.

Thanks and Best Regards,

[redacted]

AMERICAN OVERSIGHT

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 18-cv-02422

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AMERICAN OVERSIGHT

From:

Subject: Revolving Fund

Attachments: Government-Reform-and-Reorg-Plan.pdf

We are mentioned on page 88: "Federal Capital Revolving Fund (FCRF)

"The Administration recognizes that the Federal Government must have modern facilities to carry out agency missions and serve the American people. However, over the last decade, it has been difficult to secure the necessary appropriations to renovate existing buildings and construct major new Federal facilities, such as the replacement of the Federal Bureau of Investigation Headquarters facility in Washington, D.C. This inability to secure sufficient, timely funding to execute capital transactions often results in project cost escalation and costly lease extensions.

To address this, in the Infrastructure Initiative and the Fiscal Year (FY) 2019 Budget, the Administration has proposed creating a new funding mechanism for large, civilian real property projects that is similar to the capital budgets that States employ. The proposal would establish a mandatory revolving fund for the construction or renovation of Federally-owned civilian real property, thus allowing agencies to budget for acquiring major assets incrementally while operating within the established, transparent Federal budget rules. This proposal is supported within the FY 2019 Budget, providing $10 billion for the corpus of the Fund. GAO has conducted frequent reviews of real property acquisition methodologies and challenges encountered with funding large projects. In 2014, GAO supported a similar approach to this proposal; however, the Administration's"

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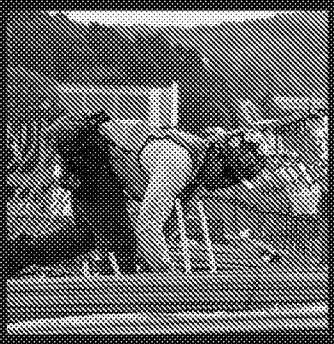
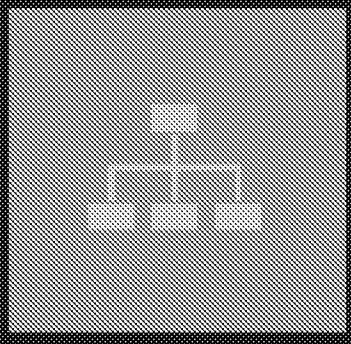
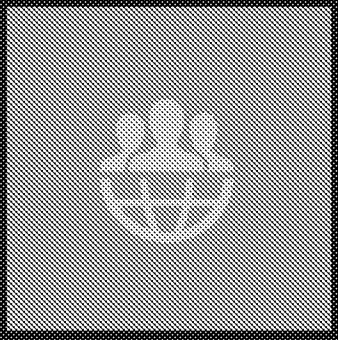
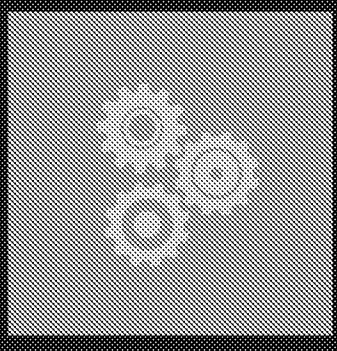


Delivering Government Solutions in the 21st Century

Reform Plan and Reorganization Recommendations



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I. THE MANDATE FOR REFORM

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INTRODUCTION

When America's Founders wrote the Constitution, they laid out a clear vision for the United States Government: to establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty. Moreover, they established Executive Branch organizations and structures to deliver on the Federal mission in ways appropriate to America's needs at the time. Over successive generations, our Federal Government has evolved by expanding in scope and complexity to try to meet Americans' needs. However, the organizational structures that underpin the Executive Branch have not always kept pace.

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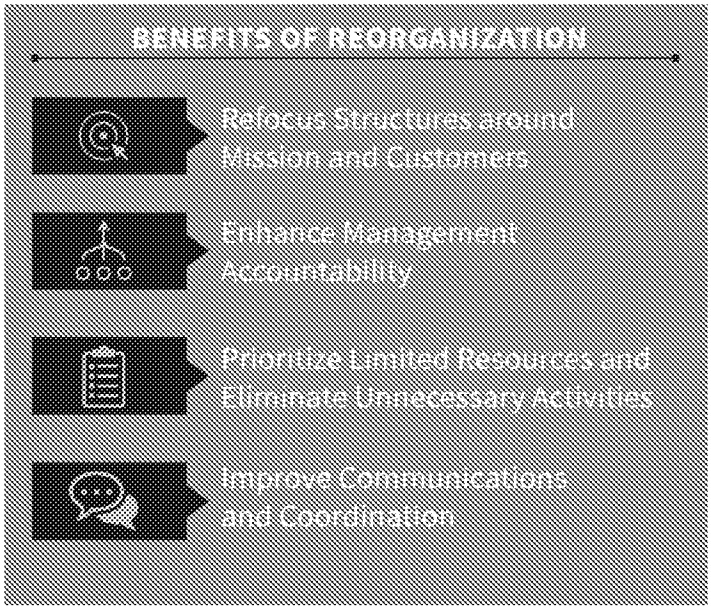
Two decades into the 21st Century, the public still believes that the Federal Government serves critical roles, and in some areas performs them well.[1] However, public trust in the Federal Government has declined over the last decade,[2] calling into question how well the current organizational constructs of Government are aligned to meet Americans' needs in the digital age. Government in the 21st Century is fundamentally a services business, and modern information technology should be at the heart of the U.S. Government service delivery model. And yet, today's Executive Branch is still aligned to the stove-piped organizational constructs of the 20th Century, which in many cases have grown inefficient and out-of-date. Consequently, the public and our workforce are frustrated with Government's ability to deliver its mission in an effective, efficient, and secure way.

At times of great change, the need to reinforce this common commitment to "government of the people, by the people, and for the people"[3] has been critical. So it is not surprising, as the United States faces the challenges of serving the broad and diverse needs of our growing country, that it becomes important to reexamine the organizational alignment of Executive Branch Government institutions to ensure that our organizational constructs are well aligned to meet the needs of the 21st Century.



To that end, Executive Order (EO) 13781, entitled "Comprehensive Plan for Reorganizing the Executive Branch," highlights the need to evaluate the organizational constructs that support today's mission delivery objectives. Building on a history of bipartisan Government reform initiatives, the EO focuses specifically on the role of organizational alignment in reducing "duplication and redundancy," and improving "efficiency, effectiveness, and accountability of the executive branch."[4]

This report outlines the Administration's analysis and recommendations for structural realignment of the Executive Branch to better serve the mission, service, and stewardship needs of the American people. While some of the recommendations identified in this volume can be achieved via Executive administrative action, more significant changes will require legislative action as well.

By sharing key findings, the Administration offers this report as a cornerstone to build productive, bipartisan dialogue around realigning the Federal Government mission delivery model to make sense in the 21st Century. As such, while some of the proposals are ready for agency implementation, others establish a vision for the Executive Branch that will require further exploration and partnership with the Congress.

Finally, reorganization is one tool among many that this Administration is using to drive transformational change in Government. Meeting the needs of the American people, as well as the President's mandate for greater efficiency, effectiveness, and accountability, requires a range of transformational approaches to support reorganization. To that end, the President's Management Agenda (PMA) outlines a range of additional priorities and tools that, in combination, will create an Executive Branch that is prepared to meet the needs of the American people both now and in the future. The Administration welcomes constructive dialogue and consideration of all the tools, capabilities, and organizational principles that help support our mission and better serve the public.

[1] Pew Research Center, December 2017, "Public Trust in Government: 1958-2017."

[2] Pew Research Center December 2017, "Government Gets Lower Ratings for Handing Health Care, Environment and Disaster Response."

[3] President Abraham Lincoln, Gettysburg Address, November 19, 1863.

[4] President Donald Trump, March 13, 2017, speech.

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HISTORY OF REFORM AND REORGANIZATION EFFORTS

Nearly every new administration has sought to enhance and streamline the Government bureaucracy to better align with policy and efficiency priorities. From the creation of the Bureau of the Budget in 1921 under President Warren Harding, the Executive Branch has continued to evolve to address the ever-changing needs and mission of the Federal Government. Reform and reorganization efforts in the 20th Century reflected bipartisan efforts to enhance efficiency and effectiveness, while reducing waste. In fact, until the 1970s, Executive Branch reorganization was a reasonably common occurrence undertaken by most new administrations. More recently, notable efforts at organizational reform included the personnel reform agenda initiated under President Jimmy Carter and implemented under the Reagan Administration,[5] as well as bipartisan efforts under Presidents Bill Clinton, George W. Bush, and Barack Obama to enhance shared services and increase public-private sector cooperation. Most successful reorganizations have also shared a common mission focus, usually responding to major mission failures or service delivery issues. The most notable recent examples of major bipartisan reform and reorganization efforts came in

[5] Donald Devine, "Reagan's Terrible Swift Sword: An Insider's Story of Abuse and Reform within the Federal Bureaucracy," December 1, 1991.

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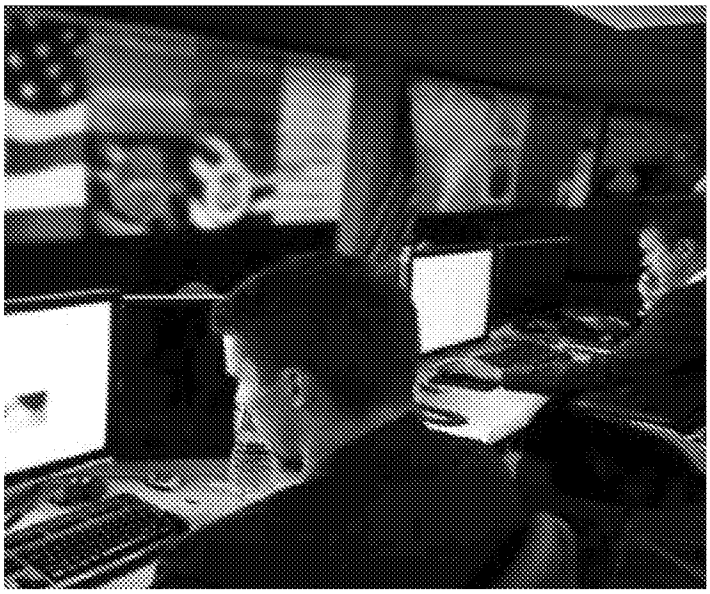
response to mission challenges experienced after 9/11 in the fight against terrorism. Operational, communication, and organizational alignment challenges resulted in the creation of the Department of Homeland Security (DHS) and the Office of the Director of National Intelligence.

Today, agencies have interconnected imperatives around mission delivery, customer service, and stewardship of taxpayer dollars. Broader, system-level thinking around Government reorganization requires tackling interconnected barriers to change across these three areas. Cybersecurity and cyberwarfare, digital service delivery and enhanced IT modernization, effective use of data for accountability and transparency, and workforce challenges all require new organizational thinking to better integrate mission, service, and stewardship across the existing organizational silos of Government. Moreover, better organizational alignment should also enhance the Executive Branch's ability to increase efficiency via shared services, public-private partnerships, workforce redeployments, and better customer experiences.



TIMELINE FOR COMPREHENSIVE REFORM

March 13, 2017
The President issues an Executive Order directing OMB to propose a comprehensive plan to reform and reorganize Executive Branch departments and agencies.

April 12, 2017 - June 12, 2017
OMB accepts public comments, which are shared with agencies.

June 30, 2017
Agencies provide OMB high-level drafts of initial reform ideas.

July 2017
OMB meets with Chief Financial Officers (CFO) Act agencies and a limited number of other agencies to discuss draft plans.

September 11, 2017
Agencies submit reform proposals to OMB with FY 2019 budget requests.

September 12, 2017 - February 2018
OMB analyzes reform and reorganization proposals and cross-cutting opportunities along with the FY 2019 President's Budget.

February 12, 2018
FY 2019 President's Budget is released and includes select reform and reorganization proposals as a first step in presenting the comprehensive plan to the American people.

March - May 2018
OMB focuses on longer-term reform and reorganization opportunities outside the FY 2019 President's Budget and works with agencies.

June 2018
OMB releases a comprehensive plan to reform and reorganize Executive Branch departments and agencies.

Summer 2018
OMB and agencies begin a dialogue with Congress to prioritize and refine proposals to best serve the American people.

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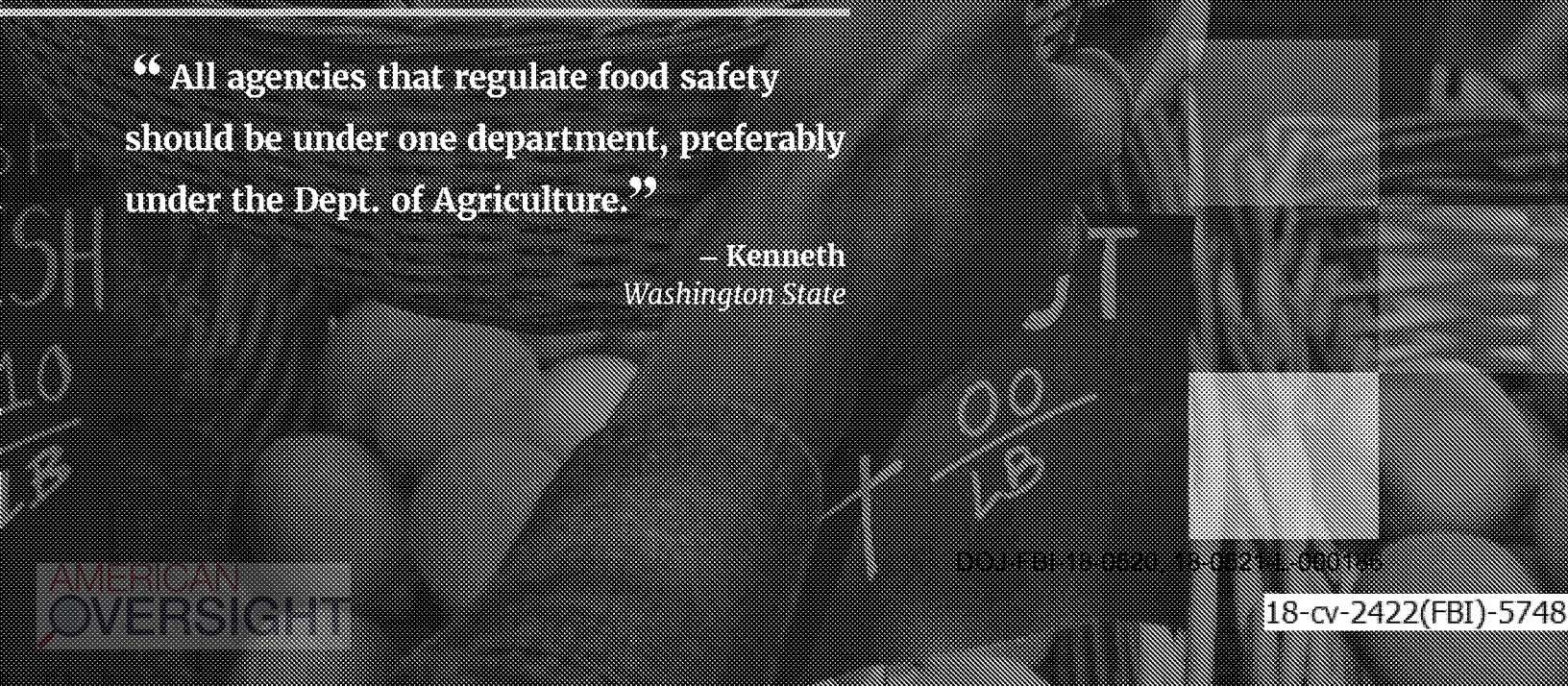
“All agencies that regulate food safety should be under one department, preferably under the Dept. of Agriculture.”

– Kenneth
Washington State



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II. ORGANIZATIONAL REFORM PRINCIPLES

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The current process for assessing organizational change began in June 2017 when Executive Branch agencies submitted their initial reform ideas to the Office of Management and Budget (OMB) in response to an April 12, 2017 OMB implementation memo. These submissions included valuable feedback provided by the public through an open comment process.[6] Over the summer and fall of 2017, agencies worked with OMB to refine the ideas, identify opportunities across agencies, and assess opportunities to act on proposals in the near term. Agencies submitted refined reform proposals to OMB as a part of their Fiscal Year (FY) 2019 Budget requests. Many of the more straightforward, agency-specific organizational improvement opportunities were included in the FY 2019 Budget released in February 2018[7] or were adopted by agencies under existing authorities.

"The disappointment surrounding recent presidents is not due mainly to defects in their leadership qualities but to their failure to address the structural paralysis of modern government. George Washington couldn't run the government today."[8]

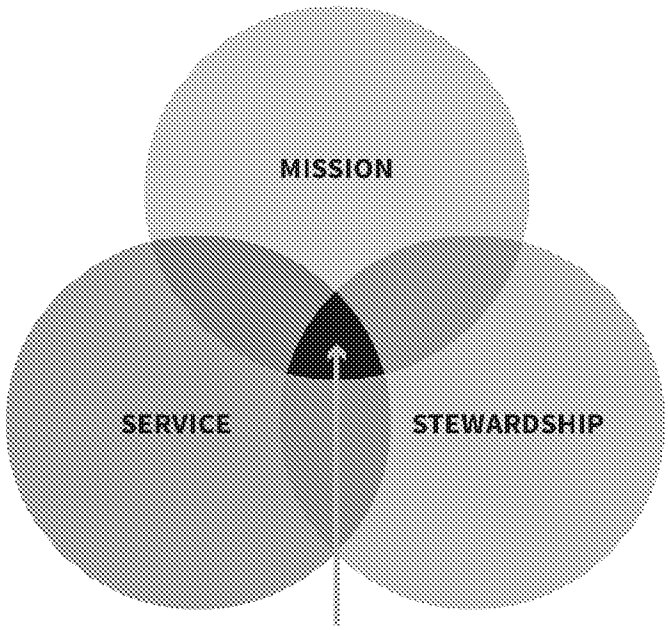
– Phillip K. Howard

The harder work of assessing cross-agency reform and alignment to the needs of the 21st Century began in earnest following the analysis of the President's Management Agenda. This Agenda provided the broad context for what needs to change in Government, including a renewed focus on mission, service, and stewardship on behalf of the American people. Many of the inputs from the agency reform proposals and public comments on EO 13781 informed creation of the President's Management Agenda, as well as input for the reorganization recommendations included in this volume.

Specific proposals were evaluated using a framework that balanced the Federal Government's mission, service, and stewardship objectives, recognizing that the most powerful and transformative changes bolster all three of these core objectives.

Mission: The first principle of organizational reform in the 21st Century is to start with the mission. Specific reforms must ensure that Government activities are rooted in the missions that the American people, through their elected officials, require. Within these mission areas—from national security to infrastructure to food and water safety—Government must have clear and aligned structures that allow Federal programs, staff, and agencies to deliver the outcomes the public expects.

Service: Understanding the customer or stakeholder needs in the 21st Century is critical to understanding how to realign the organizational model. In many cases, outmoded assumptions about customer and stakeholder needs have distracted from core mission, hindered outcomes, and fallen out of step with customer expectations. Federal customers—ranging from small businesses seeking loans, to families receiving disaster support, to veterans expecting proper benefits and medical care—deserve a customer experience that compares to or exceeds that of leading private-sector organizations, which most Federal services lag behind. The Executive Branch must develop capabilities to better facilitate end-to-end customer experiences that cross agency boundaries, and create faster, more convenient, and more cost-effective interactions.



Target opportunities to enhance mission, service, and stewardship

[6] Office of Management and Budget Memorandum M-17-22, "Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce," April 12, 2017.

[7] *Efficient, Effective, Accountable: An American Budget - Fiscal Year 2019*, Office of Management and Budget, February 12, 2018.

[8] Rosenbloom, David H., et al. "The Handbook of Federal Government Leadership and Administration: Transforming, Performing, and Innovating in a Complex World." Routledge, 2017.

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If you are one of the nearly 59 million Americans working for a small business, you know the importance of excellent customer service. And while the Federal Government strives to support small business growth and competitiveness, duplicative and inconsistent programs spread across different Federal agencies have sometimes created confusion and extra work for the small businesses they mean to serve.

As one way to make things easier on small businesses, the Administration proposes to create a "one-stop shop" for all small business Federal contracting certifications at the Small Business Administration. This proposal will synchronize the processes for both small businesses and the Federal agencies that want to contract with them. As a result, America's entrepreneurs will have less headache and be able to invest more of their time and hard-earned profits into operating and growing the businesses that keep our economy strong.

Stewardship: Effective stewardship of taxpayer funds is a crucial responsibility of the Federal Government, from preventing fraud to maximizing impact. Taxpayer dollars must go to effective programs that produce results efficiently. For example, Government too often recreates similar administrative functions across programs and agencies, failing to take advantage of opportunities for shared services, centers of excellence, or other arrangements that leverage the highest-performing organizations and free up resources to focus on mission. Using data-driven methods, Government must shrewdly consider how structural alignment can best support efficient and effective use of taxpayer dollars.

MODELS TO LEARN FROM: ORGANIZATIONAL DESIGN IN THE PRIVATE SECTOR

Reorganization is a key tool that private-sector companies regularly employ to maintain relevance, efficiency, and effectiveness over time. While organizational change is hard and takes time, the experiences of companies in the private sector over the last few decades have shown

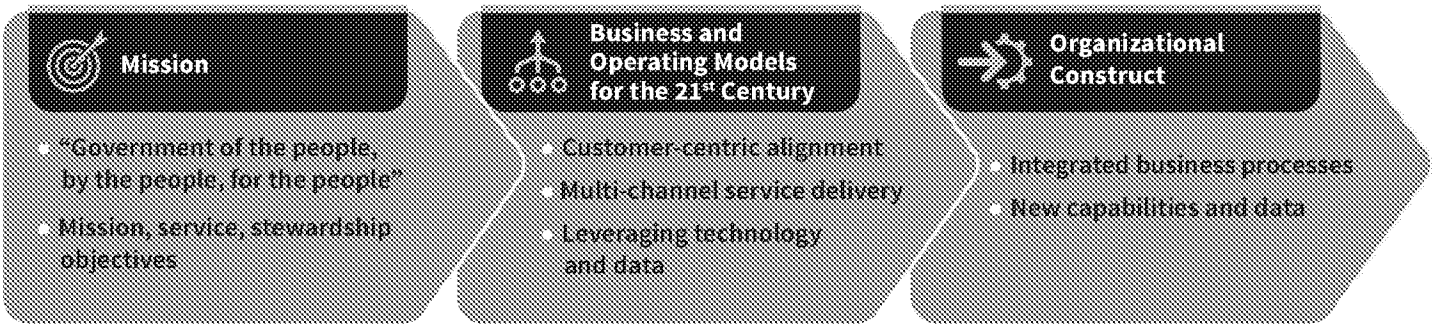
> We must change the way Government operates and move our capabilities into the 21st Century.

that large-scale transformation is possible and can both improve customer service and lower costs. Studies by McKinsey[9] and BCG[10] have identified clear organizational design success factors before and during implementation. For example, both studies agreed that the first, foundational step in organizational redesign success is to focus on long-term strategy rather than addressing immediate pain points or short-term needs.

For the Federal Government, this means starting with a focus on mission outcomes and service delivery.

[9] Aronowitz, Steveran; Aaron De Smet; and Deirdre McGinty. "Getting Organizational Redesign Right." McKinsey Quarterly. June 2015.

[10] Toliman, Peter et al. "A New Approach to Organization Design: Smart Design for Performance." April 5, 2016. Available on-line at *https://www.bcg.com/publications/2016/people-organization-new-approach-organization-design.aspx.*



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If a veteran who has served our country isn't satisfied with decisions by the Department of Veterans Affairs (VA) about disability or other hard-earned benefits, he or she has the right to appeal. But until recently, veterans were forced to use the same appeals process adopted after World War I—nearly 100 years ago. This outdated process left veterans at the mercy of a confusing and complex system and slowed down appeals by forcing each veteran to navigate multiple layers of process. At the end of July 2017, approximately 470,000 appeals were pending under the legacy system and, on average, veterans were waiting approximately three years for a decision—and as much as six years for higher-level appeals.

As VA refocuses on enhancing veterans' experience, it is accelerating a new appeals system that gives veterans options about the best way to pursue their appeal based on their unique situation. The new system is designed to significantly improve the timeliness of decisions by streamlining organizational processes and bureaucratic layers. Veterans with old, pending appeals can resubmit using the new system designed to significantly improve the timeliness of decisions. Now, VA is empowering veterans with greater choice and timelier service in resolving their appeals.

Organizational decisions should be made and executed to create the most value for taxpayers and the customers of Federal services, not based on outdated legal structures or historical precedent.

Operating models must also be reviewed in light of the improvements possible in the digital age and lessons learned from peer organizations. Analysis that simply looks at the formal reporting structure on an organizational chart misses other critical organizational structures, including customer engagements, data flows, organizational processes, and the informal networks and cultural elements which make an organization run. The analysis must envision a new operating model that leverages the best thinking available.

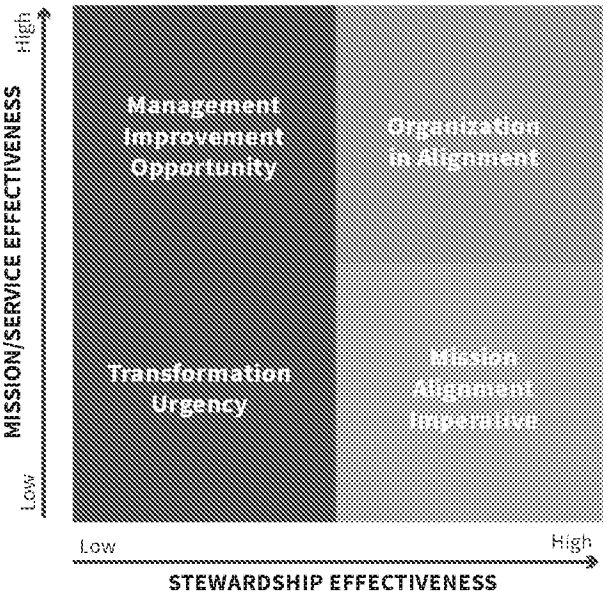
Finally, the analysis must translate the operating model into an organizational construct that better aligns resources with mission, delivers improved services, and operates more efficiently. New organizational constructs must be supported by change management processes, including identifying and managing risks; communicating across leadership, managers, and front-line staff; and shifting incentives, expectations, and culture to sustain the change.

Recognizing the challenges of driving organizational change, the Administration has been deliberate in developing proposals to consider how implementation will be managed. Key factors during implementation include defining clear roles and responsibilities, managing the change process, ensuring alignment across leadership and line staff, and managing risk factors.

REORGANIZATION ALIGNMENT FRAMEWORK

Based on these approaches, a Reorganization Alignment Framework was developed to assess the needs and opportunities to best align reorganization efforts to the needs of mission.

Development of this Reorganization Alignment Framework drew on a range of inputs from leading organizational change and strategic transformation thought leaders in the private sector, public sector, and academic worlds. For a list of literature that informed creation of the Reorganization Alignment Framework, please see the bibliography section.



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Looking at the menu of your favorite pizza shop, you probably wouldn't guess that different pies need to be regulated by different Federal agencies. But while a cheese pizza has to meet the Department of Health and Human Services' Food and Drug Administration (FDA) standards, a pepperoni pizza falls under the Food Safety and Inspection Service (FSIS) at the U.S. Department of Agriculture (USDA). Last time you made an omelet, the FDA regulated any eggs you cracked yourself, but the FSIS was responsible if you poured from a carton of liquid eggs. And chickens? The FDA regulates their feed while the FSIS inspects them at slaughter.

This division of responsibility started in response to unsafe and unsanitary meat packing conditions in the early 1900s, but today it introduces greater risk, inefficiency, and inconsistency into the important work of ensuring food safety, which affects everyone in America.

To provide better food safety for the country and improve efficiency for stakeholders, the Administration proposes to consolidate core Federal food safety responsibilities into a single agency under USDA, where food safety is a top priority from farm to fork. This consolidation will give USDA the clear mandate, dedicated budget, and full responsibility it needs for optimal oversight of the entire U.S. food supply. Resources at the FDA will be freed up to focus on its core responsibilities of drugs, devices, biologics, and tobacco. Most importantly, this proposal will provide better food safety outcomes for the American people over the long term.

As outlined in the Reorganization Alignment Framework above, organizational change priorities fall into four categories:

- **Mission Alignment Imperatives.** Analysis highlighted areas where Federal services are operating relatively efficiently, but outdated or misaligned organizational constructs hinder the ability to achieve mission objectives and effectively serve citizens. In addition, this Administration identified several opportunities to "right size" the mission to the current environment. As such, reorganization proposals around mission alignment fall into two sub-categories:

  A. Organizational realignments to enhance mission and service delivery.

  B. Changes to refocus, reduce, or expand the mission.

- **Management Improvement Opportunities/ Proposals to Enhance Efficiency.** Many Federal organizations are effectively fulfilling their missions and serving citizens but doing so in ways that duplicate other Federal activities or rely on outdated organizational structures that are wasteful and inefficient. These present cross-agency opportunities to better steward taxpayer resources to achieve the same core missions with better results.

- **Transformation Urgency: New Capability Requirements.** In several areas, the Federal Government lacks critical capabilities for successful mission delivery in a 21st Century characterized by digital service delivery, data-driven mission support, and increased need for collaboration across the public (Federal, State, and local) and private sectors. In many such areas, Government is failing to fulfill both citizen expectations and stewardship responsibilities.

- **Organizations in Alignment.** In other areas, organizational capabilities are generally aligned with the customer and stakeholder needs of the 21st Century and balance mission, service, and stewardship needs. For these organizations, modest organizational updates, capability realignment, and additional investments may be needed. Since these changes represent "business-as-usual" process improvement opportunities, this volume will not highlight these proposals in depth. For additional detail on these proposals, see page 122 (Appendix: Agency Specific Reform Proposals).

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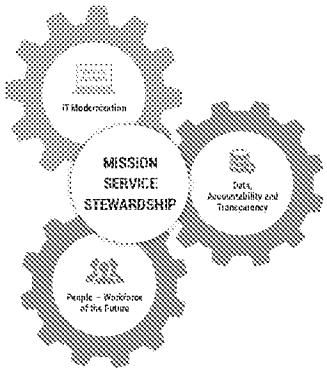
AVOIDING "ONE-SIZE-FITS ALL" APPROACHES

Rather than adhere to a simplistic set of decision rules to identify priorities among these categories, individual proposals have been assessed for factors including impact on mission, service, and stewardship in order to account for programs' and agencies' unique roles and requirements and inform appropriate strategies. For example, while strategies such as reducing duplication and increasing centralization may make sense in many instances, these strategies may have unintended consequences. Sometimes, centralizing to improve coordination and lower costs through economies of scale best promotes mission, service, and stewardship. Yet in other cases, decentralizing to increase customer alignment and improve flexibility to adjust to "on-the-ground" realities may be preferable. Similarly, reducing program duplication has been demonstrated to lower costs and reduce confusion among both customers and employees. But some duplication across programs may also create valuable redundancy for mission-critical activities and increase program flexibility to react to changing factors.

KEY DRIVERS OF REFORM

Reorganizations in the private sector have demonstrated that without efficient and effective implementation, even well-conceived reorganizations may fail to achieve the intended benefits. To ensure effective implementation, the President's Management Agenda[11] highlighted three areas (see figure to the right) which help drive effective organization transformation:



- **Information Technology Modernization.**
- **Data, Accountability, and Transparency.**
- **People and the Workforce of the Future.**

[11] *The President's Management Agenda: Modernizing Government for the 21st Century*, Executive Office of the President and the President's Management Council, March 2018.

When transforming organizations to serve the needs of the 21st Century, it will be critical to leverage each of these key drivers. Ongoing work on this front is highlighted as part of the President's Management Agenda, and you can see more detail on specific priorities at *performance.gov/pma*. In addition, these key drivers will inform next steps for each of the reform proposals discussed in this volume.

Does your State have a dam that helps to generate electricity, supply drinking water, or support agriculture? When dam operations are being reviewed under Federal laws and regulations, two different agencies—the Department of the Interior's (DOI) Fish and Wildlife Service and the Department of Commerce's National Marine Fisheries Service—are tasked with considering implications under the Endangered Species Act. In carrying out their responsibilities, for example, one agency may worry about releasing enough water from the dam to benefit the species under its jurisdiction, while the other might worry about storing enough water for the species it manages. In some cases, conflict, confusion, and delays may result.

Permitting projects like dam operations are just one example of where the Services have related and sometimes overlapping roles. To help the Federal Government develop more consistent Federal fisheries and wildlife policy, as well as more efficiently serve stakeholders in the permitting process, the Administration is proposing to merge these two Services under DOI. In addition to better serving the public, this consolidation will increase certainty for permittees and help support infrastructure development.

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III. OVERVIEW OF ORGANIZATIONAL ALIGNMENT PRIORITIES

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Utilizing the frameworks described above, the Administration's comprehensive plan for reforming and reorganizing the Executive Branch includes proposals that extend across agencies, with the goal of increasing focus on integrated mission, service, and stewardship delivery.

Our Nation is used to leading the world in technology innovation and service delivery and at one time, the U.S. Government catalyzed that innovation. As such, the Administration is investing in deep-seated transformation that begins with the President's Management Agenda and extends through the recommendations for Executive Branch organizational reform. This section provides an overview of the initial organizational reform priorities that are organized based on the Reorganization Alignment Framework presented above.

MISSION ALIGNMENT IMPERATIVES

A. Organizational Realignments to Enhance Mission and Service Delivery

1. **Merge the Departments of Education and Labor into a single Cabinet agency, the Department of Education and the Workforce,** charged with meeting the needs of American students and workers from education and skill development to workplace protection to retirement security. As part of the merger, the Administration also proposes significant Government-wide workforce development program consolidations, streamlining separate programs in order to increase efficiencies and better serve American workers.

2. **Move the non-commodity nutrition assistance programs currently in the U.S. Department of Agriculture's (USDA) Food and Nutrition Service into the Department of Health and Human Services—which will be renamed the Department of Health and Public Welfare.** Also, establish a Council on Public Assistance, comprised of all agencies that administer public benefits, with statutory authority to set cross-program policies including uniform work requirements.

3. **Move the Army Corps of Engineers (Corps) Civil Works out of the Department of Defense (DOD) to the Department of Transportation (DOT) and Department of the Interior (DOI)** to consolidate and align the Corps' civil works missions with these agencies.

4. **Reorganize the USDA's Food Safety and Inspection Service and the food safety functions of HHS's Food and Drug Administration (FDA) into a single agency within USDA** that would cover virtually all the foods Americans eat.

5. **Move USDA's rural housing loan guarantee and rental assistance programs to the Department of Housing and Urban Development (HUD),** allowing both agencies to focus on their core missions and, over time, further align the Federal Government's role in housing policy.

6. **Merge the Department of Commerce's (Commerce) National Marine Fisheries Service with DOI's Fish and Wildlife Service.** This merger would consolidate the administration of the Endangered Species Act and Marine Mammal Protection Act in one agency and combine the Services' science and management capacity, resulting in more consistent Federal fisheries and wildlife policy and improved service to stakeholders and the public, particularly on infrastructure permitting.

7. **Consolidate portions of DOI's Central Hazardous Materials Program and USDA's Hazardous Materials Management program into the Environmental Protection Agency's (EPA) Superfund program.** This consolidation would allow EPA to address environmental cleanup under the Comprehensive Environmental Response Compensation & Liability Act (CERCLA) on Federal land regardless of which of these agencies manages the land, while DOI and USDA would maintain their existing environmental compliance, bonding, and reclamation programs for non-CERCLA sites.

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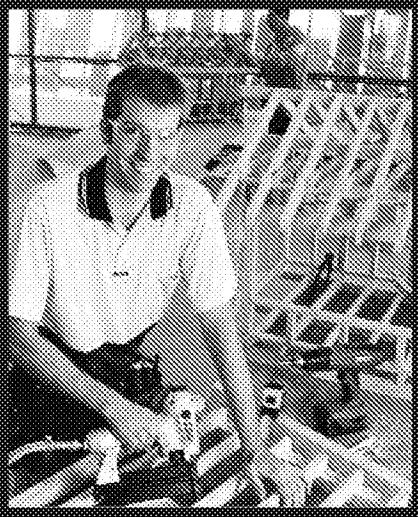

If you have children, you know that preparing for success in work and life begins early and—particularly in a changing and growing economy—continues throughout life. You want your kids to have a strong start in school as preparation for professional success, no matter what dream they pursue. And as adults, you want them to have easy access to training and information connecting them to the jobs they want and need, especially as the economy changes. The Federal Government should be making it easy for individuals to access high-quality education, training, and employment resources as they transition from one stage to the next.

That's why the Administration is proposing to consolidate the Departments of Education and Labor into a single Cabinet agency, eliminating duplication across the two agencies and maximizing the effectiveness of skill-building efforts. The new agency will be charged with meeting the end-to-end needs of American workers and students, from education and skill development to workplace protection to retirement security, to ensure access to the full range of coordinated resources Americans need to succeed in the 21st Century economy.

8. **Optimize Department of State (State) and U.S. Agency for International Development (USAID) humanitarian assistance to eliminate duplication of efforts and fragmentation of decision-making.** A specific reorganization proposal will be submitted by State and USAID to OMB as part of their FY 2020 Budget request to improve the efficiency and effectiveness of the Federal Government's humanitarian assistance across State and USAID, establish unity of voice and policy, and optimize outreach to other donors to increase burden-sharing and drive reform at the UN and in multilateral humanitarian policy.

9. **Consolidate the U.S. Government's development finance tools, such as the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) of USAID, into a new Development Finance Institution** in a reformed and modernized way to leverage more private-sector investment, provide strong alternatives to state-directed initiatives, create more innovative vehicles to open and expand markets for U.S. firms, and enhance protections for U.S. taxpayers.

10. **Transform USAID through an extensive, agency-driven structural reorganization of headquarters Bureaus and Independent Offices** as a foundational component of USAID's overall plans to better advance partner countries' self-reliance, support U.S. national security, and ensure the effectiveness and efficiency of foreign assistance.

11. **Move the policy function of the Office of Personnel Management (OPM) into the Executive Office of the President, and elevate its core strategic mission while devolving certain operational activities** – the delivery of various fee-for-service human resources, IT services, and background investigations – to other Federal entities better aligned to provide non-strategic transaction processing services that meet 21st Century needs. This new structure would better accommodate an overhaul of the Federal civil service statutory and regulatory framework.

12. **Transfer responsibility for perpetual care and operation of select military and veteran cemeteries located on DOD installations to the Department of Veterans Affairs' National Cemetery Administration.** This transfer assures these cemeteries will be maintained to national shrine standards to continue the recognition of service of those interred therein, gains efficiencies, and limits mission overlap based on a common-sense approach to good government.

13. **Reorganize the U.S. Census Bureau, the Bureau of Economic Analysis, and the Bureau of Labor Statistics under Commerce** to increase cost-effectiveness and improve data quality while simultaneously reducing respondent burden on businesses and the public. Together, these three agencies account for 53 percent of the U.S. Statistical System's annual budget of $2.26 billion and share unique synergies in their collection of economic and demographic data and analysis of key national indicators.

14. **Consolidate the Department of Energy's (DOE) applied energy programs into a new Office of Energy Innovation** in order to maximize the benefits of energy research and development and to enable quicker adaptation to the Nation's changing energy technology needs.

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B. Changes to Refocus, Reduce, or Expand the Mission

15. **Devolution of Activities from the Federal Government**

    a) **Sell the transmission assets owned and operated by the Tennessee Valley Authority and the Power Marketing Administrations within DOE,** including those of Southwestern Power Administration, Western Area Power Administration, and Bonneville Power Administration, to encourage a more efficient allocation of economic resources and mitigate unnecessary risk to taxpayers.

    b) **Restructure the U.S. Postal System to return it to a sustainable business model or prepare it for future conversion from a Government agency into a privately-held corporation.** The President's Task Force on the United States Postal System will make recommendations on reforms towards this goal in August 2018.

    c) **Reorganize DOT to better align the agency's core missions and programmatic responsibilities, reduce transportation program fragmentation across the Government, and improve outcomes.** Changes would include spinning off Federal responsibility for operating air traffic control services, integrating into DOT certain coastal and inland waterways commercial navigation activities and transportation security programs, and reassessing the structure and responsibilities of DOT's Office of the Secretary.

16. **Transform the way the Federal Government delivers support for the U.S. housing finance system** to ensure more transparency and accountability to taxpayers, and to minimize the risk of taxpayer-funded bailouts, while maintaining responsible and sustainable support for homeowners. Proposed changes, which would require broader policy and legislative reforms beyond restructuring Federal agencies and programs, include ending the conservatorship of Fannie Mae and Freddie Mac, reducing their role in the housing market, and providing an explicit, limited Federal backstop that is on-budget and apart from the Federal support for low- and moderate-income homebuyers.

17. **Rethink how the Federal Government can drive economic growth in concert with private-sector investments in communities across the Nation** by coordinating and consolidating Federal economic assistance resources into a Bureau of Economic Growth at Commerce, producing a higher return on taxpayer investment on projects that are transparent and accountable.

18. **Transform the U.S. Public Health Service Commissioned Corps into a leaner and more efficient organization that is better prepared to respond to public health emergencies and provide vital health services**, including by reducing the size of the Corps and building up a Reserve Corps for response in public health emergencies.

MANAGEMENT IMPROVEMENT AND EFFICIENCY OPPORTUNITIES

19. **Establish an accelerated process for determining whether one or more of the National Aeronautics and Space Administration's (NASA) Centers should be converted to, or host, a Federally Funded Research and Development Center (FFRDC).** FFRDCs can potentially allow the agency to be more agile in rapidly responding to changing needs and in recruiting and retaining scientific and technical expertise.

20. **Consolidate the administration of graduate fellowships for multiple Federal agencies under the National Science Foundation** in order to reduce the total cost of administering those fellowships.

21. **Optimize the Federal real property footprint** by making smart investments in renovations and new facilities, driving down lease costs, and disposing of unneeded real estate through a streamlined process that results in the greatest return to the taxpayer.

22. **Consolidate and streamline financial education and literacy programs currently operating across more than 20 Federal agencies** to ensure effective allocation of Federal financial literacy resources and avoid unneeded overlap and duplication.

23. **Strengthen the Small Business Administration (SBA) as the voice of small business within the Government** by consolidating small business focused guaranteed lending and Federal contracting certification programs at SBA.

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24. **Consolidate protective details at certain civilian Executive Branch agencies under the U.S. Marshals Service in order to more effectively and efficiently monitor and respond to potential threats.** Threat assessments would be conducted with support from the U.S. Secret Service.

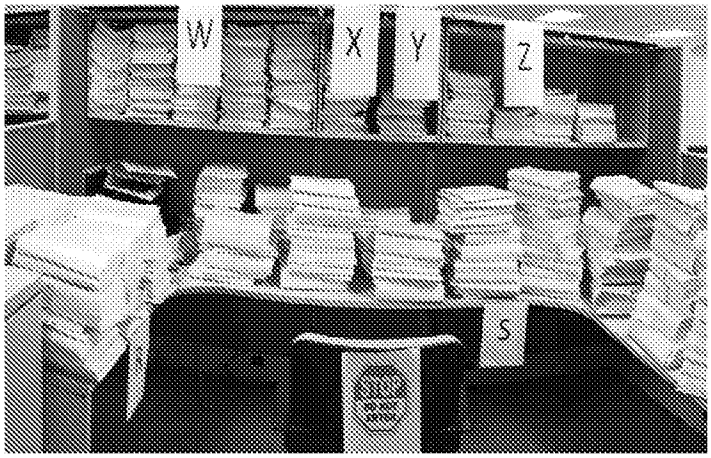
25. **Consolidate the small grants functions, expertise, and grantmaking from the Inter-American Foundation and U.S. African Development Foundation into USAID beginning in FY 2019.** The consolidation would be a significant step to reduce the proliferation of Federal international affairs agencies that are operating today, while also elevating community-led, "local works" small grants as a development and diplomacy tool for the U.S. Government.

26. **Transition Federal agencies' business processes and recordkeeping to a fully electronic environment, and end the National Archives and Records Administration's acceptance of paper records by December 31, 2022.** This would improve agencies' efficiency, effectiveness, and responsiveness to citizens by converting paper-based processes to electronic workflows, expanding online services, and enhancing management of Government records, data, and information.

TRANSFORMATION URGENCY – NEW CAPABILITY REQUIREMENTS

27. **Transform the way Americans interact with the Federal Government by establishing a Government-wide customer experience improvement capability** to partner with Federal agencies to help them provide a modern, streamlined, and customer-centric experience for citizens, businesses, and other customers, comparable to leading private-sector organizations.

28. **Pursue a Next Generation (Next Gen) Financial Services Environment as a new approach to Federal Student Aid (FSA) processing and servicing with a modernized, innovative, and integrated architecture.** Next Gen will save taxpayers millions of dollars and will create an improved, world-class customer experience for FSA's more than 42 million customers, while creating a more agile and streamlined operating model.



29. **Solve the Federal cybersecurity workforce shortage** by establishing a unified cyber workforce capability across the civilian enterprise, working through DHS and OMB in coordination with all Federal departments and agencies. The Administration will work towards a standardized approach to Federal cybersecurity personnel, ensuring Government-wide visibility into talent gaps, as well as unified solutions to fill those gaps in a timely and prioritized manner.

30. **Establish a Government Effectiveness Advanced Research (GEAR) Center as a public-private partnership** to help the Government respond to innovative technologies, business practices, and research findings that present opportunities to improve mission delivery, services to citizens, and stewardship of public resources.

31. **Transfer the National Background Investigations Bureau from OPM to DOD,** providing the opportunity to achieve an efficient, effective, fiscally viable, and secure operation that meets all agencies' needs.

32. **Expand upon existing agency evaluation capabilities and push agencies to adopt stronger practices that would generate more evidence about what works and what needs improvement in order to inform mission-critical decisions and policies.** These changes will help to address the large gaps and inconsistencies across Government in Federal agencies' ability to formally evaluate their programs.

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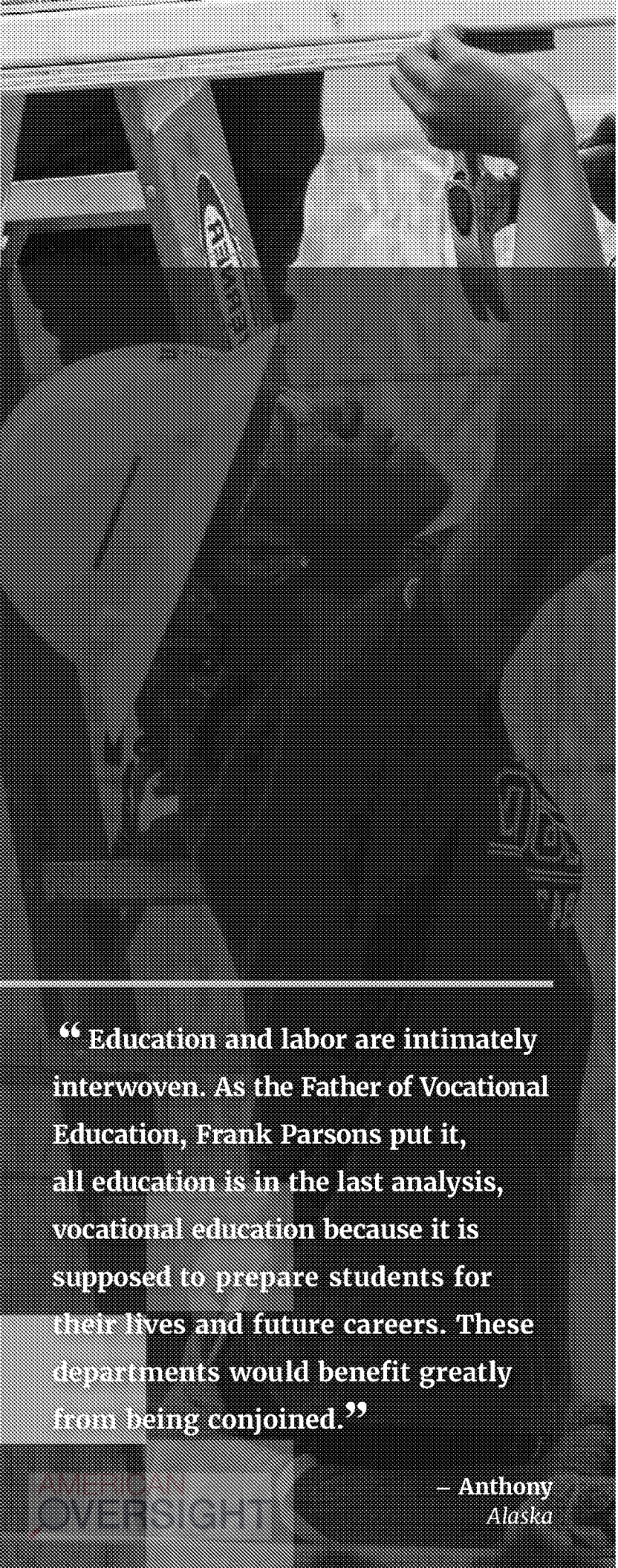

“ Education and labor are intimately interwoven. As the Father of Vocational Education, Frank Parsons put it, all education is in the last analysis, vocational education because it is supposed to prepare students for their lives and future careers. These departments would benefit greatly from being conjoined.”

– Anthony
Alaska

“ Permitting takes way too long and costs way too many tax dollars! ”

– Joe
Florida

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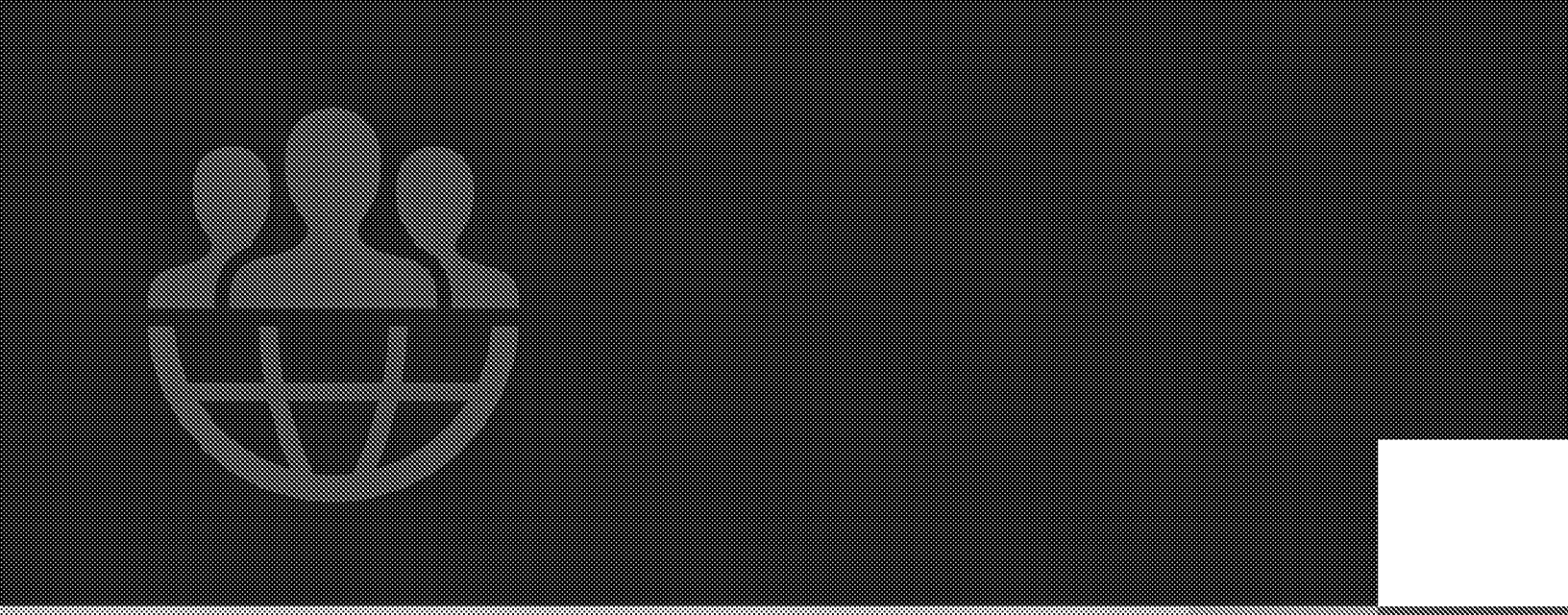

IV. LOOKING AHEAD

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The business of the Federal Government is to serve the American people, but outdated organizational frameworks hinder our ability to deliver on our mission, service, and stewardship objectives in the digital age. Data breaches, delays in background investigation and security clearance approvals, and outdated paper-based processes all erode trust in the Government. Moreover, when the American people compare Government service delivery models with the streamlined, multi-channel experiences they have when interacting with private-sector businesses, it is clear how outmoded many Government organizational models are. Americans routinely shop online, use smart phones to order rides, and get electronic money transfer services and yet are forced to deal with multiple agencies and excessive bureaucracy when they interact with Federal agencies. Lengthy permitting for infrastructure projects, confusing and overlapping job retraining programs, and byzantine requirements for applying for small business and farm loans all are calcified and entrenched in outdated organizational constructs designed decades ago.

"Not since the Industrial Revolution have the stakes of dealing with change been so high. Most traditional organizations have accepted in theory at least, that they must either change or die."[12]

– from "Cracking the Code of Change"

It is also important to ensure that the Federal Government appropriately aligns its mission and service activities to areas where a Federal role is critical and where State and local governments cannot optimally provide effective services. It is no longer appropriate to avoid having foundational discussions about services that might be better served by direct State, local, or even private-sector stewardship. To the extent that existing organizational constructs are too complex or outmoded, organizational realignment or reform may be needed to ensure that mission, service, and stewardship objectives can be met.

Recent decades have demonstrated that the Federal Government will continue to change. The question is whether short-sighted, piecemeal change will continue to sell taxpayers short and ignore fundamental shortcomings or whether transformation will elevate Government to the level of efficiency, effectiveness, and accountability that the public deserves. With the support of the Congress, the priorities above and the reorganization proposals that follow will make important strides in re-crafting an Executive Branch that is structured to best facilitate delivery of mission, service, and stewardship for the American people.

[12] Nohria, Nitin and Michael Beer. "Cracking the Code of Change." Harvard Business Review, May-June 2000. Available on-line at *hbr.org/2000/05/cracking-the-code-of-change*.

Did you know that the Department of Transportation (DOT) is the primary Federal agency responsible for all modes of transportation, except for maritime issues? Unlike aviation, highways, transit, pipelines, and railroads, DOT plays a limited role in the maritime sector, as the U.S. Department of Defense, through the U.S. Army Corps of Engineers (Corps), has responsibility for supporting investment in maritime commercial navigation.

Our commercial ports and inland navigation channels have played a large role in how this Nation developed and where people live. Today, commercial navigation infrastructure—from deepening and widening navigation channels for commercial ships to terminals where ships dock and cranes that load and unload them—continues to make important contributions to many of America's local and regional economies and is supported by investments from Federal, State, and local governments, port authorities, and the private sector. Yet, unlike other transportation sectors currently centralized under DOT, responsibilities for supporting the maritime industry's ability to support the nation's economy are split between the Corps, which supports navigation improvements and waterside port investments, and DOT, which supports landside port investments.

To fix this misalignment, the Administration proposes to consolidate the Corps' commercial navigation mission into DOT. By consolidating these functions, the Administration would place a single Federal agency in charge of supporting maritime transportation investments. This consolidation will enable DOT to better align investments across maritime and other transportation sectors to ultimately create a more efficient transportation system. Similarly, the Administration proposes to move the Corps' responsibilities for supporting investments in other water resources infrastructure such as flood control and aquatic ecosystem restoration to the Department of the Interior, which has responsibility for land and water resources management.

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V. GOVERNMENT-WIDE REORGANIZATION PROPOSALS

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Department of Education and the Workforce

Departments of Education and Labor

Summary of Proposal: This proposal would merge the Departments of Education (ED) and Labor (DOL) into a single Cabinet agency, the Department of Education and the Workforce (DEW). The new agency would be charged with meeting the needs of American students and workers, from education and skill development to workplace protection to retirement security. Merging ED and DOL would allow the Federal Government to address the educational and skill needs of American students and workers in a coordinated way, eliminating duplication of effort between the two agencies and maximizing the effectiveness of skill-building efforts.

THE CHALLENGE

ED and DOL share a common goal of preparing Americans for success in a globally competitive world through family-sustaining careers. However, the two Departments operate in silos, inhibiting the Federal Government's ability to address the skill needs of the American people in a coordinated manner. The result has been the creation of a complicated web of funding streams for States and localities to administer, and a confusing set of signals sent to American students and workers regarding how best to develop the skills needed to succeed in the 21 st Century economy. The Federal Government currently operates more than 40 workforce development programs spread across 15 agencies. This fragmentation perpetuates unnecessary bureaucracy and complicates State and local efforts to weave together disparate funding streams to meet the comprehensive needs of their citizens.

The Administration proposes to merge ED and DOL into a single Cabinet agency, the Department of Education and the Workforce (DEW). As part of the merger, the Administration also proposes significant Government-wide workforce development program consolidation, streamlining separate programs in order to increase efficiencies and better serve American workers.

THE OPPORTUNITY

The new merged department would reduce unnecessary bureaucracy, streamline access and better integrate education and workforce programs, and allow the Administration to more effectively address the full range of issues affecting American students and workers. The workforce development program consolidation would centralize and better coordinate Federal efforts to train the American workforce, reduce administrative costs, and make it easier for States and localities to run programs to meet the comprehensive needs of their workforce.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The proposal would merge all of the existing DOL and ED programs into a single department, DEW, with four main sub-agencies focused on: K-12, Higher Education/Workforce Development, Enforcement, and Research/Evaluation/Administration. This would help create alignment throughout the education-to-career pipeline, while also creating coherence within the workforce development and higher education worlds.

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K-12

The **K-12 agency** would support State and local educational agencies to improve the achievement of preschool, elementary, and secondary school students, including students with disabilities, Native American students, and English language learners. The agency would comprise improved ED K-12 offices that would better integrate across K-12 programs and more effectively coordinate with higher education and workforce programs. The K-12 agency would administer activities currently implemented by ED's Offices of Elementary and Secondary Education, Innovation and Improvement, English Language Acquisition, and Special Education Programs. As described below, the Rehabilitation Services Administration would be moved to the Higher Education/Workforce Development agency.

American Workforce and Higher Education Administration

The new **American Workforce and Higher Education Administration (AWHEA)** would be charged with ensuring that American workers possess the skills necessary to succeed in the workforce. The agency would bring together current DOL workforce development programs and ED vocational education, rehabilitation, and higher education programs. As part of the reorganization, the Administration also proposes to consolidate overlapping workforce development funding streams. Observers of Federal workforce development efforts have long noted the large number of programs across multiple agencies and duplicative administrative structures inherent in the system. Since 2011, the Government Accountability Office has identified workforce development as an area of duplication, fragmentation, and overlap and has suggested that colocating services and consolidating administrative structures may heighten efficiency.[1] Despite modifications made as part of the 2014 reauthorization of the Workforce Innovation and Opportunity Act (WIOA), the system remains fragmented at the Federal level. To address these issues, the new agency would place higher education and workforce development programs under the same umbrella. By doing so, Federal skill-building policy would be better coordinated to meet the full range of needs of American students and workers, and in particular would support improved synergy between higher education and workforce development programs. This proposal would simplify and streamline Federal workforce development programs, moving from the current arrangement of more than 40 programs at 15 agencies to 16 workforce development programs at seven agencies.

The AWHEA would be structured to include components focused on: Higher Education; Disability Employment; Adult Workforce Development; Youth Workforce Development; and Veterans Employment, each headed by a presidentially-appointed official.

- The Higher Education component would better align programs that promote and expand access to postsecondary education with workforce development programs to meet the diverse needs of students and workers. This includes strengthening the capacity of colleges and universities to promote reform, innovation, and improvement in postsecondary education, while expanding access to and driving improvement in high-quality, short-term programs that provide students with a credential, certification, or license in a high-demand field. The Higher Education component would also complement Federal Student Aid's customer-service focus and move to the Next Generation (Next Gen) Financial Services Environment, also proposed in this Volume. Next Gen would enhance operational components of Federal student aid programs, make it easier than ever to apply for

[1] Government Accountability Office, Multiple Employment and Training Programs: Providing Information on Colocating Services and Consolidating Administrative Structures Could Promote Efficiencies, GAO-11-92, (January 2011).

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financial aid from a mobile platform, and streamline the way that schools interact with student loan servicing and the repayment system.

- The Disability Employment component would consolidate ED's Vocational Rehabilitation State Grants and DOL's Office of Disability of Employment Policy into one office within the AWHEA, allowing for better coordination of services, policy direction, technical assistance, and reporting within the workforce development system. This office would ensure the provision of high-quality services to individuals with disabilities, maintain strong coordination with researchers on best practices to promote employment, and centralize DOL and ED's support to States.

- The Adult Workforce Development component would consolidate four major formula streams that currently serve adult populations in a duplicative manner: the WIOA Adult, WIOA Dislocated Worker, Employment Service, and Jobs for Veterans State Grants. This component would also consolidate three Native American-serving workforce development programs currently spread across three agencies, replacing them with a set-aside for Native American adults.

- The Youth Workforce Development componentwould address both in-school and out-of-school youth and create stronger pathways to postsecondary paths and employment for both.

- The Veterans' Employment Office would ensure that veterans continue to receive priority of service in the workforce system; advise on veterans' employment issues; and support the Departments of Defense and Veterans Affairs in administering the Transition Assistance Program.

The AWHEA would also maintain a Federally-administered Apprenticeship and Impact Fund, which would consolidate a range of disparate grant programs into a single fund that is focused on testing and replicating effective apprenticeship, workforce development, and postsecondary education models.

In addition to greater policy coordination, this proposal could improve the use of data for learning, performance management, and evaluation in order to study how education and workforce development programs lead to successful labor market outcomes. For example, education programs could benefit from high-quality information about participants' labor market outcomes, which are more commonly tracked in workforce development programs.

Enforcement

The **Enforcement agency** would include worker protection agencies from DOL that are responsible for enforcing statutes relating to workers' pay, safety, benefits, and other protections, as well as Federal workers' compensation programs. The Agency would also include ED's Office of Civil Rights, which is responsible for ensuring equal access to education through enforcement of civil rights in the nation's K-12 school and higher education institutions. The DOL agencies represent more than half of DOL's workforce as measured in full-time equivalents (FTEs), mostly comprised of field enforcement sta ff. In the new DEW, all of these agencies would report to one senior official to enhance the efficiency and coordination of enforcement and compliance assistance efforts.

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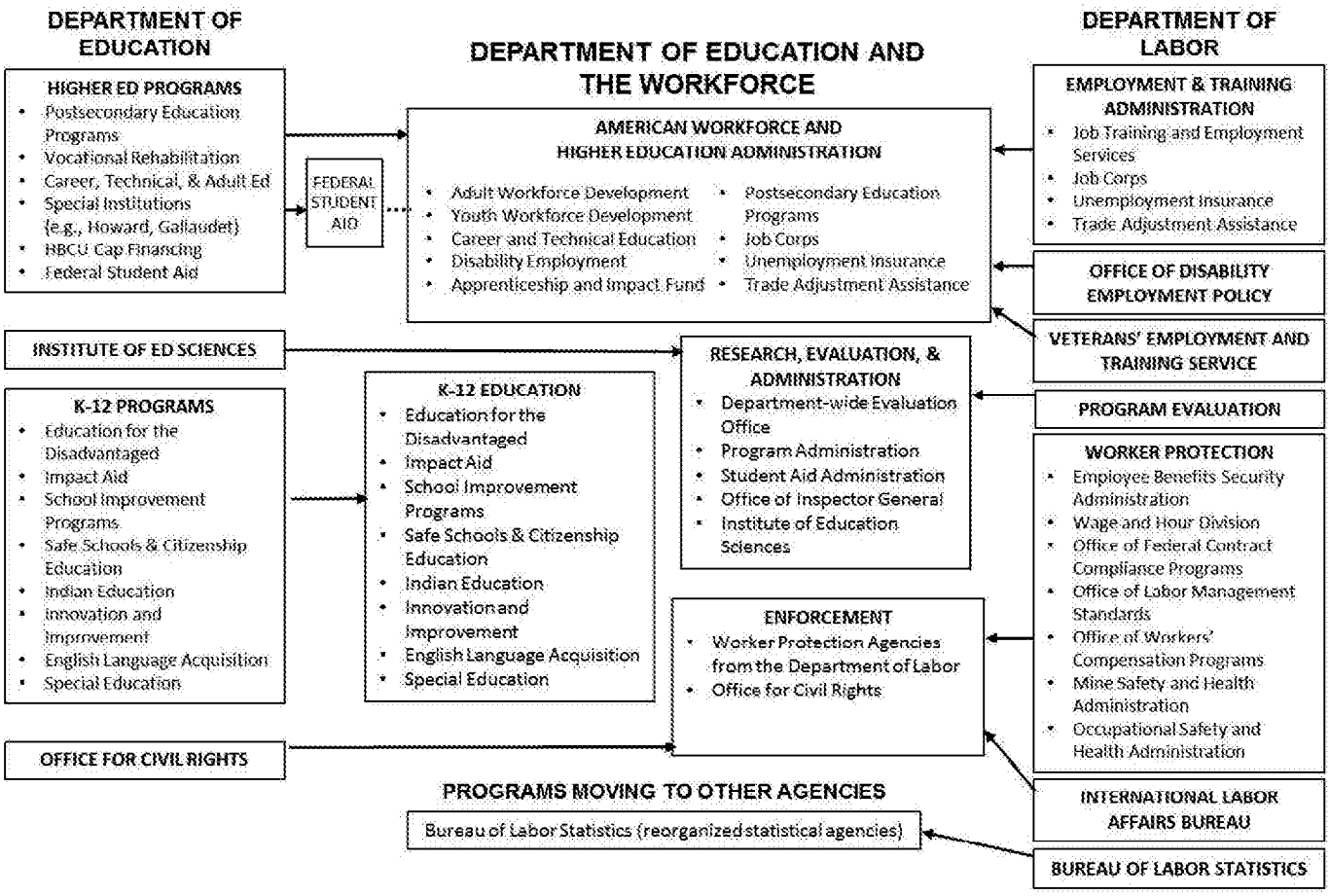
Research, Evaluation, and Administration

The **Research, Evaluation, and Administration agency** would include centralized offices focused on policy development, research, and evaluation, in addition to management-focused offices related to IT, procurement, financial management, and budgeting. Consolidating these functions would result in efficiency gains. As discussed elsewhere, the Bureau of Labor Statistics would be moved to the Department of Commerce as part of a proposal to bring the primary economic statistical agencies under one umbrella.



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Consolidate Non-Commodity Nutrition Assistance Programs into HHS, Rename HHS the Department of Health and Public Welfare, and Establish the Council on Public Assistance

Departments of Agriculture and Health and Human Services

Summary of Proposal: This proposal moves the non-commodity nutrition assistance programs currently in the U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) into the Department of Health and Human Services' (HHS) Administration for Children and Families (ACF), and renames HHS the Department of Health and Public Welfare (DHPW). The proposal also establishes a Council on Public Assistance, comprised of all Federal agencies that administer public benefits, with statutory authority to set cross-program policies including uniform work requirements.

THE CHALLENGE

USDA and HHS are currently responsible for administering the Federal Government's major public assistance programs, not including housing programs. However, State and local governments, the entities delivering these services to participants, often administer many of these programs under a single Agency. For example, when a person goes to apply for services through the Temporary Assistance for Needy Families (TANF) program and for nutrition assistance through the Supplemental Nutrition Assistance Program (SNAP), they often go to a single State agency office to do so. Unfortunately, that single State agency currently must follow two separate sets of reporting, regulatory, and other administrative requirements – one set imposed by HHS for TANF, and another by USDA for SNAP. This creates unnecessary administrative burden and potential duplication, using up resources that could be better used helping families move towards self-sufficiency. In addition, because these programs are currently administered by different Federal departments, they are often not well coordinated.

This proposal moves a number of nutrition assistance programs currently housed in USDA – most notably SNAP and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) – to HHS and, acknowledging the addition of these programs to the Agency, renames HHS the Department of Health and Public Welfare (DHPW). To provide for even more coordination across all Federal public assistance programs, this proposal also establishes a permanent Council on Public Assistance, housed in DHPW and composed of all agencies that administer public benefit programs, including USDA, the Center for Medicare and Medicaid Services, the Department of Housing and Urban Development (HUD), and others. This Council would have statutory authority to set certain cross-program policies, including on uniform work requirements.

THE OPPORTUNITY

This proposal will better align the administration of these public assistance programs at the Federal level with how they are often administered at the State and local levels. This will reduce administrative burdens and duplications of effort that currently exist for State and local governments. It will also ensure that policies are applied consistently across all programs, potentially reducing confusing, complex, and sometimes contradictory requirements across programs that can make it difficult for both States and participants to follow the rules.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Move Non-Commodity Nutrition Assistance Programs and Rename HHS

FNS currently administers 15 nutrition assistance programs, which can be separated into two major categories: "near-cash" benefit programs and commodity-based programs. Near-cash programs provide money to low-income households, including through an electronic benefit transfer card or voucher, to allow participants to buy food through retail outlets. Commodity-based programs deliver actual food to eligible entities, who in turn provide a meal or food benefit to participants. Near-cash benefit programs do not need to leverage USDA's expertise in food procurement or delivery, nor do they primarily fit with USDA's core mission of supporting American farmers and agriculture. Rather, these programs are designed to support low-income Americans, a mission area better situated in DPHW. Specifically, the Administration proposes to move SNAP, WIC, the Child and Adult Care Food Program (CACFP)[1], and the Farmers' Market Nutrition Programs into ACF. USDA, whether with a smaller FNS or a different division, would continue to administer the commodity-based programs, including the National School Lunch and School Breakfast Programs, The Emergency Food Assistance Program, the Commodity Supplemental Food Program, and others.[2]

Moving the near-cash benefit programs into ACF would allow for better and easier coordination across programs that serve similar populations, ensuring consistent policies and a single point of administration for the major public assistance programs. This single point of administration would lead to reduced duplication in State reporting requirements and other administrative burdens, and a more streamlined process for issuing guidance, writing regulations, and approving waivers. Having all the major public assistance programs under one agency would also create more synergies within the Agency, allowing ACF to develop a more holistic understanding of how programs interact with each other, which itself could lead to better policy analysis and outcomes. For example, as States have provided more TANF benefits through non-cash assistance, SNAP enrollment has grown due to individuals becoming "categorically" eligible for SNAP. This has resulted in some unintended consequences, such as families becoming eligible for SNAP through the receipt of a TANF pamphlet or other non-cash assistance. The Fiscal Year (FY) 2019 Budget proposed to tighten these loopholes, but combining these public assistance programs under one agency would help to increase awareness of these interactions and improve policy development that prevents such unintended consequences.

With the move of these non-commodity programs, the welfare portfolio at HHS increases significantly. The proposal renames HHS the Department of Health and Public Welfare to more accurately reflect the mission of the Agency and raise the profile of non-health related programs within the Agency.

[1] CACFP provides reimbursement for meals served by participating child and adult care providers, rather than a direct benefit to the household. However, for the same coordination reasons as the near-cash programs, we recommend moving it to HHS to align with the Head Start and Child Care programs operated by ACF.

[2] Other programs include the Summer Food Service Program, the Food Distribution Program on Indian Reservations, the Special Milk Program, Assistance to Nuclear Affected Islands, and Disaster Assistance (not including Disaster SNAP).

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Establish Council on Public Assistance

As part of this initiative, the Administration also proposes to create a permanent Council on Public Assistance within the DHPW that would accomplish the goal of ensuring a unified, coordinated focus on cross-cutting welfare and workforce issues at the State and local levels, and to drive Federal-level program reforms. The Council would be given statutory authorities and responsibilities, including but not limited to:

- Approving service plans and waivers requested by States under Welfare-to-Work projects, assuming enactment of the FY 2019 Budget proposal;
- Designing uniform work requirements to be implemented across all welfare programs;
- "Tie-breaker" authority to resolve disputes when multiple agencies disagree on a particular policy;
- Designing cross-program standards for program applications, data verification, and program integrity;
- Facilitating information sharing and collection as well as regulatory and other policy guidance coordination across affected agencies; and
- Recommending programmatic and operational changes to eliminate barriers that it identifies at the Federal, State, and local levels to getting welfare participants to work.

The Council would be housed at DHPW and composed of agency heads or their representatives from USDA (including from the smaller, reformed FNS focused only on commodity programs), HUD, the proposed Department of Education and the Workforce, the Office of Management and Budget, and others, as appropriate, and chaired by DPHW senior leadership. Creating this Council would further break down silos between agencies operating public assistance programs by establishing an interagency coordination and support structure to carry out the welfare reform agenda of the Administration with high-level visibility. Because this Council would become the Administration's welfare policy-making apparatus, this proposal would consolidate policymaking functions across the different agencies, likely reducing administrative resources and duplication in current policymaking functions, and would ensure that Federal public assistance programs are well aligned and focused on promoting opportunity and economic mobility.

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Consolidate Mission Alignment of Army Corps of Engineers Civil Works with Those of Other Federal Agencies

Army Corps of Engineers Civil Works and Departments of Transportation and the Interior

Summary of Proposal: This proposal would move the Army Corps of Engineers Civil Works (Corps) out of the Department of Defense (DOD) and into the Department of Transportation (DOT) and Department of the Interior (DOI) to consolidate and align Corps civil works missions with these agencies.

THE CHALLENGE

The primary mission of DOD is to provide the military force needed to deter war and protect the security of the Nation. The Corps placement within DOD grew out of its historic involvement in military construction. Today, the Corps conducts both military and civil works functions. The Civil Works program has three primary missions: commercial navigation, flood and storm damage reduction, and aquatic ecosystem restoration; the commercial navigation program is split between coastal and inland navigation.

THE OPPORTUNITY

Both DOT and DOI have missions that relate to and/or complement the Corps' civil works missions. DOT has a broad overarching systemic view of transportation policy and infrastructure in the United States that could beneficially inform the Corps' transportation-related efforts. DOI administers various land, water, and natural resource management programs spanning the country that are complementary to Corps efforts. Under this proposal, Corps navigation would be transferred to DOT and the remaining Corps civil works missions (flood and storm damage reduction, aquatic ecosystem restoration, regulatory, and all other activities) would be moved to DOI, where those activities could be integrated and aligned with complementary programs focused on issues like water management, ecosystem restoration, and recreation.

Aligning and consolidating Corps civil works mission areas into those of DOT and DOI would increase consistency of Federal policy and actions in both transportation and natural resource management, resulting in more rational public policy outcomes. It would also enable the broadest possible view of both transportation and land and water management infrastructure, thereby leading to improved Federal investment decisions. The transfer of certain Corps programs to DOI – particularly when coupled with the other proposal in this Volume that would move the National Marine Fisheries Service to DOI – consolidates most major land and water resource management programs in the Federal Government in one department. Consolidating these programs under one umbrella would improve effectiveness of land, water, and natural resource management efforts, as well as infrastructure permitting, across Government. It would also place Corps civil works activities in domestic agencies instead of in DOD, whose mission is focused on national defense.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under this proposal, the Corps commercial navigation functions would move to DOT, whose mission already includes Federal responsibility for all other modes of transportation. All other activities, including flood and storm damage reduction, aquatic ecosystem restoration, hydropower, regulatory, and other activities, would move to DOI.

Aligning and consolidating the Federal Government's role in domestic water resources activities would provide greater consistency in policy and investment decisions, including comparisons of various investment opportunities. Doing so would increase economic efficiency and improve transparency of investment decisions.

Moving Commercial Navigation Functions to the Department of Transportation

Transferring Corps navigation programs to DOT would consolidate responsibility across all transportation modes within a single Federal agency, thereby encouraging consistent Federal policy in the transportation sector. This consolidation would leverage DOT's expertise in infrastructure, and make DOT's maritime responsibilities analogous to its role in other transportation sectors. In the maritime sector, DOT's mission would expand to helping States and non-Federal partners make infrastructure investment decisions.

Moving Remaining Functions to the Department of the Interior

The Corps administers an aquatic ecosystem restoration program to implement projects designed to benefit fish, wildlife, and their habitat. These projects are often justified by the benefits they provide to species protected under the Endangered Species Act and the Migratory Bird Treaty Act, two laws that DOI administers with great expertise. Development of these projects requires significant coordination with DOI to ensure that the resulting project effectively targets the highest priority needs. If the Corps' restoration program was administered through DOI, the Executive Branch could better direct its ecosystem restoration investments to achieve the greatest benefit to fish, wildlife, and their habitat, and better leverage the expertise and relationships DOI maintains with State fish and wildlife agencies.

In addition, consolidating the Corps' regulatory responsibilities for permitting of non-Federal projects within DOI would simplify the infrastructure permitting process for stakeholders who often have to navigate multiple Federal agency processes when seeking project permits and approvals. Moving regulatory responsibilities, including those related to the Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, within DOI's existing permitting programs would produce administrative efficiencies and opportunities for simplified interaction with stakeholders.

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Reorganize Primary Federal Food Safety Functions into a Single Agency, the Federal Food Safety Agency

Departments of Agriculture and Health and Human Services

Summary of Proposal: This proposal would address the current fragmented Federal oversight of food safety by reorganizing the U.S. Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) and the food safety functions of the U.S. Department of Health and Human Services' U.S. Food and Drug Administration (FDA) into a single agency within USDA. USDA demonstrates strong and effective leadership in food safety and maintains an expert understanding of food safety issues from the farm to the fork. This proposal would cover virtually all the foods Americans eat.

THE CHALLENGE

For more than forty years, the Government Accountability Office (GAO) has reported that the fragmented Federal oversight of food safety "has caused inconsistent oversight, ineffective coordination, and inefficient use of resources,[1]" and food safety has been on GAO's list of high-risk areas since 2007. FSIS and FDA are the two primary agencies with major responsibilities for regulating food and the substances that may become part of food. FSIS is responsible for the safety of meat, poultry, processed egg products, and catfish, while FDA is responsible for all other foods, including seafood and shelled eggs.

There are many examples of how illogical our fragmented and sometimes duplicative food safety system can be. For example: while FSIS has regulatory responsibility for the safety of liquid eggs, FDA has regulatory responsibility for the safety of eggs while they are inside of their shells; FDA regulates cheese pizza, but if there is pepperoni on top, it falls under the jurisdiction of FSIS; FDA regulates closed-faced meat sandwiches, while FSIS regulates open-faced meat sandwiches.

To address this fragmented and illogical division of Federal oversight, FSIS and the food safety functions of the FDA would be consolidated into a single agency within USDA called the Federal Food Safety Agency.

GAO and other experts have recommended merging Federal food safety functions as a potential solution to this fragmentation. The National Research Council and the Institute of Medicine (now known as the Health and Medicine Division of the National Academies of Sciences, Engineering, and Medicine) have recommended that the core Federal food safety responsibilities should reside in a single entity or agency, with a unified administrative structure, clear mandate, a dedicated budget, and full responsibility for the oversight of the entire U.S. food supply.

[1] Government Accountability Office, "GAO-17-317: High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others," (February 2017).

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THE OPPORTUNITY

The new Federal Food Safety Agency would pursue a modern, science-based food safety regulatory regime drawing on best practices of both USDA and HHS, with strong enforcement and recall mechanisms, expertise in risk assessment, and enforcement efforts across all food types based on scientifically-supported practices. The Agency would serve as the central point for coordinating with State and local entities and food safety stakeholders, rationalizing and simplifying the Federal food safety regulatory regime. The reform would reduce duplication of inspection at some food processing facilities, improve outreach to consumers and industry, and achieve savings over time while ensuring robust and coordinated food safety oversight.

While the FDA and FSIS currently have very different regulatory regimes, consolidating FSIS and the food safety functions of FDA would allow for a better allocation of resources based on risk, better communication during illness outbreaks, and improved policy and program planning through development of a single strategic plan.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The irrational divisions of responsibility between FDA and FSIS have evolved since the early days of U.S. food regulation. The Congress created separate statutory frameworks, spurred in part by various food safety concerns and incidents of the day, originally to address the widespread marketing of intentionally adulterated foods and the unsafe and unsanitary conditions in meat packing plants in the early 1900s. Over the years, the Congress added new authorities to meet new challenges. Over time, the different legislative authorities that govern the two agencies have resulted in two distinct regulatory regimes, cultures, and approaches to addressing food safety. Thus, fully integrating FSIS and the food safety functions of FDA would ultimately require a reconciliation of underlying legislative authorities and regulatory approaches.

Food Safety and Inspection Service Approach

FSIS is responsible for the safety of domestic and imported meat, poultry, processed eggs, and catfish. Meat and poultry undergo continuous (i.e., 100 percent) inspection during slaughter, and one or more Federal inspectors are on site during all hours that a slaughter plant is operating, and present for every shift in processing plants. FSIS is involved in many areas of food processing and food distribution: the inspection of domestic products, imports, and exports; conducting risk assessments; and educating the public about the importance of food safety. FSIS ensures the safety of imported products through a three-part equivalence process that includes an analysis of the country's legal and regulatory structure, initial and periodic on-site audits to ensure equivalence with FSIS standards, and a continual point-of-entry re-inspection of products from the exporting country.

Food and Drug Administration Approach

FDA is responsible for the safety of all U.S. domestic and imported foods except meat, poultry, processed eggs, and catfish. FDA conducts inspections of most establishments that manufacture, process, pack, or hold foods. FDA requires food importers to verify that their foreign suppliers have adequate preventive controls in place to ensure that the food they produce is safe, and FDA can refuse entry into the United States of food from a foreign facility if FDA is denied access by the facility or the country in which the facility is located. FDA also has a systems recognition program, which determines whether another country has comparable regulatory programs and public health outcomes to the United States. Systems

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recognition allows FDA to avoid duplication of effort while leveraging the high-quality work done by regulatory authorities in each country. Given the scope of FDA's responsibilities, FDA inspects food establishments based on risk. As required by law, FDA must inspect 100 percent of high-risk domestic food facilities every three years. FDA physically inspects less than two percent of imported foods annually at the ports. Where FSIS and FDA statutory and/or regulatory regimes overlap, some establishments fall under the jurisdiction of both agencies.

Locating the Federal Food Safety Agency at USDA

USDA is well poised to house the Federal Food Safety Agency. USDA is a strong leader in food safety; has a thorough understanding of food safety risks and issues all along the farm to fork continuum; and many agencies within USDA focus on food safety.

The Agricultural Research Service (ARS) spends about $112 million on in-house food safety research, and ARS scientists work with both FSIS and FDA to help develop research priorities and food safety practices. In addition, many other programs at USDA have food safety elements, from helping to manage wildlife on farms, to monitoring animal health, to collecting pesticide residue data on fruits and vegetables. USDA also has established relationships between State departments of agriculture, local farms, and processing facilities, and is thus keenly aware of food safety issues at all levels.

Following the food reorganization, FDA (which would be renamed the "Federal Drug Administration") would focus on drugs, devices, biologics, tobacco, dietary supplements, and cosmetics.

The proposed consolidation would merge approximately 5,000 full-time equivalent (FTE) employees and $1.3 billion from FDA with about 9,200 FTEs and $1 billion in resources in USDA. In the long term, the Administration expects this proposal would result in improvements in food safety outcomes, policy and program consistency, and more efficient use of taxpayer resources.

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Move Select USDA Housing Programs to HUD

Departments of Agriculture and Housing and Urban Development

Summary of Proposal: This proposal would move the Department of Agriculture's (USDA) rural housing loan guarantee and rental assistance programs to the Department of Housing and Urban Development (HUD). Having both USDA and HUD housing programs administered by HUD would allow both agencies to focus on their core missions and, over time, further align the Federal Government's role in housing policy.

THE CHALLENGE

Currently, USDA and HUD operate similar programs that assist homeowners and low-income renters and support rental housing development. Each agency operates its own mortgage insurance programs for home purchase and refinance loans, as well as loans to build, rehabilitate, and refinance rental housing properties. In addition, the two agencies operate separate rental assistance programs offering subsidies to make rents affordable to low-income tenants.[1] The programs, however, are not identical; there are differences in eligibility requirements, assistance levels, delivery and oversight structures, and other program features that have evolved separately over time. Given that these housing programs are currently situated in separate agencies with distinct missions and priorities, incorporating best practices across programs and establishing a unified housing policy has been a challenge. This proposal seeks to mitigate these issues by moving USDA's single-family and multifamily loan guarantees and rental assistance programs to HUD.

THE OPPORTUNITY

Moving USDA housing programs to HUD would foster a more integrated approach to homeownership and rental housing programs by consolidating oversight and policy direction under one agency. In the long term, it would improve operational efficiency and service delivery through integration of like programs and the adoption of best practices.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

USDA's housing programs, which serve eligible rural areas, were initially established in the 1940s in response to an underrepresentation of national housing programs in rural areas. They were also a result of the ready-made delivery system USDA had in place through its field office structure for farm loans. Since then, the rationale for separate, rural-focused housing programs at USDA has become outdated given HUD's role in serving communities throughout the Nation, including in many rural areas. In fact, due in large part to the sheer size of its programs, HUD serves more households in USDA-eligible areas than USDA does. For example, as shown in the Figure, HUD's Federal Housing Administration (FHA)

[1] In general, HUD and USDA rental assistance programs make rents affordable to eligible households by paying the difference between the unit's rent and 30 percent of a household's adjusted income. These programs include: 1) tenant-based rental assistance/vouchers for eligible tenants to rent privately owned apartments or single-family homes, which can be applied to different properties if tenants move; and 2) project-based rental assistance that is attached to specific properties and is available to tenants only when they are living in units at these properties.

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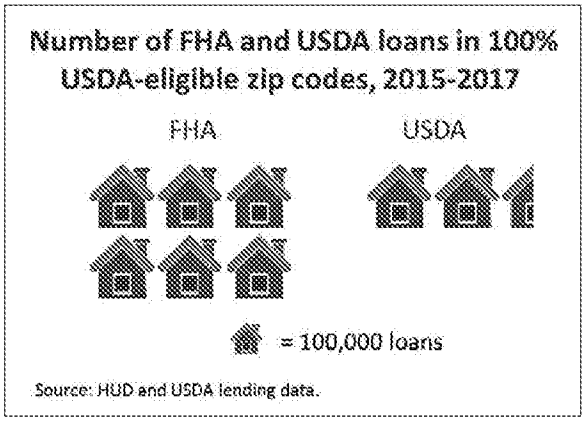
guaranteed approximately 633,000 single-family loans in zip codes that were 100 percent USDA-eligible from fiscal years 2015 to 2017 compared to 258,000 loans guaranteed by USDA.

Moving USDA housing programs to HUD would be the first step toward achieving long-term improvements in operational efficiency and service delivery. For example, program requirements, management and oversight processes, and systems would be assessed to identify and take advantage of best practices from each agency. Private-sector partners, including lenders and developers, that currently work with both agencies to administer housing programs could realize efficiencies as conflicting requirements are eliminated or reduced. Another long-term objective, to the extent it can be achieved without compromising Agency mission, would be to produce Federal savings by reducing Agency overhead costs.



This reorganization could be modeled after the provision in a draft House bill, the "FHA-Rural Regulatory Improvement Act of 2011," which proposed to establish a separate HUD Rural Housing office to provide loan guarantees and rental assistance in rural areas, and transfer the USDA housing programs into that office. This proposal is also consistent with findings from the Government Accountability Office (GAO). Since 2012, GAO has issued annual reports on opportunities to reduce fragmentation, overlap and duplication, and housing programs at USDA and HUD have routinely been included in that report.

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Merge the National Marine Fisheries Service (NMFS) with the U.S. Fish and Wildlife Service (FWS)

Departments of Commerce and the Interior

Summary of Proposal: This proposal would merge the Department of Commerce's (DOC) National Marine Fisheries Service (NMFS) with the Department of the Interior's (DOI) U.S. Fish and Wildlife Service (FWS). This merger would consolidate the administration of the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) in one agency and combine the Services' science and management capacity, resulting in more consistent Federal fisheries and wildlife policy and improved service to stakeholders and the public, particularly on infrastructure permitting.

THE CHALLENGE

The National Marine Fisheries Service (NMFS) – located in the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) – and the U.S. Fish and Wildlife Service (FWS) – housed within the Department of the Interior (DOI) – administer two foundational laws that aim to prevent extinctions and recover fish and wildlife: the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA). The Services' jurisdictions under these two laws is generally split based on habitat type, with FWS covering species that spend time on land or in inland fisheries, while NMFS covers mostly marine species.

This split jurisdiction, coupled with the fact that the Services are located in different departments, creates a confusing permitting landscape for project proponents. For example, when reviewing the impacts of a proposed dam system on endangered species, FWS and NMFS may come up with directly contradictory requirements about how that dam system needs to be managed to be ESA compliant. FWS may determine that the dam system needs to release extra water to benefit an endangered inland fish species, while NMFS may simultaneously conclude that the dam operator should store that water to provide future benefits to an anadromous fish under NMFS's management. The end result is confusion and a lack of clarity on how to proceed with the project.

This proposal would seek to address these concerns by merging NMFS with FWS in DOI, simplifying the administration of the ESA and MMPA, and coordinating fish and wildlife science and related resource management capacity in one bureau within DOI.

THE OPPORTUNITY

This proposal would simplify and bring greater clarity and consistency to the administration of the ESA and MMPA, enabling a coordinated and synchronized approach to ESA and MMPA regulatory reform. This would result in improved service to stakeholders and the public, particularly on infrastructure permitting. This merger would also combine fisheries and wildlife management capacity into one bureau within DOI. DOI already carries a great breadth of natural resource management responsibilities, and bringing NMFS and certain Army Corps of Engineers programs, as proposed elsewhere in this Volume, into DOI would increase the effectiveness of conservation efforts across the Government by putting them all under one umbrella. Over time, the proposal may yield savings through the consolidation of administrative support functions within the merged FWS and across DOI.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Merging NMFS into DOI's FWS presents opportunities to improve implementation of the ESA and MMPA, which will benefit of species and stakeholders and improve natural resource management.

With the Services currently housed in different departments and assigned different species under their jurisdictions, administration of the ESA and MMPA can be complicated and inconsistent, posing challenges for stakeholders and species alike. Under these statutes, both agencies have similar responsibilities: NMFS for primarily marine species and FWS for primarily freshwater and land-based species. Under the ESA, the Services decide whether to protect a species (i.e., list it as threatened or endangered), designate critical habitat for listed species, and perform consultations for Federal actions that may impact listed species or their critical habitat. Under the MMPA, the Services review and issue permits that allow the hunting, harassing, or killing of marine mammals in limited circumstances.

In recent years, FWS and NMFS have sought to better align their implementation of the ESA. Rather than pursuing individual regulations that govern ESA implementation, the Services have undertaken several joint rulemakings in recent years, which establish clear and consistent definitions and processes for how the ESA should be administered.

However, bringing NMFS into FWS would also improve the effectiveness of fish, wildlife, and natural resource management activities by coordinating protections for jointly managed species, improving interagency coordination, and streamlining permitting. Both Services engage in complementary scientific research, voluntary habitat conservation, law enforcement, and international conservation work. A merger provides an opportunity to look across this suite of activities to direct resources at the highest value conservation work and to discover agency best practices that could be applied more broadly.

This idea is not new. Dating back to the Carter Administration, previous administrations and congresses have proposed reorganizing NMFS and FWS, with a focus on improving natural resource management. Those past proposals span a wide spectrum. From smallest to largest, these proposals have suggested moving NMFS's ESA responsibilities to FWS, merging NMFS into FWS, moving NOAA into DOI, and establishing a new Department of Natural Resources.

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Consolidation of Environmental Cleanup Programs

Departments of the Interior and Agriculture, and the Environmental Protection Agency

Summary of Proposal: This proposal would consolidate portions of the Department of the Interior's (DOI) Central Hazardous Materials Program and the Department of Agriculture's (USDA) Hazardous Materials Management program into the Environmental Protection Agency's (EPA) Superfund program. This consolidation would allow EPA to address environmental cleanup under the Comprehensive Environmental Response Compensation & Liability Act (CERCLA) on Federal land regardless of which of these agencies manages the land, while DOI and USDA would maintain their existing environmental compliance, bonding, and reclamation programs for non-CERCLA sites.

THE CHALLENGE

The Comprehensive Environmental Response Compensation & Liability Act of 1980 (CERCLA) provided the President with the authority to respond to the release of hazardous substances that pose a threat to public health or the environment. EPA was designated as the lead agency for developing and implementing guidance and regulations for addressing those releases, and approving remedies for the most contaminated sites in the country (i.e., those sites that end up on the National Priorities List (NPL)). The job of actually performing and paying for the cleanup activities was then distributed across the Federal Government to ensure that agencies have an incentive to be good environmental stewards of the properties they operate, manage, or administer. In general this system works as intended; agencies such as the Departments of Energy and Defense, for example, pay for the cleanup associated with their activities on properties they operate, manage, or administer.

The system becomes more challenging when addressing environmental conditions at abandoned mine sites, which are present on both private and public lands. EPA is delegated authority for conducting cleanup at mining sites on private lands, while DOI and USDA are responsible for executing cleanup at mining sites on Federal lands. The problem is that DOI and USDA inherited over 80,000 abandoned mine sites, over which they had no control prior to the mid-1970s. While the vast majority of these sites have only minor environmental or physical hazards, some require a more extensive environmental cleanup. In those instances, DOI and USDA apply EPA's guidance, but discrepancies in interpretations have led to inefficiencies and inconsistencies across the Federal cleanup regime. In some instances, inconsistent cleanup determinations within a mining district or watershed have been the result of these types of conflicting interpretations. In addition, due to competing mission priorities within DOI and USDA, the cleanup activities at these sites do not necessarily receive the same level of attention that they would if they were part of EPA's Superfund program.

Consolidating the cleanup programs in a way that allows EPA to add sites in need of CERCLA-level attention to the Superfund program would create efficiencies by eliminating inconsistent interpretations among various agencies, reducing the number of decisions and approvals, and ultimately expediting the cleanup of sites.

THE OPPORTUNITY

This proposal would reduce inefficiencies, oversight costs, and indirect costs by consolidating the environmental assessment and cleanup activities under the agency with the most significant expertise in this area.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal would integrate portions of the DOI and USDA cleanup programs into EPA's Superfund program in order to streamline the Federal Government's response to abandoned mine sites in need of environmental assessment and cleanup. The Federal Government's responsibility for cleanup is currently dispersed across agencies based on jurisdiction, as opposed to expertise and liability. This proposal would enable better use of resources and expertise, streamline the implementation of statutory and regulatory requirements, and facilitate a more comprehensive and consistent approach to addressing contaminated lands across the Nation.

The agencies estimate that there are over 80,000 abandoned mine sites on Federal lands, close to five percent of which could require a CERCLA-level cleanup. While DOI and USDA attempt to address those sites as they are identified, their environmental cleanup programs are not core to their missions, and therefore present a challenge for the agencies to address the wide range of environmental issues stemming from mining sites and other activities on Federal lands. As such, certain sites requiring CERCLA-type cleanup may not be addressed in as timely a manner as they could be if included as part of a more holistic, national program.

The multi-million dollar environmental liabilities associated with abandoned mine sites pre-date modern Federal regulation of environmental issues. The General Mining Law of 1872 was enacted to help develop the West by encouraging mining on Federal lands without the need for bonding or permitting. In the mid-1970s, environmental and other land control issues drove the desire to develop a more comprehensive Federal approach to the development of our natural resources. It was at that time that the Federal Land Policy and Management Act of 1976 and the Surface Mining Control and Reclamation Act of 1977 were passed. Under these laws, DOI and USDA administer the environmental compliance, financial bonding, and closure reclamation of mine sites on Federal lands. Due to their efforts since the passage of those laws, the vast majority of modern mine sites do not rise to the level of environmental degradation that would require a response under the CERCLA. DOI and USDA, however, continue to be responsible for addressing the environmental problems stemming from the abandoned mines from the General Mining Law of 1872 era simply due to their presence on Federal lands.

EPA is the Federal agency responsible for the development of regulations, procedures, and guidance used by the Federal Government to conduct environmental cleanup. EPA is also responsible for overseeing and approving remedies put into place at Federal sites on the NPL and providing technical assistance to States that oversee cleanup activities at Federal sites that are not on the NPL. Due to this role, EPA serves as the Federal Government's subject matter expert on decontamination and hazardous substance risk assessment.

Funding and FTEs would shift from DOI (up to $10 million and eight FTEs) and USDA (up to $3.5 million and six FTEs) to EPA to cover the increase in the assessment and cleanup workload at EPA, while DOI and USDA would continue to maintain funding and FTEs for their existing compliance, bonding, and reclamation programs for modern mines. Although the end result would be a slightly larger Superfund program, it would continue to allocate resources based on risk. In addition, project managers would have control over the cleanup work and not have to direct the actions through another Federal agency manager at Federal sites. The affected States, Tribes, and communities surrounding these sites would also have a single Federal point of contact for raising their concerns with the cleanup approach. This may also lead to certain sites that have been languishing receiving attention, which could result in more favorable conditions for enjoying the natural environment of our Federal lands, and the rivers and streams that run through them.

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Optimization of Humanitarian Assistance

Department of State and U.S. Agency for International Development

Summary of Proposal: The Administration is launching a process to optimize U.S. humanitarian assistance. U.S. humanitarian assistance programs are conducted by three Department of State (State) and U.S. Agency for International Development (USAID) offices, dividing decision-making on humanitarian policy and implementation. The Administration will develop a proposal to reorganize how humanitarian assistance is provided across State and USAID to maximize our leverage and assure all assistance meets our foreign policy goals and objectives, including the capacity to drive strong United Nations (UN) humanitarian system reform, increase burden sharing, minimize duplication of effort in programming and policy, and maximize efficiency in meeting humanitarian needs and resolving underlying crises. In developing this proposal, the Administration will address changes needed to achieve a unified voice on humanitarian policy, budget, and reforms to optimize outcomes. The process will consider all options to achieve these objectives. As part of this process, State and USAID will submit their joint recommendation to the Office of Management and Budget (OMB), as part of their Fiscal Year (FY) 2020 Budget request, to optimize humanitarian assistance programs.

THE CHALLENGE

In FY 2017, State and USAID provided $9 billion in humanitarian assistance. More than 65 million people are displaced worldwide with needs outstripping limited resources. As a result, it is critical to maximize the impact of U.S. taxpayer resources spent on humanitarian assistance and deliver the greatest outcome to beneficiaries for those investments. Currently, three U.S. Government offices — one at State and two at USAID — share the responsibility to establish humanitarian policies and implement related assistance programs. Given the size of U.S. humanitarian relief efforts, it is imperative that they coherently plan, budget, and program against needs, providing the best possible outcomes for beneficiaries and value for the taxpayer as well as avoiding duplication of effort and fragmentation of decision-making.

State's Bureau for Population, Refugees, and Migration (PRM) serves as the Government lead for program response to refugees (i.e., those who have crossed an international border). Within USAID's Bureau for Democracy, Conflict, and Humanitarian Assistance (DCHA), the Office of U.S. Foreign Disaster Assistance (OFDA) is the lead Federal coordinator for international disaster assistance and aid to internally-displaced persons (IDPs). USAID's Office of Food for Peace (FFP) is the lead Federal provider of international food assistance, including to IDPs and refugees. All three offices—PRM, OFDA, and FFP—address the needs of victims of conflict, where, without careful coordination, there is the risk of overlapping effort.

While PRM and DCHA have always responded to conflict-induced displacement, in the last decade the composition of global beneficiaries has changed dramatically. Victims of conflict have become the largest share of affected persons globally. Conflict-related emergencies — which are man-made, inherently political, and require diplomatic engagement—impact a changing mix of refugees, IDPs, and other affected persons, which requires the three Government offices to be able to respond in a fluid and adaptable way. The most recent example is the Rohingya humanitarian emergency in Burma and Bangladesh. OFDA and PRM separately fund their partners to assist victims of conflict in Burma. PRM funds additional partners to support Rohingya who have become refugees by crossing into Bangladesh. FFP provides food for refugees, IDPs, and others affected in both Burma and Bangladesh. In an emergency situation

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like this, it can be difficult to consistently execute a cohesive U.S. response that uniformly monitors the performance of implementers, including UN agencies, ensures there are no duplications or gaps in aid, and deploys a seamless and effective assistance strategy for all affected people.

Under the current set-up, improvements in coordination across U.S. humanitarian assistance are dependent upon the circumstances and willingness of those involved on a case-by-case basis. For example, in 2015, thanks to their good working relationship, the heads of USAID and State worked together to prevent the closure of the Dadaab refugee camp and the forced return of its occupants to Somalia.

Similarly, the delivery of humanitarian assistance across different offices can result in multiple and divergent Government voices in international fora on UN humanitarian policy and other aspects of humanitarian assistance, if not well coordinated, in an environment where most other participant countries have a single voice, represented by their foreign ministries. This results in confusion and reduces the effectiveness of the United States relative to its scale in the global humanitarian system.

This structure can also create additional programmatic and other costs and inefficiencies in implementing U.S. assistance, ranging from programming efforts that are conflicting, or contain gaps, to the use of different contracting, oversight, accountability measures, systems, policies, and procedures with implementers. In addition, it impedes broader seamless and coherent responses encompassing all tools available to the United States, from relief assistance to development support. There is a growing recognition that relief-development coherence is key to solving prolonged large-scale displacement.

The evolution and expansion in global humanitarian needs and responses in recent years and the structure of the U.S. humanitarian response apparatus, among other factors, underscore why we now need to optimize how we provide humanitarian assistance.

THE OPPORTUNITY

The ultimate goal is to achieve strategic, coherent, and seamless U.S. humanitarian programmatic and policy responses that best achieve our foreign assistance and policy goals, and that maximize our leverage, the benefit to recipients of assistance, and the value to the U.S. taxpayer. The Administration's reorganization proposal will strengthen the capacity of the U.S. Government to achieve critical major reforms within the UN humanitarian system, optimizing outcomes and securing greater accountability and transparency within the multilateral humanitarian system.

Specifically, the final proposal will seek to achieve:

- A seamless cohesive approach to humanitarian programming and funding delivered by the United States;
- A unified voice that ensures the United States exercises a level of influence over donors and multilateral humanitarian efforts commensurate with our overall level of humanitarian funding and that we are not disadvantaged in dealing with the foreign ministries of other nations. A unified voice will not only allow the U.S. Government to more effectively and consistently drive necessary reforms amongst implementers, particularly the UN, but will also strengthen our ability to encourage other donors to increase their share of humanitarian assistance; and
- Strong and consistent oversight of U.S. Government implementing partners' performance, including the UN humanitarian partners.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Each U.S. humanitarian office—PRM, OFDA, and FFP—has its strengths, and often works well with the others, both in Washington and in the field, when their leadership jointly focus on addressing specific challenges and improving specific responses. However, the actions taken by State and USAID to date have not overcome structural deficiencies and therefore have been unable to achieve a systematic, optimal, and consistent approach to humanitarian operations, programming and standards, policy issues, and coordination with the UN and other implementers, other donors and grantees.

As outlined in the FY 2019 Budget, following an in-depth external study of USAID's humanitarian offices in 2016, the Administration decided to merge OFDA and FFP. The merger will allow these two offices to increase the efficiency and effectiveness of USAID's humanitarian programs. The Administration intends to go beyond the FY 2019 Budget by elevating the merged OFDA and FFP offices in a new USAID bureau. In addition, the Administration is deploying a new approach to relief in the near term across State and USAID as a stopgap measure that improves how we conduct humanitarian assistance within the current U.S. humanitarian structure, and is also launching a process that will optimize the structure of U.S. humanitarian assistance, culminating with the delivery of a joint recommendation for consideration by OMB as part of the 2020 Budget development process.

Elevation of USAID's Humanitarian Assistance Offices into a Bureau

As a first step, USAID is currently seeking to elevate the merged OFDA and FFP into a new Bureau. The Bureau would report to a new Associate Administrator for Relief, Resilience, and Response. This action is intended not only to raise the importance of humanitarian assistance within USAID and with domestic and international stakeholders, but also to improve and eliminate duplication within USAID's crisis responses, including those crises driven by persistent conflict and food insecurity. The improvements include facilitating the transition from relief to development in new and ongoing humanitarian emergencies.

New Approach to Relief

State and USAID are embarking on a new approach to relief in the near-term, discussed in broad terms in the FY 2019 Budget, to begin to address three presidential priorities to 1) increase burden-sharing by other donors; 2) catalyze advance reform at the UN and other implementing partners; and 3) improve internal Government coherence on humanitarian assistance. Under this approach, State and USAID will both continue to engage in humanitarian policy and diplomacy.

Amplifying U.S. Global Leadership by Optimizing U.S. Humanitarian Assistance

In addition, the Administration proposes to launch a process to revisit and optimize humanitarian assistance across State and USAID, to result in a reorganization proposal in the 2020 Budget. This proposal to optimize how humanitarian assistance is provided across State and USAID will establish the capacity to drive strong UN humanitarian system reform, increase burden-sharing, minimize duplication of effort in programming and policy, and maximize efficiency, and empower our diplomatic efforts to resolve conflicts and end long-standing displacement. Table 1 lays out the key challenges and risks, as well as the desired outcomes to be addressed in a final 2020 Budget proposal.

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In developing this proposal, the Administration will address fundamental changes needed to achieve a unified voice on humanitarian policy, budget, and reforms to optimize outcomes by institutionalizing the core elements of the new approach to relief, to optimize the effectiveness of U.S. humanitarian assistance, and to make the coordination of policy and implementation across State and USAID seamless and more durable, accountable and effective.

Table 1:
Optimization of Humanitarian Assistance – Current Challenges and Risks, and Desired Outcomes

Current Challenges and Risks	Desired Outcomes
• Programming overlap, gaps and inconsistencies across programs • Voices and policy positions not fully coordinated in international forums and negotiations • Suboptimal policy positions and compromises in international negotiations • Difficulties in shifting funds across refugees, IDPS, and food as needed to address changing situations • Different and suboptimal business models for providing assistance • Suboptimal accountability, transparency, efficiency and effectiveness • Duplicative and different oversight and reporting requirements	• Humanitarian leadership optimized to achieve foreign policy priorities, including UN reform and other reforms, coherent policy and programming • Increased burden-sharing • Strengthened diplomacy to resolve conflicts • Seamless, coherent budgeting, planning, and programming (including planning for contingency needs) • Unified voice that seeks optimal UN reforms • Seamless implementation of relief-development coherence across affected persons regardless of status, not just IDPs • Provision of aid based on needs (not status) • Ability to surge in unified, seamless response across all humanitarian assistance as crises evolve • Ability to use funding as needed either for refugees or IDPs and other affected persons • Significant and measurable improvements in outcomes for beneficiaries and value for U.S. taxpayers, including accountability and transparency • Seamless and coherent responses encompassing all tools available from relief assistance to development support

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Development Finance Institution

Overseas Private Investment Corporation and USAID Development Credit Authority

Summary of Proposal: The Development Finance Institution (DFI) brings together the U.S. Government's development finance tools, such as the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) of the U.S. Agency for International Development (USAID), in a reformed and modernized way to leverage more private sector investment, provide strong alternatives to state-directed initiatives, create more innovative vehicles to open and expand markets for U.S. firms, and enhance protections for U.S. taxpayers.

THE CHALLENGE

"Development finance" refers to the use of tools such as loans, guarantees, and political risk insurance to facilitate private-sector investment in emerging markets with the goal of achieving positive developmental impact. Public-sector support aims to mobilize transactions that the private sector wouldn't do on their own.

The U.S. Government has used these tools through OPIC to back projects in key sectors such as power, water, and health that improve the quality of life for millions, and help lay the groundwork for creating modern economies. Likewise, the U.S. Government has used USAID's DCA risk-sharing guarantee program to drive private investment into countries and sectors with no or insufficient access to commercial finance.

Current U.S. development finance tools are outdated and fragmented across multiple Federal agencies, and often are not well coordinated. This has hampered the Government's ability to make investments that support key U.S. foreign policy and national security objectives, and resulted in the inefficient use of taxpayer dollars. For example, OPIC and DCA have operated for over 15 years without significant legislative updates, and lack authorities to pursue more innovative deals in pursuit of our foreign policy interests. These institutions also have some duplicative functions, and lack the most modern development finance tools needed to counter the state-driven model of countries like China, or to cooperate with the DFIs of our allies like the United Kingdom, Germany, Canada, and Japan, who are investing heavily throughout the developing world.

DFI brings together the U.S. Government's development finance tools, such as OPIC and DCA, in a reformed and modernized way to leverage more private-sector investment, provide strong alternatives to state-directed initiatives, create more innovative vehicles to open and expand markets for U.S. firms, and enhance protections for U.S. taxpayers.

THE OPPORTUNITY

With a new DFI, the United States will be better placed to advance our development and national security goals in the developing world and boost the competitiveness of American businesses, which are critical for promoting American prosperity and security. Compared to the status quo, the DFI will be better aligned with the President's National Security Strategy and better able to manage U.S. taxpayer risk.

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A consolidated DFI will increase coordination and operational efficiencies, making more funding available for programming. In addition, it will be more nimble and better able to mobilize private sector funding with a modernized 21st Century toolkit allowing it to compete globally.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

In November 2017, before the Asia-Pacific Economic Cooperation (APEC) Summit in Vietnam, the President committed to reforming U.S. development-finance institutions to "better incentivize private-sector investment" and "provide strong alternatives to state-directed initiatives that come with many strings attached." Additionally, the President's National Security Strategy prioritizes efforts to catalyze private sector activity in developing countries to complement our more traditional foreign assistance programs.

The DFI will have reformed and modernized tools so that it is more interoperable with partners, while adhering to the key principles of mitigating risk to the U.S. taxpayer and not displacing private sector resources. The DFI will have similar tools to OPIC and USAID's DCA today, (e.g. loans, guarantees, and insurance). In addition, the DFI will be able to support development finance related feasibility studies, project-specific grants, and equity investments, with appropriate constraints.

The DFI will have an updated governance structure and strong institutional linkages with the Department of State (State) and USAID to ensure the prioritization of projects that are critical to national security and developmentally impactful. The connectivity will drive better pipeline and programming coordination amongst USG agencies. For example, in a high-priority country, we envision complementary activities that could entail having the DFI support a feasibility study and subsequent early-stage financing for a new project, while USAID funds economic policy reforms that strengthen the enabling environment and attract more private-sector investment. To cement this alignment, the Fiscal Year (FY) 2019 Budget proposes resources for State/USAID programming (and other transfer authorities) to support activities such as grants for technical assistance or "wraparound" services that complement and support the DFI's project-specific investments.

The new DFI governance structure will ensure that U.S. Government investments catalyze, but do not displace, the private sector, and will better manage taxpayer risk. For example, the Budget proposes annual loan limitations, in addition to an overall exposure cap, and the Administration's proposal includes investment constraints to enhance taxpayer protections. The Budget also requests significantly expanded funding for inspections, evaluations, and oversight of the DFI.

The Administration expects savings from eliminating some redundant efforts in development-finance programs, such as risk-management, credit-modeling, and servicing. These savings will allow the DFI to allocate more effort to its mission than to duplicative overhead activities.

The Administration's DFI proposal is consistent with similar proposals from a range of independent stakeholder groups and think tanks such as the Modernizing Foreign Assistance Network and the Center for Strategic and International Studies, and derives important lessons from other countries' DFIs. Additionally this proposal reflects significant coordination among all affected agencies and various other stakeholders.

The Administration has indicated strong support for the goals of H.R. 5105/S.2463, the "Better Utilization of Investments Leading to Development (BUILD) Act of 2018." The legislation is broadly consistent with the Administration's DFI proposal, and the Administration has been working with the Congress to make adjustments to the text as the bills progress through the legislative process.

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Structural Transformation of Central Washington-Based Bureaus at the U.S. Agency for International Development

U.S. Agency for International Development

Summary of Proposal: The U.S. Agency for International Development (USAID) is planning an extensive, Agency-driven structural reorganization of its headquarters Bureaus and Independent Offices, as a foundational component of its overall plans to better advance partner countries' self-reliance, support U.S. national security, and ensure the effectiveness and efficiency of foreign assistance. Most significantly, USAID's transformation will accomplish the following: 1) elevate and realign its humanitarian assistance, conflict-prevention and response, and resilience and food security programs; 2) consolidate and reorient its centralized program design, innovation, and technical support functions to better support overseas Missions; and 3) consolidate and streamline policy, budget, performance, and central management functions.

THE CHALLENGE

USAID has not undergone a comprehensive structural transformation in more than 20 years. The operating environment for USAID has changed dramatically in those 20 years, and USAID is looking to change with it by creating a more dynamic and efficient organization that enables its people and programs to be more effective while also maintaining the Agency's leadership on development. The goal of this transformation effort is to strengthen the Agency's core capabilities. Specifically, that means breaking down stove-pipes and creating coherent and rational structures that can enable more efficient coordination and integration of programs and resources. It also means continuing to work to unlock information, analysis, and ideas internally and externally that can improve decision-making and programming across the organization. For example, the magnitude, complexity, and protracted nature of humanitarian assistance, stabilization, and resilience needs worldwide has outstripped USAID's existing structures and approaches, so the Agency has planned an improved structure that will enable fully-integrated responses and effective transitions from recovery to longer term resilience and self-sufficiency. Further, specialized technical expertise and cross-cutting capabilities are dispersed inconsistently and in some cases duplicatively across the Agency, with no single centralized resource to support Missions overseas in designing innovative and effective programs. USAID's budget, policy, and evidence-based performance functions are currently dispersed among multiple bureaus and offices, so the Agency is planning to bring those functions under one umbrella, as well as ensure coherence in operationalizing the vision for self-reliance that is the centerpiece of the future USAID. Lastly, the restructuring is exploring how to better integrate core management functions to strengthen the operational foundation of the Agency.

To address these challenges, USAID is pursuing a comprehensive set of experience-based, employee-driven reforms across the Agency. These proposals will elevate and consolidate humanitarian assistance; better align efforts to prevent and respond to conflict and conduct stabilization and response efforts; enable the building of more resilient communities and countries in the face of shocks; reinforce advanced program design, innovation, and implementation as core capabilities; strengthen connections and coherence between policy, budget, and strategy; and align central management services.

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THE OPPORTUNITY

These reforms will strengthen USAID's core capabilities in priority areas, rationalize Bureau and Office structures, and establish clear roles and responsibilities to reduce duplication, improve accountability, and maximize effectiveness. As a result, USAID will be better positioned to support the President's National Security Strategy and economic growth objectives through foreign assistance, including through: better development and emergency response outcomes; increased self-reliance in partner countries and a reduced need for traditional foreign assistance; improved USAID program and procurement design and implementation; and greater accountability, effectiveness, and efficiency in using taxpayer dollars.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

USAID's ambitious structural reorganization will provide a strong foundation for its broader transformation plans, which emphasize policy and process reforms across such topics as ending the need for foreign assistance, better supporting national security, opening markets for U.S. businesses, and driving reforms in human resources, information technology, and procurement. These structural changes will help ensure that improvements are sustainable by strengthening core Agency capabilities and coordination, improving the design and implementation of humanitarian and development assistance programs, and streamlining offices and decision-making. USAID is investing extensive time, expertise, and leadership focus in analyzing, developing, and implementing seven major Bureau changes, including in many Washington-based offices. Each major change summarized below is supported by a strong rationale and detailed plans for successful implementation. Taken together, they represent a significant re-envisioning of USAID and its potential to support U.S. national security, foreign policy, and economic goals while effectively managing and overseeing taxpayer-funded programs.

Associate Administrator for Relief, Response, and Resilience

The new Associate Administrator will lead an integrated effort to strengthen and further unify humanitarian assistance with resilience and food security, and with prevention and response to conflict and crises. By providing overall strategic and programmatic guidance, the Associate Administrator will reduce stove-piping, improve decision-making, and ensure effective, timely, and appropriate coordination of critical programming and technical assistance. This position will also reduce the number of individuals who report directly to the Administrator and Deputy Administrator, and allow them to focus on broad strategy and management of the overall Agency.

Bureau for Humanitarian Assistance

The current structure of humanitarian assistance at USAID is out of date and based on an artificial bifurcation of food and non-food humanitarian assistance, which impedes fully-integrated, effective, and efficient responses. The new Bureau for Humanitarian Assistance will consolidate USAID's current Offices of Food for Peace and U.S. Foreign Disaster Assistance, uniting humanitarian programming, eliminating confusion and duplication in the field and in Washington, D.C., and allowing beneficiaries and partners to deal with one cohesive humanitarian assistance provider within USAID. This unified structure will improve the Agency's core capability to save lives, reduce hunger and human suffering, and mitigate the impact of disasters and complex emergencies around the world.

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Bureau for Resilience and Food Security

Elevating leadership and strengthening Mission support on resilience will better enable USAID's programs to break the cycle of chronic vulnerability, extreme poverty, and hunger driven by recurrent shocks and stresses – and therefore to reduce the types of instability that threaten U.S. national security. The new Bureau for Resilience and Food Security will combine the capabilities and expertise of the current Bureau for Food Security (including the Center for Resilience), the Office of Water, and the Climate Adaptation team to provide technical leadership and more efficient and effective support to field Missions through four Centers that cover Agriculture, Resilience, Water, and Nutrition, as well as through cross-cutting capabilities such as research.

Bureau for Conflict Prevention and Stabilization

Approximately 70 percent of USAID's programming is in fragile states or countries in conflict, emerging from conflict, or at risk of conflict, yet USAID's current Bureau for Democracy Conflict and Humanitarian Assistance (DCHA) does not always operate as one unit with one voice. The new Bureau for Conflict Prevention and Stabilization will house USAID's current DCHA Offices of Transition Initiatives; Civilian-Military Cooperation; Conflict Management and Mitigation; and Program, Policy and Management, along with Countering Violent Extremism staff, in a single streamlined and focused Bureau. The Bureau will lead the implementation of effective conflict prevention, stabilization, and political transition assistance through field programs to respond to acute crises, integrated technical assistance and services to Missions, and surge capacity and rapid response support. Enhancing and more effectively integrating these functions in one bureau will strengthen USAID's ability to counter violent extremism, advance U.S. national security, achieve long-term development goals, and help more countries move towards self-sufficiency.

Bureau for Development, Democracy and Innovation

In USAID's current structure, there is no single, central resource for program design and innovation, with relevant technical expertise spread inefficiently and inconsistently across the Agency, both at headquarters and in regional Bureaus. The new Bureau for Development, Democracy and Innovation will bring together the technical expertise of the current Bureau for Economic Growth, Education, and the Environment; the Center for Democracy, Human Rights, and Governance; the Global Development Lab; regional bureaus; and other components such as American Schools and Hospitals Abroad, the Center for Faith-Based and Community Initiatives, and Minority-Serving Institutions Program. The Bureau will be a one-stop shop for technical expertise and high-quality program-design support. It will house several Centers on specific topics and help Missions to improve programmatic results by integrating innovation, technology, inclusivity, good governance, private-sector engagement and partnerships, expertise in managing small grants, and other cross-cutting priorities into long-term development efforts.

Associate Administrator for Strategy and Operations

Currently, USAID's budget, financial management, policy and learning, and other management functions are dispersed across multiple Bureaus that report separately to the Administrator and Deputy Administrator. The increasing complexity of USAID's mission means that these two Agency leaders can no longer devote sufficient attention to strategic and programmatic priorities while also driving management reforms, operational and procurement improvements, and overseeing USAID's finances and human capital. USAID is exploring the feasibility and value of establishing a new Associate Administrator for Strategy and Operations that would unite these functions under a single dedicated leader for the first

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time, to reduce stove-piping; improve decision-making; and ensure effective, timely, and appropriate coordination of critical operations and management functions. This role would also reduce the number of individuals who report directly to the Administrator and Deputy Administrator, to allow them to focus at the strategic level while the Associate Administrator for Strategy and Operations would be accountable for all management functions on a day-to-day basis.

Bureau for Policy, Resources and Performance

The new Bureau for Policy, Resources, and Performance (PRP) will consolidate staff from the current Bureau of Policy, Planning and Learning, the Office of Budget and Resource Management, the Bureau for Management, and the Global Development Lab to better coordinate, align, and strengthen USAID's foreign assistance policy, resource management, and evidence-based performance management functions. The PRP Bureau would report to the newly-established Associate Administrator for Strategy and Operations.

Bureau for Management

Multiple Agency-wide management and human capital functions reside in organizational units outside of the Management Bureau. The Bureau for Management oversees most procurement and program-funded human resources functions, whereas the remainder of human resource functions are housed within the Bureau for Human Capital and Talent Management (HCTM), and the Office of Security (SEC) is currently a stand-alone organizational unit. The merger of HCTM and SEC with the Management Bureau will provide for a more simplified operational structure. It will reduce direct reports to the Administrator, increase accountability and direct oversight, allow for all human capital components to reside in a single Bureau, and support a more streamlined security clearance process. The Bureau for Management would report to the newly-established Associate Administrator for Strategy and Operations.

Bureau for Asia

The countries of Afghanistan and Pakistan were formerly part of USAID's Bureau for Asia until 2010, when the previous Administration established the separate the Office of Afghanistan and Pakistan Affairs (OAPA) to address the tremendous pace of operations in the two countries. Designed as an interim solution intended to help administer the ramping up of development programs in Afghanistan and Pakistan, the current maturation of those programs, and the necessity for improved regional coordination and effectiveness to carry out the President's South Asia Strategy, warrant the reintegration of OAPA into a single Asia-wide regional Bureau.

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Reorganizing the U.S. Office of Personnel Management

U.S. Office of Personnel Management

Summary of Proposal: This proposal would reorganize the U.S. Office of Personnel Management (OPM) and the process by which Federal personnel management and operations functions are coordinated. Specifically, the proposal would move OPM's policy function into the Executive Office of the President (EOP) and elevate its core strategic mission, while devolving certain operational activities, including the delivery of various fee-for-service human resources and IT services, to other Federal entities better positioned to provide transaction processing services that meet 21st Century needs.

THE CHALLENGE

Forty years ago, OPM was established in statute by the Civil Service Reform Act of 1978, and was tasked with aiding and advising the President on actions to promote an efficient civil service. This was the last time the Government implemented broad civil service reform. The General Schedule Federal job classification structure dates back to 1949. Today, there is broad acknowledgment that the Federal employment system is archaic in many significant respects, and does not reflect the realities of the contemporary workforce. Evidence of this recognition is the creation by the Congress in recent years of a variety of alternative personnel systems. These systems addressed problems impacting specific agencies as they arose. This has postponed a broader overhaul of the core personnel system, and left a fragmented personnel structure – roughly a third of which now lies outside the purview of OPM.

Meanwhile, the vast majority of OPM's workforce and budget are currently dedicated to operational activities—with a small minority dedicated to policy and oversight activities related to, for example, hiring, performance management, compensation, merit system compliance, and labor relations. On a reimbursable basis, OPM performs human resources-related services, including background investigations and information technology services, for other Federal agencies. In recent years, several high-profile incidents concerning these services—including a major information security breach—have created major distractions for OPM leadership that have nothing to do with the core personnel functions that are OPM's primary charge.

The 2.1 million-person civilian workforce represents one of the Federal Government's largest and most impactful investments. Like any large corporation, the Government is only as effective as its people. Yet the Government Accountability Office has designated strategic human capital management as a high-risk area since 2001, because the Federal Government does not do an effective job attracting, managing, and retaining a skilled workforce. An extensive literature review documents these failings. The causes are varied, but addressing them effectively requires an optimized management structure that is centrally situated, empowered to view the Federal workforce holistically, and free to focus on core strategic and policy concerns.

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THE OPPORTUNITY

This proposal is an opportunity to elevate the Federal workforce management function and maximize the operational efficiency of human capital services. The civil service system is overdue for an overhaul, and that overhaul would best be implemented under a new management structure that is more focused on core priorities and that has not been molded around the existing, archaic framework of civil service rules and regulations.

Once complete, a transition into the EOP could create a more streamlined personnel management unit that is less expensive to operate. Such a unit would also support centralized coordination of all personnel policies for Federal employees, eliminating the confusing matrix of who does what today, as well as several key gaps in policy that are inhibiting the streamlining of mission support services. Centralizing human capital operational services at the General Services Administration (GSA) should provide economies of scale and significant cost-avoidance based on reductions in contract and IT duplication as well as increased data sharing and availability.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Current OPM Structure

OPM currently comprises seven major organizational units: Employee Services, Retirement Services, Healthcare & Insurance, Merit System Accountability & Compliance, Human Resources Solutions, Suitability Executive Agent, and the National Background Investigations Bureau. In general, current OPM activities and functions fall into two categories: human resources policy and compliance and human resources service delivery and implementation.

This proposal would elevate human resources policy functions into the EOP, and provide it with a whole-of-Government mandate that OPM currently lacks.

To drive real reform, the Federal Government needs to elevate Federal workforce policy so that evidence and leading practice can drive strategic management of the workforce. In particular, reform requires an agency steadfastly committed to:

- A holistic view of the Federal workforce;
- Assessment of innovations and contextual changes that drive the future of work;
- Data-driven policy development;
- Data analytics and strategic workforce management;
- Agency policy advice and change management assistance; and
- Identification and advancement of leading practice throughout the Federal Government.

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Structure and Function of the EOP Office

Today, Federal human resources policy is fragmented, making it difficult to assess Government-wide human capital challenges. This EOP office would centralize policy decisions in areas such as employee compensation; workforce supply and demand; identification of future workforce skill needs; leadership and talent management; and other important issues. The office would work to rationalize policies, procedures, and incentives across the Government, while minimizing unintended consequences.

This new office would also modernize the approach to human resources policy, with a core focus on: strategy and innovation; workforce and mission achievement; senior talent and leadership management; and, total compensation and employee performance. Each of these units would be informed by data analytics and human resources standards.

Achieving this vision will require realignment of OPM's current functions, some of which would be transferred and realigned to a service delivery operational entity. The new entity would be formed from a combination of OPM's operational/service units with the existing offices of GSA, to be reconstituted as the "Government Services Agency." This combination would yield an organization with a focus on providing Government-wide services and solutions associated with the full Federal employee lifecycle.

Immediately below is a summary of how current OPM functions could be realigned under this proposal. While the precise transition plan for all units has not been finalized, organizational units in the EOP office would subsume and expand upon the current OPM human capital policy-based activities under this proposal. At the end of this paper, there is an existing OPM organizational chart and a notional organizational chart for the office to be housed within the EOP.

Current OPM Organizational Units	Function Type	Receiving Agency
Employee Services	Policy	EOP Office
Retirement Services	Employee Servicing	"Government Services Agency"
Healthcare & Insurance	Agency Servicing	"Government Services Agency"
National Background Investigations Bureau	Agency Servicing	Department of Defense
Human Resources Solutions	Agency Servicing	"Government Services Agency"

Note: The placement of other OPM offices and functions will be determined at a later date.

Transfer of Operational Functions to a Renamed Government Services Agency

OPM's current human resources service delivery and implementation functions would be transferred. A strong nexus would be retained, however, between these operational activities and the personnel management office to be housed in the EOP, which would be responsible for ensuring that human resources IT operations and services evolve in a manner consistent with changes in workforce policy.

Centralizing human resources operational functions in a single entity within the newly renamed Government Services Agency would integrate the transactional and employee-centric, service-based functions currently performed by OPM with existing GSA operations, including Federal employee payroll and travel. With end-to-end services around the Federal employee lifecycle maintained in one place, considerable operational efficiencies should be attained. Currently, these services are stove-piped,

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forcing burdensome processes on managers and employees. It is worth noting that HR services are rated last among all mission support services by Federal managers.

To achieve the vision outlined in this proposal, the consolidated service agency would house those functions currently performed by OPM's Human Resources Solutions, and Healthcare & Insurance organizational units. It could also potentially carry out OPM's responsibilities for retirement processing and servicing, but other entities, such as the Department of the Treasury, would also be considered.

As also discussed in this Volume, activities currently performed by the National Background Investigations Bureau would be consolidated with similar activities mandated to the Department of Defense.

Additional Analysis and Background

More than 80 percent of OPM's funding and staff is dedicated to meeting the Agency's service-based responsibilities. These include important functions, such as administering the Federal Employees Health Benefits Program for more than 8.2 million active Federal employees, retirees, and their families; administering the Civil Service Retirement System and the Federal Employees Retirement System for over 5.3 million active Federal employees, annuitants, and survivors; processing more than two million background investigations each year for over 100 Federal agencies; and managing USAJOBS, which receives over 85 million searches each month from 15 million site visitors. While these functions are vital, their scope and scale are such that they necessarily distract agency leadership's attention from strategic human capital management and stewardship of an efficient civil service structure. OPM's greatest visibility in recent years has stemmed from high profile challenges within these operational and service-based activities.

In 2014, a data breach into OPM's systems exposed personally identifiable information for over 20 million individuals, including Federal employees and their families, job applicants, and contractors, creating one of the biggest national security threats in decades and requiring the Federal Government to pay for credit monitoring for 10 years. In 2007, OPM issued a stop work order marking its fourth consecutive failure to automate its retirement processing function. Since then, OPM has not attempted this effort again, and instead relies on manual reviews. From 2014 to today, OPM has increased prices on background investigations by more than 40 percent, and the timeline for processing background investigations has tripled, further straining agency budgets and the ability to fill critical positions. Currently, OPM is working to reduce an inventory that has grown to approximately 725,000 cases.

There is no significant benefit obtained from having these operational fee-based functions housed within the same agency that oversees the overarching policies. Further, it is in no way apparent that OPM has a comparative advantage relative to other Federal entities in the management of information technology or contractual services. Also, in selling human resources and IT products to those agencies whose personnel practices it monitors, OPM is in a position that can lend the appearance of a conflict of interest.

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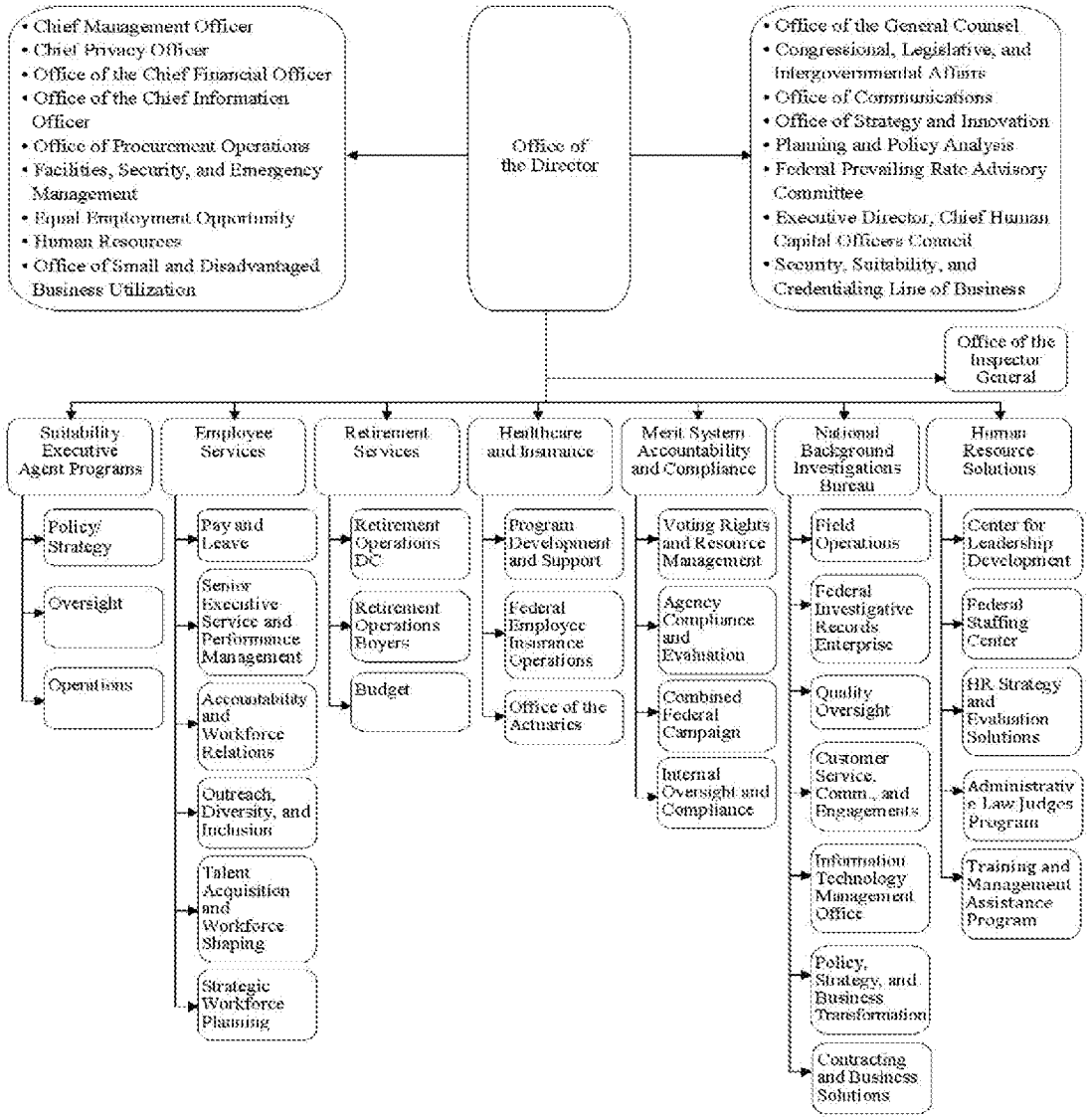
Achieving the End-State Vision

Achieving this vision may entail both legislation and administrative actions to transfer and/or delegate certain basic OPM functions, resources, and authorities. This includes moving peripheral functions to other agencies, and moving core policy units into the EOP. There would also be a change-management and capacity-building process, led by the Director of the Office of Management and Budget and the Director of OPM, to transform and elevate the organization. Fully and effectively achieving the end-state vision presented here would necessarily require a partnership with the Congress, including the granting of statutory authorities as necessary.

Current OPM Structure



18-cv-2422(FBI)-5796
DOJ-FBI-18-0520, 18-0521-L-000234

AMERICAN OVERSIGHT

A New Approach is Needed to Transform the Workforce

Status Quo

- Focus on administering and protecting Title V, excluding other 1/3 of workforce
- Responsibilities for developing policy and selling services to agencies are under same organization
- Federal personnel policy and strategy is only management function located outside the Executive Office of the President
- Human Resource IT is held back by legacy IT systems and customized to Federal standards.

Future State Vision

- Focus on workforce strategy for whole of government
- Responsibilities for policy and strategy development would be separated from service offerings to agencies
- Integrate responsibilities for policy and strategy into the Executive Office of the President, similar to other functions like IT, procurement, financial management
- Human Resource IT is moved into cloud architecture and aligned with private sector standards

Enable effective strategy and workforce alignment through effective policy oversight and spreading adoption of leading practices.

New Organizational Structure

Organizational Roles

Plan for the Future of Government's Work: mission needs, critical skills, assessment of current resources, learning management, diversity and inclusion.

Create a Culture Focused on Mission Delivery and Performance: customer service indicators, organizational health and performance metrics, employee engagement indicators.

Focus on the Top Career Leaders: Identify top ~300 SES positions and develop leadership and executive competencies and strategies for preparing managers and leaders.

Modernize Compensation to Recruit and Retain: pay, benefits, retirement, leave, disability based on skills needed and market dynamics.

Align Federal HR standards to Private Sector: Enable agencies to leverage private sector solutions wherever possible.

Use "Data" to Inform Strategy and Actions: perform comparative analysis internal/external to Government including market research, identify leading practices and laggards for agencies.

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AMERICAN OVERSIGHT
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Consolidation of Federal Veterans Cemeteries

Department of Veterans Affairs

Summary of Proposal: This proposal would transfer responsibility for perpetual care and operation of select military and veterans cemeteries located on Department of Defense (DOD) installations to the Department of Veterans Affairs (VA) – National Cemetery Administration. This transfer would increase efficiency, limit mission overlap, and ensure that these cemeteries are maintained to national shrine standards to continue the recognition of service of those interred therein.

THE CHALLENGE

Currently, mission overlap exists in the oversight and operations of Federal military and veterans cemeteries. Specifically, VA maintains and operates 135 national cemeteries and 33 cemeterial installations, DOD is responsible for approximately 43 cemeteries located on active and inactive installations, the Department of the Interior (DOI) is responsible for 14 situated within national parks, and the Department of Agriculture (USDA) is responsible for one. In most cases, this mission overlap is inconsequential as the responsible agency has adequate infrastructure and support in place at each location, making each a suitable caretaker. However, at some facilities responsible agencies no longer maintain an active presence, presenting unique challenges for efficient oversight and warranting reconsideration of the status quo.

This proposal recognizes an opportunity to transfer responsibility for the operation and care of select post cemeteries, 10 of which are located on inactive facilities formerly occupied by the Department of the Army (Army) and one on a re-missioned open garrison (Fort Devens), to VA by leveraging the expertise and capabilities of the National Cemetery Administration (NCA). This consolidation will enable the Army to utilize Operations and Maintenance resources for other critical mission needs while reducing duplication of effort across Government.

THE OPPORTUNITY

For several decades, DOD has maintained "post cemeteries" on inactive bases shuttered as a result of various closure and re-missioning decisions – specifically, 10 former active Army facilities. In these cases, lack of an active Army presence makes efficient operations and maintenance challenging. The National Cemetery Administration (NCA), established by the Congress in the National Cemeteries Act of 1973 and one of the three administrations that make up VA, operates a large network of veterans cemeteries, making it better suited for this mission. In addition, one open garrison – Fort Devens, Massachusetts – has been re-missioned as an Army Reserve Forces Training Area and is included in this proposal.

In addition to serving as the interface for the public in the delivery of VA burial benefits, NCA operates and maintains the network of national cemeteries to "national shrine" standards. These standards include headstone realignment, irrigation and grounds improvements, and other facility upgrades to improve accessibility and visitors' experience. NCA's performance is substantiated by consistently high customer satisfaction ratings from veterans, family members, and visitors.

Consolidation will alleviate duplicative mission requirements and entrust operational control to an agency with more expertise in running cemeteries. This will allow more burial options for veterans and dependents at some of the transferred cemeteries by taking advantage of NCA's operational experience in maximizing the use of available space.

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-1-000230
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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

VA, DOD, DOI, and USDA maintain approximately 226 Federal cemeteries where the remains of veterans and dependents from various eras and conflicts are interred. The NCA is responsible for 135 national cemeteries and 33 other cemeterial installations.

The remaining 58 cemeteries fall under the collective responsibility of DOD, DOI, and USDA as listed below. Not listed are numerous other State and/or tribal veterans cemeteries. Further, this inventory does not include American Battle Monuments Commission installations as nearly all are overseas and currently maintained to guidelines commensurate with "national shrine" standards.

Department of the Army (post cemeteries proposed for transfer)	Department of the Army	Department of the Interior National Park Service
• Vancouver Barracks Cemetery, WA • Fort McClellan Post Cemetery, AL • Fort McClellan Prisoner of War Cemetery, AL • Fort Lawton Cemetery, WA • Fort Douglas Cemetery, UT • Fort Worden Cemetery, WA • Fort Missoula Cemetery, MT • Fort Stevens Cemetery, OR • Benicia Post Cemetery, CA • Fort Sheridan Cemetery, IL • Fort Devens Cemetery, MA (active)	• Arlington National Cemetery, VA • U.S. Soldier's and Airmen's Home National Cemetery, Washington, DC • Aberdeen Proving Ground, MD • Fort Benning, GA • Fort Bragg, NC • Carlisle Barracks, PA • Edgewood Arsenal, MD • Fort Huachuca, AZ • Fort Knox, KY • Fort Leonard Wood, MO • Joint Base Lewis-McChord, WA • Fort Meade, MD • Presidio of Monterey, CA • Fort Riley, KS • Fort Sill, OK • U.S. Military Academy, NY • Watervliet Arsenal, NY • Fort Campbell POW Cemetery, KY • Fort Drum POW Cemetery, NY • Fort Gordon German POW Cemetery, GA • Schofield Barracks, HI	• Gettysburg, PA • Antietam, MD • Battleground, VA • Fredericksburg, VA • Yorktown, VA • Poplar Grove, VA • Fort Donelson, TN • Andrew Johnson, TN • Stones River, TN • Shiloh, TN • Andersonville, GA • Vicksburg, MS • Chalmette, LA • Custer, MT
Department of the Air Force	**Department of the Navy**	**Department of Agriculture**
• Fort George Wright Cemetery, Fairchild Air Force Base, WA • U.S. Air Force Academy, CO • F.E. Warren AFB, WY • Fort Crook/Offutt AFB Cemetery, NE • Volk Field, Camp Douglas, WI	• Maine Memorial, FL • Captain Ted Conaway Memorial Navy Cemetery, VA • U.S. Naval Cemetery, Great Lakes Naval Base, IL • Cuzco Beach Naval Cemetery, U.S. Naval Base Guantanamo Bay, Cuba • U.S. Naval Academy, MD	• Fort Reno Cemetery/POW Annex, OK

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AMERICAN OVERSIGHT
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Transfer of the 11 cemeteries italicized above from Army to NCA makes progress towards several Administration priorities, including, but not limited to: reducing redundancies and mission duplication across Government; streamlining operations and achieving efficiencies; increasing access to burial options for veterans and eligible dependents; and, providing veterans with benefits they have earned in service to the Nation.

This consolidation will constitute the largest transfer of cemeteries to VA since the National Cemeteries Act of 1973 (P.L. 93-43) established the system in place today. The proposal is limited to base cemeteries located on installations that no longer maintain an active personnel presence, as well as one re-missioned base (Fort Devens) where transfer would realize efficiencies. Although the effort is not conceived as a pilot, it will enable VA to develop and execute an implementation plan that could also inform future transfers. This proposal would not transfer cemeteries on other active DOD installations or those located within DOI national parks where support infrastructure and presence exists.

Transferring these facilities to NCA is the optimal good-government strategy, and is consistent with the National Cemeteries Act of 1973. NCA leads the way in providing a variety of world-class burial and memorial benefits for veterans and their families and has received the highest customer satisfaction rating among the public and private sector from the American Customer Satisfaction Index (ACSI) for six consecutive years. Upon transfer, these facilities will be maintained to the same high standards as other NCA cemeteries, which have garnered public praise. VA does anticipate that each of the 11 transferred cemeteries will need to undergo some minor infrastructure improvements (e.g., roads, irrigation and drainage, marker alignment, turf renovation, etc.).

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-L-000238 18-cv-2422(FBI)-5800

Reorganizing Economic Statistical Agencies

Departments of Commerce and Labor

Summary of Proposal: The U.S. Statistical System is composed of 13 principal statistical agencies across the Federal Government. Three of these agencies—the U.S. Census Bureau (Census), the Bureau of Economic Analysis (BEA), and the Bureau of Labor Statistics (BLS)—account for 53 percent of the System's annual budget of $2.26 billion, and share unique synergies in their collection of economic and demographic data and analysis of key national indicators. Reorganizing these agencies under the Department of Commerce (DOC) would increase cost-effectiveness and improve data quality, while simultaneously reducing respondent burden on businesses and the public.

THE CHALLENGE

Census, BEA, and BLS are the three statistical agencies responsible for the vast majority of the economic and demographic statistics produced by the Federal Government. However, as separate agencies across multiple departments, current duplications in data collection efforts yield increased burdens on businesses and the public. For example, Census and BLS separately collect data on, and maintain different lists of, business establishments to support their statistical activities. Such duplication creates unnecessary burden on respondents, which only impedes the timely production and analysis of vital U.S. data that the public rely on to make everyday household, business, and policy decisions. Further, because these three agencies already work in close coordination with each other, their reorganization under one department would bring about efficiencies through the integration of not only data products, but staff services and IT systems, achieving cost savings while improving data quality and security.

Reorganizing these agencies under the direction of DOC's Undersecretary for Economic Affairs will provide the policy and management oversight necessary to coordinate and streamline the production of Federal economic statistics. To achieve this goal, planning would begin in 2019 with implementation in 2020, after the peak operations of the 2020 Decennial Census are complete.

THE OPPORTUNITY

This proposal would support three key opportunities for improvement:

- Reorganizing Census, BEA, and BLS within DOC would reduce redundancy by utilizing shared infrastructure – including modernized IT and human resource systems – resulting in more efficient collection and production of national data.
- Integrating survey operations, such as survey sample designs and respondent lists, would reduce respondent burdens for businesses and the public by decreasing redundant survey questions and consolidating existing surveys.
- Reorganization could also improve data quality by streamlining the approaches used to measure U.S. economic statistics, including capital investment, productivity, trade, and service industries.

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AMERICAN OVERSIGHT

18-cv-2422(FBI)-5801

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Reorganizing Census, BEA, and BLS is logical because all three produce national-level economic and demographic indicators whose value extends far beyond the scope of their respective departments and programs. There is general agreement within the statistical community, the Administration, and among private stakeholders that consolidating these three agencies would reduce public burden and end duplicative practices, while simultaneously enabling a more coherent approach to developing the Nation's principal statistics. Numerous presidential, congressional, and other studies have recommended consolidation and coordination. In addition, many other nations with high statistical capacity, including Canada, the U.K., Australia, and New Zealand, have a much greater degree of centralization of statistical functions than the United States.

While there is a sound case for reorganization, the Administration acknowledges that there are risks. Maintaining trust in the accuracy, objectivity, reliability, and integrity of Census, BEA, and BLS products is essential to meeting the needs of a wide range of end users and other stakeholders. The reorganization will provide the opportunity to move to an open-source environment that will improve transparency and confidence in statistical products. Reorganizing these agencies under DOC's Under Secretary for Economic Affairs provides the best opportunity to preserve the quality and integrity of these products while also creating the greatest opportunity to improve the efficiency of the agencies. The Under Secretary already leads oversight activities of both BEA and the Census Bureau on high priority management, budget, employment, and risk management issues; advises Government officials on economic policy; and participates in interagency policy councils. Folding BLS into DOC would only strengthen the Under Secretary's ability to coordinate and integrate current work with the priorities and requirements of the Department and other Government entities. To mitigate any possibility of impacts to high priority programs, such as the decennial census, reorganization would not occur until late 2020, after nationwide field operations for the 2020 Census have been completed. The Administration will continue to study this proposal to ensure that a combined agency will not be less accountable or transparent to the American people than the current division of responsibility among multiple agencies.

Reorganization would focus on the following goals: achieving increases in operational efficiencies; reductions in respondent burden; enhancements in privacy protections; and improvements in data quality and availability.

Achieving Increases in Operational Efficiencies

The integration of data products and sharing of administrative services and IT systems could yield greater economies of scale, resulting in substantial increases in operational efficiencies. For example, BLS's headquarters lease is ending in Fiscal Year 2022. Rather than develop and finalize independent plans for relocation, BLS will explore options with Census and BEA to leverage office space as well as unique assets necessary to complete their mission, such as lock-up production facilities. In addition, Census has invested heavily in its IT infrastructure ahead of the 2020 Census and intends to expand that investment to the rest of the Bureau following its completion. Starting to plan for consolidation now would allow Census to integrate the operational requirements of BLS and BEA so that the planned expansion of their infrastructure could address the needs of all three agencies. This would also provide the most cost-effective opportunity to modernize older systems at BLS and BEA.

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AMERICAN OVERSIGHT

Reductions in Respondent Burden

The potential to consolidate duplicative survey data collections and eliminate some collections and survey questions would produce tangible efficiencies for the public and the Federal Government. For example, BLS and Census currently conduct separate surveys on U.S. businesses and their activities, and because current law does not permit consolidation of the lists of business establishments, BLS and Census maintain separate lists of business establishments to support statistical activities. Consolidation of these agencies could allow for combining these surveys into a single data collection. Reorganizing these agencies within one department would also provide them with access to existing administrative data in a more efficient manner, which could lead to the elimination of certain collections while producing higher quality and more timely data. For example, current agreements between outside partners and Census, BEA, or BLS only permit the agency in the agreement to use the administrative data. Through a reorganization, the administrative data agreements with outside partners could be leveraged for use across a larger suite of programs and would reduce public burden and costs.

Enhancements in Privacy Protections

Privacy risks and concerns over the safeguard of information could also be optimally mitigated by consolidating these agencies. The proliferation of information about people and businesses online increases the risk of unintended respondent re-identification. Currently, BLS and Census each release numerous business data products, including data on employment and wages of industries and occupations, values of sales and inventories, and prices received by producers and paid by consumers, with each release adding incremental risk to this re-identification issue. Current law does not permit consolidation of the administrative source data used by each agency, and each set of data products provide unique functionality such that data users would be harmed by ceasing one of the products. Consolidating these products while maintaining the best features of both could reduce privacy risks while ensuring data users' needs are still met. Further, housing these agencies at DOC would increase collaboration and allow each agency to seamlessly develop, apply, and promulgate disclosure avoidance techniques across the suite of statistical data products.

Improvements in Data Quality and Availability

Consolidation would also allow each of the three agencies to access the source data utilized by the agencies in constructing their statistics. This could result in improvements to existing products as well as the production of new statistical products. If all source data resided in a single Department more granular data would be made available for input into key economic indicators, and could improve the timeliness of their releases. For example, GDP estimates could see reductions to the size of GDP revisions, and the Producer Price Index – released by BLS using Census inputs – could incorporate more current data and economic patterns in its estimates. Reorganization would also allow for production of new statistical estimates that would have been difficult to produce before, such as fully integrated statistics on goods and services, trade, and inbound and outbound foreign direct investment.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-L-000241

18-cv-2422(FBI)-5803

Consolidation of the Department of Energy's Applied Energy Offices and Mission Refocus

Department of Energy

Summary of Proposal: This proposal would consolidate the Department of Energy's (DOE) applied energy programs into a new Office of Energy Innovation in order to maximize the benefits of energy research and development and to enable quicker adaptation to the Nation's changing energy technology needs. It would also establish a parallel Office of Energy Resources and Economic Strategy, which would focus on strategic delivery of solutions that support U.S. energy dominance in access to resources and infrastructure. Finally, it would maintain the Office of Cybersecurity, Energy Security, and Emergency Response, which would protect energy infrastructure from increasingly sophisticated threats and ensure energy restoration following disasters.

THE CHALLENGE

DOE's core applied energy research and development (R&D) offices are currently organized by major energy technology or primary energy source, such as nuclear, fossil, and renewables. This structure emphasizes siloed, fuel type-driven R&D that can hinder the development of integrated solutions, inhibit effective collaboration, and impede the best possible research outcomes. DOE's current, entrenched applied energy program organizational structure parallels the stakeholder community, and thus the programs can be influenced by the strongly held beliefs of the technology and fuel champions of their respective areas, which have biases that are often counter to identifying solutions that are good for the Nation as a whole.

DOE also maintains a separate program called the Advanced Research Projects Agency-Energy (ARPA-E) that conducts applied research. While the program features positive aspects, such as coordination with industry and cross-cutting research, it makes little strategic sense that this entity exists independent of DOE's main applied research programs. Achieving energy dominance requires an integrated national energy strategy and scarce resources must be directed to address national concerns.

This proposal would consolidate DOE's applied energy research programs into a single Office of Energy Innovation that would take a holistic view of energy innovation to ensure Federal research keeps pace with the changing needs of the Nation's energy system while maximizing the value to the taxpayer. In parallel, an Office of Energy Resources and Economic Strategy would be established to capture the Department's expertise in monitoring, analyzing, and administering the Nation's physical energy assets and the Office of Cybersecurity, Energy Security, and Emergency Response established in 2018 would be maintained to address emerging threats to U.S. energy security from cyber, natural, or other sources.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-000242 18-cv-2422(FBI)-5804

THE OPPORTUNITY

Organizing applied energy research under one unified office has the potential to reduce a practice of picking energy technology winners and losers and pitting fuel types against one another for Government funding and attention. Breaking down the rooted R&D silos could enable greater flexibility and efficiency in decision-making and enhance the Department's ability to set and achieve big goals. Revitalizing DOE's applied energy R&D in this manner also provides the opportunity to integrate the positive attributes of ARPA-E into DOE's core energy research rather than it being a wholly independent program. Many fields of research, such as materials, energy storage, and the overall enhancement of the grid's stability and baseload capabilities, span today's applied energy offices and would especially benefit from a fuel and technology-neutral program structure. With a unified Office of Energy Innovation, applied energy research could be directed to achieving nationally significant outcomes and breakthroughs, rather than incremental changes for individual fuel types that may have limited if any strategic connection to one another.

In addition, maintaining the Office of Cybersecurity, Energy Security, and Emergency Response and establishing the Office of Energy Resources and Economic Strategy in parallel with the new Office of Energy Innovation ensures that key missions of the Department are adequately addressed and prioritized.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under this proposal, DOE would create a single Office of Energy Innovation to tackle all applied R&D to further the Nation's energy dominance. The merger would include both the operational components and programmatic R&D activities of each applied energy office to maximize savings. The new office would emphasize sector and system-level outcomes and ensure a robust, systemic focus on early-stage R&D, where the Federal role is strongest. The proposal would also integrate into the blended organization some positive elements of the ARPA-E model, such as coordination with industry and ability to incorporate cross-cutting research into program outcomes.

To minimize the potential for simply creating new silos with different foci and to move away from the risk-averse tendencies of the long-standing programs, the new office would include an energy technology and fuel source-agnostic front-end program that invests in revolutionizing energy concepts, materials, and processes, as well as incremental improvements in existing technologies across energy sectors. It would also incorporate a mechanism to translate results to either longer-term integrated R&D programs within DOE or to the private sector. Projects could be initially short-term with defined milestones and priority could be given to crosscutting technologies or solutions that demonstrate a multi-dimensional approach or that otherwise maximize public benefit.

Rather than presupposing the fraction of the budget necessary for certain energy technologies or sources, the office would undertake a broader review of energy system needs and opportunities. All R&D would be required to compete for resources in the new environment, which would drive the best projects to the top of the list for limited resources, weeding out activities that are less efficient, duplicative, and do not adequately consider the crosscutting and diverse nature of the Nation's energy requirements.

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AMERICAN OVERSIGHT
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By elevating R&D decision-making to a system-wide, cross-sector level and implementing multi-disciplinary, multi-dimensional R&D programs, this proposal would not only make effective use of Federal funding but would also facilitate new technological advancements, some of which potentially would never be envisioned or achieved in a siloed environment.

By establishing a parallel Office of Energy Resources and Economic Strategy, the Department's expertise in monitoring, analyzing, and administering the Nation's physical energy assets capacity can be enhanced and streamlined to more effectively enable energy dominance. Through improved oversight and solution development for both the physical and market aspects of the nation's energy system, this office would promote multi-dimensional decision-making to better support resiliency, infrastructure improvement, and economic growth. Further, we cannot ignore emerging threats to U.S. energy security whether it be from cyber, natural, or other sources. To address this important issue, DOE established the Office of Cybersecurity, Energy Security, and Emergency Response (CESER) in 2018. In this proposal, CESER would be maintained to address this critical mission. While separate offices, both ERES and CESER would be tied to the Office of Energy Innovation and the three would work synergistically to achieve the system-wide, interdisciplinary vision and strategy.

This proposal seeks to take the action needed to break down existing stovepipes in the applied energy landscape and reap the benefits of that fundamental change, while protecting and enhancing other key energy mission priorities within the Department.

AMERICAN OVERSIGHT

18-cv-2422(FBI)-5806
DOJ-FBI-18-0520, 18-0521-L-006244

Divesting Federal Transmission Assets

Department of Energy and Tennessee Valley Authority

Summary of Proposal: This proposal would sell the transmission assets owned and operated by the Tennessee Valley Authority (TVA) and the Power Marketing Administrations (PMAs) within the Department of Energy, including those of Southwestern Power Administration, Western Area Power Administration, and Bonneville Power Administration. Eliminating or reducing the Federal Government's role in owning and operating transmission assets, and increasing the private sector's role, would encourage a more efficient allocation of economic resources and mitigate unnecessary risk to taxpayers.

THE CHALLENGE

The Federal Government owns, operates, and maintains over 50,000 miles of electricity transmission lines and related assets (substations, switchyards, etc.). The Federal Government's role in owning and operating transmission assets creates unnecessary risk for taxpayers and distorts private markets that are better equipped to carry-out this function.

The vast majority of the Nation's electricity needs are met through for-profit investor-owned utilities. Ownership of transmission assets is best carried out by the private sector, where there are appropriate market and regulatory incentives.

THE OPPORTUNITY

Reducing or eliminating the Federal Government's role in transmission infrastructure ownership would encourage a more efficient allocation of economic resources and mitigates risk to taxpayers.

The Fiscal Year (FY) 2019 Budget estimates that selling Federal transmission assets would result in net budgetary savings of $9.5 billion, in total, over the 10-year window.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Federal transmission assets account for roughly 14 percent of the Nation's transmission lines. [1] Collectively, TVA, Southwestern Power Administration, Western Area Power Administration, and Bonneville Power Administration own, operate, and maintain over 50,000 miles of transmission lines and related assets. By contrast, the vast majority of the Nation's electricity needs are met through for-profit investor owned utilities. The Federal Government's role in electricity production and marketing dates largely to the New Deal. Since then, the Federal Government has expanded its involvement to include owning and operating electric transmission assets. Today, a strong justification no longer exists for the Federal Government to own and operate these systems.[2] The private sector already meets the vast majority of

[1] Quadrennial Energy Review, "Transforming the Nation's Electricity System: The Second Installment of the QER," January 2017, p. A-34.

[2] See, for example, Congressional Budget Office study, "Should the Federal Government Sell Electricity?" November 1997, p. 13.

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AMERICAN OVERSIGHT

18-cv-2422(FBI)-5807

the Nation's electricity needs. Private ownership of transmission assets could result in more efficient operations and capital improvements while reducing the subsidies (both implicit and explicit) that the Federal Government now provides to the respective regions' ratepayers.

Federal transmission infrastructure assets (lines, towers, substations, and/or right of ways) could be broken off from the generation assets and sold separately, and the private sector and/or State and local entities could carry out the transmission functions now provided by TVA and the PMAs. The Federal entities that would result after such sales could contract with other utilities to provide transmission service for the delivery of Federal power just as the Southeastern Power Administration, which does not own transmission lines, already does.

The private sector is best suited to own and operate electricity transmission assets. Private ownership of Federal transmission assets could result in more efficient operation, greater innovation, stronger regulatory oversight, and direct and/or greater access to private capital markets. Further, selling these transmission assets could encourage market efficiency resulting from competition and impose market discipline resulting from both shareholder and greater regulatory scrutiny. The sale of Federal transmission assets would result in more efficient allocation of economic resources and help relieve long-term pressures on the Federal deficit related to future Federal capital investment and spending on transmission.

Prior administrations also have recognized the policy merits of divestiture and have proposed to privatize the Federal electricity infrastructure a number of times. For example, in the FY 1987 Budget, President Reagan proposed privatizing the PMAs, stating, "Utilities are not normally a Federal responsibility." In the FY 1996 Budget, President Clinton also proposed to sell four out of five existing PMAs, and successfully sold the Alaska Power Administration in 1996. In the FY 2014 Budget, the Obama Administration announced it was undertaking a strategic review of options for addressing financial challenges at TVA, including a possible divestiture of TVA, in part or as a whole.

AMERICAN OVERSIGHT

Restructure the Postal Service

United States Postal Service

Summary of Proposal: This proposal would restructure the United States Postal System to return it to a sustainable business model or prepare it for future conversion from a Government agency into a privately-held corporation. Like many European nations, the United States could privatize its postal operator while maintaining strong regulatory oversight to ensure fair competition and reasonable prices for customers. The President's Task Force on the United States Postal System will make recommendations on reforms towards this goal in August 2018.

THE CHALLENGE

When the United States Postal Service (USPS) was created out of the Post Office Department in 1970, the Congress tasked it with binding the Nation together through correspondence; half a century later, that role has been increasingly supplanted by less expensive digital alternatives. USPS has extremely high fixed costs as a result of relatively generous employee benefits combined with a universal service obligation that is understood to require mail carriers to visit over 150 million addresses six days per week. Historically, this level of service was supported by a high volume of mail. Despite significant decline in volume in the internet age, the size of the delivery network has continued to grow to meet expectations of the current operating structure. USPS can no longer support the obligations created by its enormous infrastructure and personnel requirements. USPS already has over $100 billion in unfunded liabilities, a substantial capital investment backlog, has posted losses for over a decade, and has no clear path to profitability without reform. A new model that adequately finances USPS while meeting the needs of rural and urban communities, large mailers, and small businesses is needed.

THE OPPORTUNITY

A privatized Postal Service would have a substantially lower cost structure, be able to adapt to changing customer needs and make business decisions free from political interference, and have access to private capital markets to fund operational improvements without burdening taxpayers. The private operation would be incentivized to innovate and improve services to Americans in every community.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal would restructure USPS by aligning revenues and expenses to restore a sustainable business model and possibly prepare it for future conversion from a Government agency into a privately-held corporation. Like many European nations, the United States could privatize its postal operator while maintaining strong regulatory oversight to ensure fair competition and reasonable prices for customers. A private Postal Service with independence from congressional mandates could more flexibly manage the decline of First-Class mail while continuing to provide needed services to American communities.

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AMERICAN OVERSIGHT

18-cv-2422(FBI)-5809

Profitability and Privatization: Considerations for the Future of USPS

In 2017, USPS experienced faster than expected declines in both First-Class Mail and Marketing Mail. First-Class Mail has declined 40 percent since 2001. Marketing mail is more stable, down only 10 percent since 2001, but is incredibly sensitive to price and market downturns. At the same time, USPS has continued to grow its package delivery business, particularly the last-mile delivery that is relatively cheaper for them because of the huge fixed network they must maintain to support mail delivery. However, the revenues from lower-margin package delivery and other competitive products cannot replace declining revenue from the market-dominant (monopoly) products in the long-run. This year, USPS continued its six-year string of defaults and for the first time defaulted on pension-related payments rather than just health benefit prepayments. USPS's current model is unsustainable. Major changes are needed in how the Postal Service is financed and the level of service Americans should expect from their universal service operator.

One successful model of Postal reform internationally has been to transition to a model of private management and private or shared ownership. USPS is caught between a mandate to operate like a business but with the expenses and political oversight of a public agency. A private postal operator that delivers mail fewer days per week and to more central locations (not door delivery) would operate at substantially lower costs. A private entity would also have greater ability to adjust product pricing in response to changes in demand or operating costs. Freeing USPS to more fully negotiate pay and benefits rather than prescribing participation in costly Federal personnel benefit programs, and allowing it to follow private sector practices in compensation and labor relations, could further reduce costs. A privatized Postal Service could be structured like an investor-owned utility and continue to be regulated by the Postal Regulatory Commission (PRC), a successor agency, or another Federal regulator such as the Federal Trade Commission, consistent with the existing models of privatization in Europe. Even with continued regulation, a privatized Postal Service would be more insulated from politics and more likely to succeed as a financially-viable business. A private entity would also have access to private capital markets to raise money for needed improvements like new vehicles without burdening taxpayers with additional liabilities.

USPS privatization through an initial public offering (IPO) or sale to another entity would require the implementation of significant reforms prior to sale to show a possible path to profitability. Most foreign posts that have been privatized have been profitable at the time of the sale. In contrast, USPS has lost over $65 billion since the last recession and recorded a $2.7 billion loss last fiscal year. To reach profitability, most international postal operations have gone through significant restructuring, including shrinking their physical and personnel footprints. In some cases, foreign governments have had to absorb legacy retirement liabilities[1] in order to prepare a postal operator for sale. The existing unfunded liabilities in USPS's retirement programs total more than $100 billion. USPS owes an additional $15 billion to Treasury's Federal Financing Bank and has further liabilities to the Department of Labor's Workers Compensation program. According to the Postal Service's own estimates, the Agency is insolvent, with liabilities exceeding assets by more than $120 billion.[2]

[1] UK National Audit Office, The Privatisation of Royal Mail, April 2014, Pg. 16: *https://www.nao.org.uk/report/privatisation-of-royal-mail-plc/*

[2] 2017 Report on Form 10-K United States Postal Service, Balance Sheet, CSRS and FERS Unfunded Retirement Benefits, and PSRHBF Funded Status

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AMERICAN OVERSIGHT

Forthcoming Recommendations by the Task Force on the United States Postal System

To address these major issues and identify solutions, possibly including private ownership, the President has issued Executive Order 13829: Task Force on the United States Postal System. The Task Force will conduct a thorough evaluation of the operations and finances of the Postal Service and make recommendations for reform consistent with this reorganization proposal. The Task Force will examine:

1. The expansion and pricing of the package delivery market and the USPS's role in competitive markets;
2. The decline in mail volume and its implications for USPS self-financing and the USPS monopoly over letter delivery and mailboxes;
3. The definition of the "universal service obligation" in light of changes in technology, e-commerce, marketing practices, and customer needs;
4. The USPS role in the U.S. economy and in rural areas, communities, and small towns; and
5. The state of the USPS business model, workforce, operations, costs, and pricing.

The recommendations will include administrative and legislative reforms to the United States postal system that promote our Nation's commerce and communication without shifting additional costs to taxpayers. The report will be available by August 10, 2018.

AMERICAN OVERSIGHT

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DOT Mission Adjustments

Department of Transportation

Summary of Proposal: This proposal would reorganize the Department of Transportation (DOT) to better align the agency's core missions and programmatic responsibilities, reduce transportation program fragmentation across the Government, and improve outcomes. The proposal would spin-off Federal responsibility for operating air traffic control services and locks along the Saint Lawrence Seaway, integrate into DOT certain coastal and inland waterways commercial navigation activities and transportation security programs, and reassess the structure and responsibilities of DOT's Office of the Secretary.

THE CHALLENGE

While DOT is not in need of wholesale reorganization, the Department does administer several programs that do not fit neatly within its core missions of financial assistance and safety oversight. The most significant misalignment is where DOT still has operational responsibilities, principally the Federal Aviation Administration's (FAA) air traffic control services, and to a much smaller degree, the Saint Lawrence Seaway. DOT also administers two defense-related seafaring programs that are outside of its core missions. In addition, there is unnecessary fragmentation in transportation programs across the Executive Branch. For example, the U.S. Army Corps of Engineers (Corps) is responsible for coastal and inland waterways navigation, while the Department of Homeland Security (DHS) manages certain surface transportation security programs.

This proposal addresses these challenges. The proposal would spin off FAA's air traffic control services and the Saint Lawrence Seaway from the Government; transfer to DOT responsibilities for coastal and inland waterways navigation from the Corps; and integrate into DOT certain DHS programs related to surface transportation security, including transit security grants.

THE OPPORTUNITY

Spinning-off Federal responsibility for air traffic control services to a non-profit entity would better enable our aviation system to respond to consumer needs and modernize services. Having DOT take over responsibility for coastal and inland waterway navigational development would take advantage of DOT's strengths in infrastructure finance and would make DOT's maritime responsibilities analogous to DOT's role in other transportation sectors. Shifting commercial navigation to DOT would also create long-term opportunities to adjust ownership and financial relationships between the States and the Federal Government, resulting in more efficient project delivery outcomes. Consolidating within DOT surface transportation security programs would streamline the Federal Government's interaction with surface transportation agencies and operators, clarify the Federal Government's role in surface transportation, consolidate planning and grant processes for both safety and security investments, and facilitate more effective Federal inspections and interactions with relevant surface transportation agencies and operators.

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AMERICAN OVERSIGHT

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

DOT, created in 1967, has one of the largest discretionary budgets (in terms of outlays) of any domestic Cabinet-level agency. It has a decentralized management structure in which the Office of the Secretary of Transportation (OST) coordinates the programs, regulatory activity, and research and development of nine operating administrations, or "modes." In 2017, the Department had total budgetary resources of $78 billion and employed 54,676 full time equivalents. DOT's modes generally focus on three primary missions:

1. Financial Assistance. Approximately 70 percent of DOT obligations in any given year are in the form of grants to States and localities, primarily for highway, transit, and airport infrastructure, though DOT has smaller grant programs for passenger rail and multi-modal projects (e.g., BUILD grants).
2. Safety Regulation. DOT ensures the safety of the aviation system (including aircraft, air traffic control, and emerging technology, such as drones or commercial space), motor vehicles, motor carriers, railroads, transit systems, pipelines, and the movement of hazardous materials.
3. Operations. Air traffic control operations constitute the single largest operational budget item, and also comprise a majority of DOT's workforce. DOT also operates a lock on the Saint Lawrence Seaway.

This proposal recognizes that most of DOT's activities are oriented around financial assistance to States and localities and safety oversight, that there are several programs within DOT that do not align with those two focus areas, and that several programs outside of DOT should be merged into the Department.

Air Traffic Control and Saint Lawrence Seaway

The most significant misalignment is in areas where DOT operates transportation systems, principally the FAA's air traffic control services, and to a much smaller degree, the Saint Lawrence Seaway. Both of those components could be spun off from the Government, which would allow them to have better governance structures and insolation from the political system, and allow them to better assess fees based on actual usage of their systems. Spinning FAA air traffic control services out of the Government, to a non-profit entity, similar to the Canadian system, has strong policy merits, evidenced by the approximately 60 countries that have shifted air traffic control responsibilities to non-governmental providers.

Maritime Consolidation

Unlike all other modes of transportation, DOT has a very limited role in the Nation's commercial maritime systems. The Maritime Administration (MARAD) is DOT's operating administration engaged in the promotion of the U.S. maritime sector, yet its mission is dominated by educating cadets at the U.S. Merchant Marine Academy and carrying out two defense-related programs designed to meet the Department of Defense's military sealift needs in a time of crisis. In contrast to DOT's other operating administrations, MARAD has no safety regulatory function and limited financial assistance activities, which leaves DOT under-represented in commercial maritime issues.

There are opportunities to add to DOT's responsibilities for coastal ports, inland waterways, and navigation permitting activities. Under this proposal, responsibility for coastal port dredging and operation of the inland waterway system, currently carried out by the Corps, would be shifted to DOT, which already has some limited expertise in the port and inland waterway sectors. Sifting these programs to DOT would also be an opportunity to reassess the type of Federal involvement in both sectors. Given DOT's

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extensive experience in providing financial assistance to major infrastructure projects, a new model of Federal financial assistance to ports may be a more efficient project delivery mechanism than direct Federal control, construction, and ongoing maintenance. A similar financial assistance model could be applied to the inland waterway system, though some portions may require continued Federal ownership, control and operation. In addition, transferring current U.S. Coast Guard responsibilities for permitting alterations to bridges and aids to coastal navigation to DOT would better align those functions with similar functions already carried out by DOT's.

Surface Transportation Security

DHS has two security-related surface transportation functions that would be transferred to DOT under this proposal: transit security grants currently administered by the Federal Emergency Management Agency (FEMA) and Transportation Security Administration (TSA) surface transportation inspection and guidance activities.

FEMA currently provides security grants to transit and rail operators. The Federal Transit Administration, which manages much larger financial assistance programs aimed at these same agencies and operators, could integrate FEMA's programs into its existing industry relationship. In fact, security and emergency preparedness are already eligible expenses in FTA's programs, highlighting the duplicative nature of the separate FEMA grants. Consolidating all transit and rail grant funding within DOT would eliminate confusion among transit agencies about which agency funds their emergent needs.

More generally, DOT has a strong focus on the safety of our Nation's transportation networks, while DHS is responsible for the security of those assets. However, both agencies have programs for the same non-Federal agencies, operators, and companies that own and manage surface transportation assets. Furthermore, the Federal Government traditionally provides guidance, financial assistance, technical assistance, and in certain cases, oversight and regulation for the surface transportation sector. The Federal Government has no operational role in managing or securing surface transportation assets, nor should it. That is clear in DOT's mission and history, however since its creation TSA has been pressured to expand its operational programs for surface transportation. Despite the compelling case for Federal aviation security operations, establishing a corresponding Federal role in surface transportation would be duplicative of non-Federal efforts, cost-prohibitive, and impractical to manage.

Currently, TSA has a small component ($129 million enacted in Fiscal Year (FY) 2018) dedicated to assessing threats to surface transportation facilities, encouraging security planning and threat reporting, overseeing compliance with certain rail security regulations, and disseminating best-practice guidance to transportation companies and government agencies. Under this proposal, TSA's surface-related programs would be incorporated into DOT, which interfaces directly and regularly on safety matters, ensuring that both safety and security are addressed appropriately. While DHS receives useful intelligence reporting from current TSA programs and outreach, many other Sector Specific Agencies who lead the collaborative process for other critical infrastructure security have shown they can collaborate to share intelligence as effectively as a DHS component. As part of this proposal, the Administration will ensure any reorganization does not degrade security.

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OST Organizational Structure

OST has traditionally focused on formulating national transportation policy and overseeing and supporting the Department's operating administrations. More recently, however, the scope of activities performed by OST has broadened significantly. Now, OST has programmatic responsibilities that have traditionally been carried out by operating administrations. For example, OST houses the Build America Bureau, which, among other responsibilities, administers transportation credit programs, awards INFRA grants, allocates private activity bonds, and communicates best practices and funding opportunities to project sponsors. OST also administers the BUILD grant program, which received a large increase in funds in the agency's FY 2018 appropriation.

Executing these programmatic responsibilities while simultaneously performing its more traditional oversight and management functions has been challenging and has stressed OST's organizational structure. Now that OST has performed these dual roles for several years, it is time to consider whether OST's organizational design is optimal for allowing it to most effectively carry out its statutory responsibilities. This proposal would include an assessment by the Administration and the Department of OST's organizational structure and programmatic responsibilities, including potential alternative structures.

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Reform Federal Role in Mortgage Finance[1]

Summary of Proposal: This proposal would transform the way the Federal Government delivers support for the U.S. housing finance system to ensure more transparency and accountability to taxpayers, and to minimize the risk of taxpayer-funded bailouts, while maintaining responsible and sustainable support for homeowners. Proposed changes, which would require broader policy and legislative reforms beyond restructuring Federal agencies and programs, include ending the conservatorship of Fannie Mae and Freddie Mac, reducing their role in the housing market, and providing an explicit, limited Federal backstop that is on-budget and apart from the Federal support for low- and moderate-income homebuyers.

THE CHALLENGE

The U.S. housing market is supported by a complex system of Federal subsidies and programs intended to make mortgage financing accessible to a wide range of homebuyers. However, this system is challenged by the operation of two privately-owned Government sponsored-enterprises (GSEs), Fannie Mae and Freddie Mac, in conservatorship, a condition that has been maintained since 2008, in addition to overlapping and sometimes conflicting Federal goals. The Federal role in support of housing finance is not effectively targeted to households in need of assistance or sufficiently accountable to taxpayers, as the costs and benefits of that support are unclear.

In response, this proposal would end the conservatorship of Fannie Mae and Freddie Mac and propose better tailoring of delivery of Federal programs. Policy makers should also pursue an approach that would level the playing field with the private sector to decrease the Federal subsidies supporting housing.

THE OPPORTUNITY

This proposal would reorganize the way the Federal Government delivers mortgage assistance and go beyond restructuring Federal agencies and programs by transitioning Fannie Mae and Freddie Mac to fully private entities. Competition to the duopolistic role played by the two privately-owned GSEs would be an essential element of reform to decrease moral hazard and risk to the taxpayer. Both Fannie Mae and Freddie Mac, as well as other competitive entrants, would have access to an explicit Federal guarantee for mortgage-backed securities (MBS) that they issue that is only exposed in limited, exigent circumstances. Such a guarantee would be on-budget and fully paid-for. This would also ensure that the Government's role is more transparent and accountable to taxpayers, minimize the risk of taxpayer-funded bailouts, and ensure that mortgage credit continues to be available in times of market stress for creditworthy borrowers.

[1] In order to propose changes in the Federal Government's role in housing finance, this proposal outlines policies related to the privately-owned GSEs and ending their conservatorship. Nothing in this paper should be construed as implying that the GSEs are agencies or instrumentalities of the Government nor that FHFA as conservator is operating as an agency of the United States.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-L-000254 18-cv-2422(FBI)-5816

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under the current system, Fannie Mae and Freddie Mac, two privately-owned GSEs, buy and guarantee mortgages from lenders and sell them to investors as MBS. Although they are private companies, they are congressionally chartered, a unique status that has been viewed as conveying an implicit Federal backstop that has in turn lowered their cost of capital relative to similarly-sized institutions. In 2008, Fannie Mae and Freddie Mac were taken into conservatorship and received (and continue to receive) an explicit but limited backing from the Treasury under a Preferred Stock Purchase Agreement (PSPA), which gives access to capital funding that covers any loss the enterprises may incur. In their Federal charters and by action of their primary regulator, the Federal Housing Finance Agency (FHFA), Fannie Mae and Freddie Mac have goals of providing a certain amount of financing to low- and moderate-income borrowers. However, these affordable housing activities are not clearly accounted for on the Federal balance sheet.

In addition to the GSEs, other Federal programs provide mortgage support, contributing to a large Federal footprint in the housing market. The Department of Housing and Urban Development (HUD) Federal Housing Administration (FHA) provides mortgage insurance intended to aid borrowers traditionally underserved by the conventional mortgage market, including lower-wealth households, minorities, and first-time homebuyers. The Departments of Veterans Affairs (VA) and Agriculture (USDA) also administer mortgage insurance programs targeted to veterans and lower-income rural households, respectively. The loans guaranteed by FHA, VA, and USDA are in turn packaged into MBS that are guaranteed by Ginnie Mae, a Federal entity operated by HUD. Together, loans backed by the GSEs and Ginnie Mae comprised about 70 percent of mortgages originated in 2017.

All these entities, taken as a whole, form a complex and overlapping network of cross-subsidization, without clear accountability as to who is paying for, and who is receiving, housing subsidies. Although the Federal role in the housing market has helped to facilitate the availability of the 30-year fixed-rate mortgage, the current system has structural flaws that have also created distortions in home pricing that may actually hinder the goal of homeownership. This reorganization proposal, which includes broad policy and legislative reforms beyond restructuring Federal agencies and programs, would:

- Increase competition. The proposal would remove the Federal charter from statute and fully privatize the GSEs. A Federal entity with secondary mortgage market experience would be charged with regulatory oversight of the fully privatized GSEs, have the authority to approve guarantors, and develop a regulatory environment that is conducive to developing competition amongst new private guarantors and the incumbent GSEs, ensuring they would all be adequately capitalized and competing on a level playing field. If the GSEs lost some of the benefits that have led them to dominate the market, this would enable other private companies to begin competing in this space. The regulator would also ensure fair access to the secondary market for all market participants, including community financial institutions and small lenders.

- Increase transparency and accountability. Under this proposal, which would also involve entities outside the Executive Branch of the Federal Government, guarantors would have access to an explicit guarantee on the MBS that they issue that is only exposed in limited, exigent circumstances. Taxpayers would be protected by virtue of the capital requirements imposed on the guarantors, maintenance of responsible loan underwriting standards, and other protections deemed appropriate

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by their primary regulator. The regulator would set fees to create an insurance fund designed to take effect only after substantial losses are incurred by the private market, including the guarantors, in order to ensure the continued availability of mortgage financing through shifting economic cycles. The projected cost of this guarantee and other fees charged would be on-budget and accountable, resulting in reduced implicit taxpayer exposure.

- Align incentives and reduce overlap. Under this reform proposal, which would also require legislative and policy changes affecting the mandates of entities that are not part of the United States Government, the GSEs would focus on secondary market liquidity for mortgage loans to qualified borrowers, while HUD would assume primary responsibility for affordable housing objectives by providing support to low- and moderate-income families that cannot be fulfilled through traditional underwriting and other housing assistance grants and subsidies. To effectuate this, the newly fully-privatized GSEs would have mandates focused on defining the appropriate lending markets served in order to level the playing field with the private sector and avoid unnecessary cross-subsidization. A separate fee on the outstanding volume of the MBS issued by guarantors would be used specifically for affordable housing purposes, and would be transferred through congressional appropriations to, and administered by, HUD.

- Provide more targeted assistance to those in need. The proposal would be designed so that the affordable housing fees transferred to HUD would enable FHA to provide more targeted subsidies to low- and moderate-income homebuyers while maintaining responsible and sustainable support for homeownership and wealth-building. Some of the fees could potentially be used to support affordable multifamily housing or other HUD activities. All of this support would be on-budget and accountable.

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18-cv-2422

Create the Bureau of Economic Growth

Department of Commerce

Summary of Proposal: This proposal rethinks how the Federal Government can drive economic growth in concert with private sector investments in communities across the country. By coordinating and consolidating Federal economic assistance resources at the Department of Commerce (DOC), taxpayer dollars will receive a higher return on investment on projects that are transparent and accountable.

THE CHALLENGE

Federal economic assistance programs that serve States, localities, and Tribes are broadly dispersed among Federal agencies with different purposes, eligibility criteria, time horizons, and reporting requirements. As a result, communities must navigate a complicated web of rules and regulations to determine which programs they might be eligible for, comply with different application requirements on a variety of timelines, and report on performance measures that differ in definition and reporting periods.

Consolidating these programs within DOC provides an opportunity to streamline and consolidate standards and processes for eligibility and participation, including planning and reporting requirements.

THE OPPORTUNITY

This proposal establishes a Bureau of Economic Growth in DOC, consolidating existing economic development programs to provide a central place for grants and technical assistance to communities and entrepreneurs focused on job creation, business growth, and strengthening local economies. The new Bureau will better support and empower State, local, and tribal governments to spur their economies through locally planned development projects. The streamlined Bureau will also increase transparency in regional and local Federal spending, as well as encourage and facilitate complementary private-sector spending.

Some of the programs that will be consolidated include the Department of Housing and Urban Development's Community Development Block Grant program, the Economic Development Administration's Economic Development Assistance Programs, and rural business and community facility grants from the Department of Agriculture. As part of the Bureau's focus on creating job opportunities and supporting the local business community, it would absorb the economic development functions of the Delta Regional Authority, Denali Commission, and Northern Border Regional Commission. The new Bureau would also oversee technical assistance programs. These programs provide training, planning, and other business development assistance to help businesses succeed no matter where they are in their lifecycle, whether they are just starting out, looking to expand, or trying to access new domestic and international markets.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Federal Government can play an important role in bolstering economic growth, with its ability to undertake large-scale economic development projects and holistically analyze their impacts. It is uniquely positioned to help mitigate market failures, and can leverage resources in distressed communities when local/regional entities cannot. Unfortunately, the current Federal economic development model is fragmented, resulting in fractured regulatory requirements and jurisdictions, overlapping programs, redundancy, and waste.[1] Many programs and projects are unable to clearly demonstrate their impacts on measures of economic growth.

The Bureau of Economic Growth reorganizes several Federal economic development programs into discrete functions based on mission, capabilities, and delivery method – with the intent of increasing efficiency and accountability, and improving outcomes and services to citizens, business owners, and communities. Consolidating this assistance within DOC provides an ideal opportunity to streamline and consolidate standards and processes for eligibility and participation, including planning and reporting requirements.

The new Bureau will accomplish its mission via three operational arms – planning, grant-making, and technical assistance – as well as an office of Bureau-wide administration. The Planning Office will engage State, local, and tribal community development agencies/authorities, in addition to regional consortia of these entities. Its primary function will be to leverage these agencies' internal planning capabilities to identify each community's unique barriers to economic growth and set community goals that are specific, measurable, actionable, relevant, and time-bound. Through this planning process, these State, local, tribal, and regional agencies can establish the criteria and milestones by which to measure the effectiveness of any subsequently awarded grants.

After completing the planning process, applicants can apply to the Bureau's Office of Grant-Making for the funds to implement their plans in a manner consistent with their established goals. The Office of Grant-Making will craft criteria to assure that the implementation activities are sufficiently comprehensive, actionable, and consistent with the applicant's plan.

The Office of Technical Assistance will work directly with non-profit and educational organizations operating within the State, local, tribal, or regional areas to build capacity through strategic and operational training and dissemination of best practices in economic development to local businesses and practitioners. These non-profits will apply directly to the Office of Technical Assistance for funding for technical assistance activities that support the community economic development plan. In addition to providing funding, the Office of Technical Assistance could provide access to assets that support the non-profit's implementation. This direct engagement with non-profits will allow the Office of Technical Assistance to function in an efficient and scalable manner, without duplicating staff or other resources that already exist in the local community. Recognizing the unique challenges faced by small businesses, this proposal does not include the Small Business Administration's Office of Entrepreneurial Development, which provides planning and educational services exclusively to small businesses, within the new bureau.

[1] Government Accountability Office, "Action Tracker: Economic Development: Economic Development Programs," *https://www.gao.gov/duplication/action_tracker/Economic_Development_Programs/action1#t=3.*

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Centralizing these economic development programs and activities under DOC is advantageous for several reasons. DOC is already tasked with the missions of "promoting job creation and economic growth" and "leading the Federal economic development agenda by promoting innovation and competitiveness, and preparing American regions for growth and success in the worldwide economy." As such, Commerce is well equipped with resources and expertise to support the proposed economic development consolidation and advance economic growth.

Through its Bureaus of Economic Analysis and the Census, DOC has access to comprehensive economic data which can be used to inform economic development strategies, measure outcomes, and improve accountability. Additionally, DOC has wide-ranging capabilities within its offices and Bureaus which make it uniquely suited to address the intrinsically multi-faceted nature of economic development. For example, it can leverage technical expertise to assist businesses with existing international footprints, or those looking to export through trade functions like export assistance and attracting foreign direct investment; facilitate technological innovation and commercialization; and help businesses register and protect their intellectual property.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-L-000259

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U.S. Public Health Service Commissioned Corps

Department of Health and Human Services

Summary of Proposal: This proposal would transform the Commissioned Corps (Corps) into a leaner and more efficient organization that would be better prepared to respond to public health emergencies and provide vital health services. It would do this through a series of management improvements, including reducing the size of the Corps and building up a Reserve Corps for response in public health emergencies.

THE CHALLENGE

The Corps consists of approximately 6,500 uniformed public health professionals, who work alongside their civilian counterparts performing the same jobs but often receive higher total compensation. Corps officers receive military-like benefits, even though they have not been incorporated into the Armed Forces since 1952, and generally do not meet the Department of Defense's criteria for the military compensation system. Further, the Corps's mission assignments and functions have not evolved in step with the public health needs of the Nation.

The Fiscal Year 2019 Budget raised questions about the value of having Corps officers in roles that civilians can fill, given they are more expensive than equivalent civilians. Only a small percentage of Corps officers deploy for public health emergencies, and many officers encumber positions that could be filled by civilians. In addition, a 1996 Government Accountability Office (GAO) Report[1] raised questions about the need for Corps officers in positions that did not provide direct health services.

THE OPPORTUNITY

This proposal would reduce the Corps force from approximately 6,500 officers to no more than 4,000 officers, and create a Reserve Corps that can provide additional surge capacity during public health emergencies. These reforms would result in a Corps that is more appropriately equipped to provide critical public health services and support in public health emergencies.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Reduce the Size of the Corps

This proposal would reorganize the Corps through a number of administrative and legislative reforms that would reduce unnecessary positions within the Corps and utilize Federal funds more effectively. The Department of Health and Human Services (HHS) would hold the Corps to a new standard, and require that officers fill critical public health roles and/or respond to public health emergencies.

[1] Issues on the Need for the Public Health Service's Commissioned Corps. GGD-96-55: Published: May 7, 1996. Publicly Released: May 15, 1996

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Under this proposal, HHS would reduce the size of the Corps to no more than 4,000 officers. Specifically, the agency would: 1) civilianize officers who do not provide critical public health services or support in public health emergencies; 2) require that Corps officers initially work in a hard-to-fill area and continue to serve there, or deploy as needed in a public health emergency (at least once every three years); and 3) enforce standards for Corps eligibility and readiness.

Create a Reserve Corps

This proposal would also create a Reserve Corps--similar to those used by other uniformed service programs--that would deploy either in a public health emergency or to backfill critical positions left vacant during Regular Corps deployments. The Reserve Corps would consist of Government employees and private citizens who agree to be deployed and serve in times of national need. The Reserve Corps would be an integrated part of the HHS response to public health emergencies.

Budgetary Reforms

In addition to restructuring the Corps workforce, this proposal would more appropriately allocate the cost of Corps officers to ensure each agency pays its fair share for Corps officers moving forward. Currently, if an agency employs a Corps officer the agency does not pay the accruing retirement costs for that officer, even though it pays the accruing retirement costs of civilian employees. This can result in an agency employing a Corps officer instead of a civilian because the Corps officer appears less costly than is actually the case. This proposal would require agencies to pay the accruing retirement costs for Corps officers moving forward.

Under this proposal, the Corps would deliver on its mission in a more efficient and effective manner and spend taxpayer dollars more effectively. At the end of this transformation, the Corps would be leaner and have an improved ability to provide public health services and respond to public health emergencies.

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Improving NASA's Agility through Increased Use of Federally Funded Research and Development Centers

National Aeronautics and Space Administration

Summary of Proposal: This proposal would establish an accelerated process for determining whether one or more of the National Aeronautics and Space Administration's (NASA) Centers should be converted to, or host, a Federally Funded Research and Development Center (FFRDC). FFRDCs can potentially allow the agency to be more agile in rapidly responding to changing needs and in recruiting and retaining scientific and technical expertise.

THE CHALLENGE

The missions and programs of NASA are conducted across 10 geographically-dispersed Centers, augmented by several testing and support facilities. While nine of the Centers are Government owned and operated, the Jet Propulsion Laboratory is operated by the California Institute of Technology as an FFRDC.

In 2004, the President's Commission on Implementation of United States Space Exploration Policy found that NASA Centers: 1) needed to modernize their infrastructure; 2) lacked institutional incentives to align them with new policy; and 3) utilized often ossified personnel practices. The Commission recommended that NASA Centers be reconfigured as FFRDCs to enable innovation, work more effectively with the private sector, and stimulate economic development. With the advent of the President's National Space Strategy, a renewed look at the FFRDC operating model is warranted as part of NASA's broader strategy to meet the Administration's ambitious space objectives. This proposal would establish a process for determining whether one or more of NASA's other Centers should be converted to, or host, an FFRDC.

THE OPPORTUNITY

The new National Space Strategy and National Space Policy Directive 1 require the full agility of NASA, in concert with its commercial and international partners, in order to realize the President's goals to return American astronauts to the moon and follow with human missions to Mars. In order to bolster NASA's agility, increased use of FFRDCs could provide greater flexibility than civil servant organizations, potentially allowing them to better meet the agency's evolving needs.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Background on FFRDCs

FFRDCs are research institutions that are owned by the Federal Government, but operated by contractors. They are intended to provide Federal agencies with Research and Development (R&D) capabilities that cannot be effectively met by the Federal Government or the private sector alone, and can convey a number of benefits, including the ability to recruit and retain scientific and technical expertise, and to more rapidly respond to the R&D needs of a Federal agency than would be possible with a civil servant workforce.

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The new National Space Strategy and National Space Policy Directive 1 make examining the potential advantages of an FFRDC model at NASA particularly timely. FFRDCs may offer a powerful approach to enable NASA to better align its workforce skillsets with Agency priorities, while simultaneously engendering an entrepreneurial spirit that better allows NASA to infuse talent from industry and commercial partners.

FFRDCs offer a number of advantages over traditional NASA Centers in terms of their competitive compensation to employees, flexibility, and technical skills available to the Agency. They occupy a unique position in the Nation's R&D base: they are free from many of the outdated mechanisms inherent in the civil service, and can also perform work for non-Government customers. As a result, FFRDCs are noted for their technical excellence, strong integration with the U.S. industrial base, and agility. All of these are essential as NASA works to meet the bold objectives laid out in the National Space Strategy and National Space Policy Directive 1.

Process to Determine Best Role for FFRDCs

This proposal lays a process to determine if one or more of NASA's other Centers should be converted to, or host, an FFRDC. NASA would oversee this process and provide an analysis, including recommendations, to the White House by the end of August 2018 so that the outcome can be reflected in future budget and policy plans and proposals. NASA's analysis would draw from prior studies of this topic and evaluate the potential of an FFRDC to further the Administration's policy goals more effectively. In addition to studying whether one or more Centers could potentially be converted to an FFRDC in whole or in part, NASA would also establish whether it may be effective to perform new programs and projects using an FFRDC structure.

The additional analysis needed before increasing the use of FFRDCs will address the following:

- Although FFRDCs have several advantages over Government-owned and operated facilities, they can also have drawbacks. A 2017 report by the Congressional Research Service, for example, noted concerns with FFRDCs including mission creep, ineffective Federal agency oversight, and competition between FFRDCs and the private sector for Federal R&D funding.[1] The analysis will weigh the specific costs and benefits of establishing an FFRDC for particular NASA Centers.
- It is possible that a new FFRDC hosted at a Center may be effective in running new programs or projects that are part of the Administration's space policy but are not yet underway. The analysis will examine whether these programs could more effectively be run by establishing a new FFRDC.

Conversion of a Center, or parts of a Center's operation, to an FFRDC would require several steps related to developing the sponsoring agreement with the organization managing the FFRDC, and addressing human capital issues. The analysis will examine these steps and estimate their feasibility.

[1] Congressional Research Service, "Federally Funded Research and Development Centers (FFRDCs): Background and Issues for Congress," December 1, 2017.

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Management Consolidation of Federal Graduate Research Fellowships

National Science Foundation

Summary of Proposal: This proposal would consolidate the administration of graduate fellowships for multiple Federal agencies under the National Science Foundation (NSF) in order to reduce the total cost of administering those fellowships.

THE CHALLENGE

Multiple agencies are administering many different graduate research fellowships across the Federal Government. Some of the larger programs fund over a thousand fellowships annually while smaller programs support only a handful of fellowships each year. Each awarding agency devotes resources to administering these fellowships, but some are similar enough that their management could be consolidated at one agency, potentially resulting in lower costs.

This proposal would consolidate the administration of Federal graduate research fellowships for smaller fellowship programs at NSF. NSF would leverage the efficiency of its existing graduate fellowship program to coordinate the fellowship application, selection, and award processes for other agencies, and be reimbursed by the other agencies for this work.

THE OPPORTUNITY

Consolidating the management/administration of graduate fellowships for smaller agencies at NSF could lead to reduction of duplicative administrative efforts and yield savings across the Federal Government.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Graduate fellowships provide one or several years of funding support for students pursuing a Masters or Ph.D. degree. Awardees are selected based on a range of criteria, from their academic accomplishments to the broader societal impacts of their research work. Fellowships are a source of funding for student researchers in addition to research grants obtained by university faculty, and because fellowships tend to be highly competitive, they are viewed as prestigious in the scientific community. The Federal Government is by far the largest funder of graduate fellowships in the United States, but fellowships are also offered by foundations and private companies.

NSF awards the highest number of graduate fellowships of all Federal agencies (more than 1,000 new fellows every year), and has an efficient system in place to do so. For agencies with much smaller fellowship programs, using NSF's fellowship process instead of their own could be more efficient and produce savings if fellowship offices at other agencies can be downsized or eliminated. Even if NSF requires additional resources to process the increased workload, the Government-wide resources spent on administering graduate fellowships would be reduced compared to the status quo.

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An initial step to implement this proposal would be to take a thorough inventory of existing graduate fellowship programs across the Federal Government. At the same time, NSF would evaluate which types of programs and associated tasks would benefit from using NSF's expertise and grants management infrastructure. Depending on the number and size of other agencies' fellowship programs identified in the inventory, a phased approach could be implemented where less complex programs are the first to move under NSF management.

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Rationalize the Federal Real Property Approach

Government-wide Application

Summary of Proposal: The Federal Government is the largest single employer and owner of real property in the United States, and as such, has a huge impact on the Nation's communities. Despite these far-reaching implications, its management of that real property is a mixed bag of smart space use, underutilized assets, liabilities, and leases. The Federal Government can do a better job strategically managing these assets, including utilizing private sector best practices, to improve our communities, right-size the Federal real property portfolio, and provide better value and services to the taxpayer. This proposal encompasses moving Federal offices and jobs for better quality of life and a more capable workforce; a new budgetary mechanism for capital projects; better incentives for agencies to divest unnecessary assets; and smarter leasing practices.

THE CHALLENGE

Since 2004, the Federal Government has improved its real property management and has disposed of many properties that were no longer a needed. These actions have addressed low-hanging fruit, but many opportunities remain for agencies to improve their decision-making and identify transactions that provide greater value for the Government. Unlike the private sector, Federal agencies sometimes lack incentives to think strategically about their workforce and shi fting mission needs, and how those factors influence where they are located. Without transformative real property-related authorities, the Federal Government's ability to meet its mission needs and make smart real estate decisions will continue to stagnate and fall behind the private sector.

THE OPPORTUNITY

A combination of administrative and statutory changes would provide opportunities to optimize the Federal footprint by making smart investments in renovations and new facilities, driving down lease costs, and disposing of unneeded real estate through a streamlined process that results in the greatest return to the taxpayer. Together, these reforms would allow agencies to have the facilities they need to fulfill their missions and serve the American people, while at the same time freeing up unused or underutilized properties to generate a return for taxpayers and spur local economic development.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Title 40 Disposal Process Improvements

Title 40 of the U.S. Code governs the process by which most agencies seek to dispose of unneeded Federal real property. The Title 40 process is complex, with many required steps prior to the disposal of real property: vetting for surplus, excess, public benefit conveyance, and finally sale. GAO has highlighted that the complexity of disposal under Title 40 impacts the decisions that agencies make and can lead to decisions and outcomes that are not economically rational. In response, prior Administrations have proposed modest disposal reforms, but those proposals did not advance in the Congress. In December 2016, the Congress enacted legislation, the Federal Assets Sale Transfer Act (FASTA), which created a new Public Buildings Reform Board to review agency submissions for disposal, and also included some limited disposal process streamlining. While FASTA is a substantial step forward—and the enhanced visibility

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from the Board will generate additional interest—the legislation did not tackle the major impediments to accelerating and expanding agency disposals.

The Administration believes major new authorities are necessary to fully utilize the disposal process to return unnecessary Federal property back to productive non-Federal use. As part of its Infrastructure Initiative, the Administration proposed a series of improvements to streamline, accelerate, and incentivize the Title 40 disposal process. These improvements include: eliminating the public benefit conveyance authorities, allowing agencies to take unneeded Federal property directly to sale; retention of net proceeds of sale dedicated to real property use without further appropriation; and expansion of the allowable uses of the Government Services Administration (GSA) Disposal Fund to support agencies with the upfront costs of disposition in advance of making a report of excess. The Administration is proposing the elimination of all conveyance provisions, allowing surplus properties to go straight to market, maximizing the return to the taxpayer. Several Government Accountability Office (GAO) engagements since 2004 have highlighted the benefit of allowing agencies to retain some or all of sales proceeds associated with the disposition of Federal real property. Without this reform, agencies currently incur substantial work and costs to dispose of properties, with little to no financial upside for them, reducing their incentive to pursue such disposals.

Federal Capital Revolving Fund (FCRF)

The Administration recognizes that the Federal Government must have modern facilities to carry out agency missions and serve the American people. However, over the last decade, it has been difficult to secure the necessary appropriations to renovate existing buildings and construct major new Federal facilities, such as the replacement of the Federal Bureau of Investigation Headquarters facility in Washington, D.C. This inability to secure sufficient, timely funding to execute capital transactions often results in project cost escalation and costly lease extensions.

To address this, in the Infrastructure Initiative and the Fiscal Year (FY) 2019 Budget, the Administration has proposed creating a new funding mechanism for large, civilian real property projects that is similar to the capital budgets that States employ. The proposal would establish a mandatory revolving fund for the construction or renovation of Federally-owned civilian real property, thus allowing agencies to budget for acquiring major assets incrementally while operating within the established, transparent Federal budget rules. This proposal is supported within the FY 2019 Budget, providing $10 billion for the corpus of the Fund. GAO has conducted frequent reviews of real property acquisition methodologies and challenges encountered with funding large projects. In 2014, GAO supported a similar approach to this proposal; however, the Administration's proposal provides even more flexibility and cost savings opportunities that those identified by GAO.

Relocation Analytics

Due to mission and cost considerations, agencies are considering opportunities to reposition their real property footprints, including relocating staff and offices to locations outside of the National Capital Region. Unlike the private sector, which has considerable flexibility and often takes a holistic approach to real estate and corporate mission requirements, agencies do not do a good job thinking holistically about their mission, physical location, and how they could deliver services differently. The Administration believes there are many lessons that can be drawn from the private sector on how to assess changing

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organizational requirements and how real estate footprints can be adjusted given information technology and management practices. The goal of this effort, led by GSA, is to provide agencies with thought-process, tools, and data to drive smarter decisions in agency relocations, and work is already underway.

GSA Leasing Improvements

In addition to managing Federal buildings, GSA also engages in extensive leasing with private sector lessors, who provide office and other space to Federal agency tenants. GSA's lease portfolio includes approximately 180 million rentable square feet in more than 8,000 separate leases. In any given fiscal year, GSA executes an average of 25 prospectus-level lease transactions, defined as lease awards where the annual cost of the lease payments exceed more than approximately $3.1 million.

GSA has seen considerable improvement in their leasing practices in recent years, demonstrating significant reductions in the number of holdover leases and reductions in the size of the lease portfolio. However, more can be done to ensure that GSA makes smart leasing decisions, particularly when running lease replacement competitions. GSA will be undertaking two policy changes: executing longer, non-cancelable lease terms to secure lower rates, and undertaking a more rigorous cost analysis before executing space reductions to ensure cost effective decisions. GSA continues to assist other Federal agencies in making the most cost effective decisions under the Administration's Reduce the Footprint policy. Agencies are looking to reduce square footage and GSA helps to ensure that any reduction leads to a cost-effective solution.

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Consolidate and Streamline Financial Literacy Efforts

Summary of Proposal: More than 20 Federal agencies have some form of financial education or literacy program. To ensure effective allocation of Federal financial literacy resources and avoid unneeded overlap and duplication, this proposal consolidates and streamlines these programs.

THE CHALLENGE

The Federal Government spends an estimated $250 million annually on financial literacy and education programs and activities across more than 20 Federal agencies to educate Americans about a wide array of financial literacy and education topics. These programs lack meaningful coordination, clear measures of effectiveness, and are oftentimes overlapping or duplicative. Furthermore, very few agencies appear to monitor the effectiveness of their programs and only a handful of these programs have been formally assessed or evaluated for impact.

In addition to Federal programming, many non-federal organizations provide financial literacy services and resources, including nonprofit organizations, consumer advocacy organizations, financial services companies, employers, and State and local governments. Given the large number of participants served by Federal financial literacy and education programs, the Federal Government should consider the most effective ways to deliver these services while maximizing limited Federal resources and supporting the efforts of other public and private participants in this field.

The Financial Literacy and Education Commission (FLEC) was established by law in 2003 and is made up of the heads of 22 Federal agencies and the White House Domestic Policy Council. Chaired by the Secretary of the Treasury, FLEC is tasked to improve "the financial literacy and education of persons in the United States through the development of a national strategy." However, the FLEC has had limited success rationalizing Federal efforts to promote access to quality financial literacy and education tools for all Americans.

THE OPPORTUNITY

Consolidating and streamlining financial literacy efforts will increase Government efficiencies and reduce fragmentation among Federal programs. Reform would also improve coordination with entities outside of the Federal Government and develop a data-driven approach to financial education that will increase the impact of the programs and make financial literacy information more accessible.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal would require the Department of the Treasury (Treasury) to develop recommendations for Federal financial literacy and education activities that will be shared with the Office of Management and Budget before October 1, 2018.

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The Administration will consider streamlining and consolidation proposals as part of the Fiscal Year 2020 Budget, including but not limited to:

- Using an evidence-based approach to articulate a national vision that outlines the appropriate role for the Federal Government and leverages the current work of non-profit organizations, the private sector, and State and local governments.
- Elimination and development of programs based on how much knowledge participants are acquiring from the financial literacy and education program, as well as how likely the program is to result in behavior that leads to greater financial capability.
- Consolidation of financial literacy programs into fewer agencies, with a mandate that they consult with relevant experts in other agencies.
- Consolidation of financial literacy policy and research into a single agency or commission that would evaluate both existing programs and proposals for future programs.

Challenges Posed by Status Quo

In addition to the $250 million that the Federal Government spends annually on financial literacy and education programs and activities, $170 million is spent on technical assistance and education for entrepreneurs by the Small Business Administration, one component of which addresses financial literacy. Six of the more than 20 Federal agencies that administer financial literacy programs account for almost 90 percent of the Federal funds expended on financial literacy for individuals and households. Some areas of potential overlap and duplication among Federal financial education activities, include:

- **Financial Counseling:** The Bureau of Consumer Financial Protection (BCFP), the Department of Defense (DOD), the Department of Housing and Urban Development (HUD), the Department of the Interior, and the Department of Veterans Affairs all fund or provide general or topic-specific financial counseling.
- **Retirement planning:** BCFP, DOD, the Department of Labor (DOL), the Department of Health and Human Services (HHS), the Office of Personnel Management, the Social Security Administration, and Treasury all support activities that address retirement planning and decision-making.
- **Research:** BCFP, DOL, the Department of Education (ED), the Federal Deposit Insurance Corporation (FDIC), the Federal Reserve Board, HHS, HUD, and Treasury are supporting (or have recently supported) research and evaluation of financial literacy and education.
- **Financial Education for military members:** BCFP, DOD, and the Federal Trade Commission (FTC) all administer financial education and counseling programs for military members and their families.
- **Financial Literacy for youth**: BCFP, ED, FDIC and Treasury all support initiatives that address financial literacy for youth.
- **Websites with financial education content:** Many Federal agencies manage duplicative web content on financial education (e.g., BCFP, FTC, the National Credit Union Administration, and Treasury).

However, limited evaluation is performed by Federal agencies on the effectiveness and impact of their financial literacy programs. For example, only three agencies have recently evaluated their programs using outcomes that measure changes in behavior. Most agencies only measure accessibility and utilization of their activities.

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Scope of Treasury's Planned Review of Status Quo

Currently, the FLEC is assessing the landscape of Federal financial literacy and education activities, with the goals of:

- Determining the appropriate Federal role and effective methods to support programs administered by non-profit organizations, the private sector, State and local governments, and others.
- Consolidating Federal financial literacy and education efforts, including streamlining overlapping or duplicative programs.
- Identifying best practices and eliminating ineffective programs, activities, or practices.
- Developing high-quality, consistent Federal financial literacy and education curriculum and resources.
- Developing an effective mechanism for oversight and governance of Federal financial education programs to strengthen effectiveness and eliminate the risk of future overlap, duplication, and ineffectiveness.
- Establishing governance and oversight to ensure that any new programs are aligned with the Government-wide vision.

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Streamline Small Business Programs

Small Business Administration and the Departments of Agriculture, Transportation, Treasury, & Veterans Affairs

Summary of Proposal: This proposal consolidates the various Federal programs that assist small business owners secure access to capital and Federal Government contracts into the Small Business Administration (SBA). In instances where a Federal lending or contracting certificate program is highly specialized or industry-specific, SBA's duplicative authority would be eliminated.

THE CHALLENGE

Small businesses play a critical role in our Nation's economic growth. Approximately half of the U.S. private-sector labor force – nearly 58 million Americans – are employed by our Nation's 30 million small businesses. Communities across the country rely heavily on the products, services, and jobs created by these Main Street businesses. Two of the most important ways the Federal Government supports small business creation and growth are by working with private lenders to provide capital access, and making Government contracting opportunities available to small businesses.

Unfortunately, the GAO has repeatedly identified the Federal Government's current model for operating these programs as needing increased coordination and harmonization, citing duplicative programs at SBA and the U.S. Departments of Agriculture, Transportation, Treasury, and Veterans A ffairs. Examples of issues that arise from duplicative programs include: inconsistent standards and processes for eligibility and participation; lack of consistent reciprocity between agencies and programs; and failure to realize efficiencies and economies of scale. Addressing these issues is critical for providing better service to America's small businesses, creating jobs, and maximizing the Federal Government's investments in communities.

THE OPPORTUNITY

The various Federal small business lending and Government contracting programs represent ideal candidates for consolidation, given the overlap in their mission and delivery method. Centralizing these programs would provide an opportunity to assess and streamline participation requirements such as eligibility criteria, application processes, and reporting. It would also help to ensure consistency in the application of small business certification criteria and reciprocal recognition across Federal agencies. Furthermore, it would optimize the value of the Federal Government's small business programs by achieving long-term cost efficiencies through centralized operations and oversight functions. Streamlining these programs and making them less burdensome would ultimately enable America's entrepreneurs to invest more of their time and hard-earned profits in operating and growing their businesses.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This consolidation will improve services to three major stakeholders: 1) business owners seeking financing or contracting certifications; 2) the lenders that service Government-guaranteed loans; and 3) the Federal agencies that contract with certified small businesses. It would help strengthen and streamline SBA's operations across two of its primary program areas: 1) capital access; and 2) Government contracting support.

Capital Access

Financing is a key component of starting, operating, and expanding a business. However, access to capital continues to be a hurdle for many entrepreneurs. Small business owners often do not have the same access to credit as larger businesses that can more readily take on a traditional loan from a bank. New entrepreneurs may not have a credit score that can guarantee them a loan, especially on a new or innovative product. Entrepreneurs in emerging markets are more likely to be denied credit and often rely on personal savings or credit cards to sustain their business. Furthermore, access to capital can be especially problematic for groups historically underrepresented in traditional commercial lending. The Federal Government helps mitigate these market failures through programs designed to offer creditworthy businesses the ability to obtain financing.

Through its Office of Capital Access, SBA fills gaps in the commercial lending market and ensures that small businesses are well positioned to access credit. It supports strategies that focus on providing reasonable credit terms and access to credit for minority-owned, women-owned, and veteran-owned small businesses and entrepreneurs. Where appropriate, other small business loan and loan guarantee programs would be folded into the SBA's Office of Capital Access. SBA's existing expertise in providing capital access to small businesses makes it the best agency to oversee this combined lending portfolio. In addition to streamlining assistance, this proposal would create the opportunity for more comprehensive and cost-effective program oversight and Federal credit risk management, including loan and lender monitoring, predictive risk assessments and mitigation activities, real time reporting, and enforcement activities.

Government Contracting Support

The Federal Government is the largest procurer of good and services in the world, spending hundreds of billions of dollars annually and averaging nearly $90 billion in contracts to certified small businesses each year. Contracting with the U.S. Government presents a large opportunity for small businesses, and the Congress has recognized its importance by establishing a minimum Federal contracts set-aside of 23 percent for small businesses. In addition, as a subset of this overall small business goal, the Government strives to award no less than 5 percent of contracts to small disadvantaged businesses and women-owned small businesses, and 3 percent to service-disabled veteran-owned small businesses and those in HUBZone locations. These purchasing decisions result in high-impact investments that help grow small businesses and stimulate local economies.

Duplicative programs that support small business contracting would be consolidated into the SBA's Office of Government Contracting and Business Development. In the event that any overlapping programs require industry-specific economic expertise, these programs would remain at their respective agencies, and the SBA would eliminate its duplicative authority. This proposal would create a "one-stop shop" within SBA for all Federal contracting certifications for both the participating small businesses and the Federal agencies seeking to meet their contracting requirements. This would result in reciprocal recognition of small business contracting certifications across all Federal agencies and make consistent standards and processes for eligibility and participation across programs targeting similar constituencies.

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The SBA currently provides expertise in this area, serving in an oversight role to ensure that the Government's contracting goals are achieved each year. It also reports on Federal efforts to stimulate technological innovation and commercialization through small businesses, and provides unique services like the surety bond guarantee to support contractors who need bonds to access contracting markets.

AMERICAN OVERSIGHT

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Consolidation of Certain Protective Details

U.S. Marshals Service

Summary of Proposal: This proposal would consolidate protective details at certain civilian Executive Branch agencies under the U.S. Marshals Service (USMS) in order to more effectively and efficiently monitor, assess, and respond to potential threats. Threat assessments would be conducted by the USMS with support from the U.S. Secret Service (USSS). Determinations as to whether protection would be provided and its size and scope would be made by the USMS in consultation with affected agency heads.

THE CHALLENGE

The protective details of Government officials, including cabinet officials and some sub-cabinet officials, vary widely in size, scope, budget, training, and statutory authorization. To provide more effective and necessary security overall, this proposal would authorize USMS to manage protective details involving specified civilian Executive Branch agencies. Threat assessments would be conducted by the USMS with support from USSS and affected agencies upon request by the USMS. This proposal would not affect law enforcement or military agencies with explicit statutory authority to protect Executive Branch officials, including the Departments of Justice, State, Homeland Security, or Defense, USSS, or other non-civilian agencies. Instead, it would focus on standardizing protective details at civilian Executive Branch agencies that currently derive protection from a USMS deputation or other source, and assuring that a uniform and criteria-based determination of threat level and security need is centrally made.

THE OPPORTUNITY

The USMS currently provides for the protection of judicial and designated Federal Government officials by providing Deputy U.S. Marshals (DUSM) to serve in a protective capacity, and assists in the protection of other officials by deputizing Government employees of other agencies to perform this function. Currently, the USMS provides Deputy U.S. Marshals for the Secretary of Education and the Deputy Attorney General's protective details. In addition, the agency deputizes Government employees of the Departments of Labor, Energy, Commerce, Veterans Affairs, Agriculture, Transportation, Housing and Urban Development, the Interior, and the Environmental Protection Agency to assist in the protection of their cabinet- and sub-cabinet officials. While the USMS requires certain baseline training and law enforcement requirements in order to approve a deputation, individuals serving on protective details vary in background, training, and experience. Furthermore, these agencies have full autonomy in determining the size and scope of their details' activities, which vary based on a perceived threat and willingness to pay for protective services rather than the detection or assessment of existing threats.

The USMS currently exercises threat assessment responsibility for all matters related to members of the judiciary, court family, and other designated protectees through its Office of Protective Intelligence. The USSS currently exercises expertise in threat assessments through its National Threat Assessment Center (NTAC). NTAC provides guidance on threat assessment and training, both within the USSS and to law enforcement, public safety, and academic partners. Specifically, the Presidential Threat Protection Act of 2000 authorizes the NTAC to provide consultation on complex threat assessment cases or plans, provide training in the area of threat assessments, and implement programs to promote the standardization of

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Federal threat assessments, among other activities. The USSS is therefore well-positioned to support the USMS on best practices in protection and threat assessment, as needed. Based on these resources, a centralized analysis can be performed to determine the necessity for and extent of any protective detail.

Consolidation of resources related to certain protective details under one agency would leverage expertise of Government agencies trained in protective missions and threat analysis, ensure more efficient use of Government resources, and provide designated Government officials with appropriate protection tailored to their individual circumstances.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

Under this proposal, the USMS would be granted authority over designated protective details and provide its own personnel for the purposes of threat assessment and protection. Determinations as to whether protection would be provided and its size and scope would be made by the USMS, as delegated by the Attorney General in consultation with affected agency heads. The number of Deputy U.S. Marshals provided for any approved protection of an official would vary based on the individual's threat assessment and risk. This proposal would be phased in as necessary in order to avoid disruptive impacts to both USMS and protected officials. The Administration will consult with the Congress regarding any need for additional legislative authority. Further, the Office of Management and Budget will coordinate with the Department of Justice and affected agencies on budgetary implications and necessary implementation guidance.

Consolidation of certain protective details under USMS offers Government-wide benefits including, but not limited to:

Standardization of Protective Service Levels

Consolidating resources and authority for certain protective details under the purview of the USMS would standardize those protective details Government-wide. USMS would work with USSS as necessary to determine threat levels for covered Federal officials in a consistent manner across all agencies. Protectees would benefit from standard, high quality training, as well as the USMS' ability to set priorities and broader strategy across the force, an advantage over the current decentralized model. Operational de-confliction and coordinated processes would be easier and more efficient with fewer agencies providing protection for designated cabinet and sub-cabinet officials. Additionally, while the USMS requires general law enforcement training in order to approve a deputation, agency employees serving on protective details vary in background, capabilities, and experience. Providing DUSMs would ensure that every protectee has access to well-trained Federal law enforcement officials with appropriate experience and oversight.

New Efficiencies

Rather than employing separate protective details with separate resources and authorities, the USMS would professionalize and standardize this mission across multiple Executive Branch agencies.

AMERICAN OVERSIGHT

Small Grants Consolidation

U.S. Agency for International Development, Inter-American Foundation, and U.S. African Development Foundation

Summary of Proposal: The President's Budget proposes to consolidate the small grants functions, expertise, and grantmaking from the Inter-American Foundation (IAF) and U.S. African Development Foundation (ADF) into the U.S. Agency for International Development (USAID) beginning in Fiscal Year (FY) 2019. The consolidation would be a significant step to reduce the proliferation of Federal international affairs agencies that are operating today, while also elevating community-led, "local works" small grants as a development and diplomacy tool for the U.S. Government.

THE CHALLENGE

As a development and diplomacy tool, small grants allow the U.S. Government to engage directly with local organizations in poor and remote communities to support lives and livelihoods and build goodwill among local populations, often within foreign policy priority countries that the United States seeks to stabilize and/or assist in their journey to self-reliance. At present, multiple U.S. Government agencies provide small grants assistance; however, each faces unique challenges in doing so. Authorizations for carrying out small grants work are also long outdated or provided in annual appropriations only.

As the U.S. Government's lead development agency, USAID has experience in implementing small grants in political transitions, but its efforts to do so in long-term development contexts are more nascent, and often more labor-intensive per assistance dollar than traditional aid mechanisms. Meanwhile, IAF and ADF face the fixed overhead costs associated with running small independent agencies, which continue to comprise a significant share of their overall budgets, even as they have managed to keep variable costs per grant low.

THE OPPORTUNITY

This proposal would support the USAID Redesign's goal of helping countries on their journey to self-reliance, while also furthering the core mission of the foundations to support livelihoods in poor and remote communities across Latin America, the Caribbean, and Sub-Saharan Africa, leading to an aligned and enhanced approach to small grants for the U.S. Government. It would consolidate IAF and ADF's deep expertise, relationships, and functions into USAID, thereby enhancing USAID's capabilities while also reducing the duplication and overhead costs associated with having three agencies carry out small grants work. The proposal would better align the two foundations with U.S. foreign policy objectives and global development programs, while elevating community-led, "local works" small grants as a development and diplomacy tool and allowing for the sharing of best practices across USAID.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

This proposal is consistent with the Center for Global Development's report entitled A Practical Vision for U.S. Development Reform (2017), which advised re-visiting the role of the foundations, in light of their overlap in mission and function with USAID. The Center advised considering the transfer of the certain elements of the foundations' operating models into USAID, "potentially including outside advisory boards and flexible tools for grant-making to local civil society groups in developing countries." The Congress has long recognized the value in small grants as an assistance-delivery mechanism, from establishing IAF and ADF in the late 1960s and early 1980s, respectively, to introducing a directive in annual appropriations over the past decade to enhance USAID's capabilities in this area. This proposal would enable USAID to better achieve the intent of that directive.

Through the consolidation, USAID would capitalize on the existing expertise, capacity, relationships, and tools that ADF and IAF provide, including their regional and market segment emphases, in order to reinforce the U.S. Government's bilateral development efforts. In return, USAID would offer these programs a platform that would better integrate them with the Agency's existing global development programs, more cohesively serve U.S. foreign policy objectives, and increase organizational efficiencies through reducing duplication and overhead. The consolidation would also serve to elevate community-led, "local works" small grants as a development and diplomacy tool for the U.S. Government, and it would allow for the sharing and integrating of best practices across USAID through the proposed Development, Democracy, and Innovation Bureau. As part of the proposal, IAF and ADF would begin to wind down as independent foundations in FY 2019, and would transfer their grants and select programmatic staff to USAID.

In support of this consolidation proposal, the FY 2019 Budget requests a total of $55 million, across the following accounts:

- $40 million in State/USAID's Economic Support and Development Fund to support IAF and ADF's grantmaking via USAID, beginning in FY 2019 (with $20 million per region);
- $7 million in USAID's Operating Expenses account, to support the absorption of select programmatic staff from IAF and ADF in FY 2019; and
- $8 million for one-time costs to support the foundations' orderly closeouts in FY 2019, in ADF's ($5 million) and IAF's ($3 million) direct appropriations.

In recognition of the foundations' regional expertise, the FY 2019 Budget proposes merging IAF's grants and select personnel into USAID's Latin America and Caribbean Bureau, and ADF's grants and select personnel into USAID's Africa Bureau. The work previously performed by the foundations would be initially programmed out of stand-alone offices within the regional Bureaus, but would be further integrated into the regional Bureaus over time. Overseas, IAF and ADF's work would be fully integrated with USAID Missions. Certain cross-cutting functions (such as the monitoring and evaluation of small grants) would be housed centrally at USAID within the proposed Development, Democracy, and Innovation Bureau, so that such technical expertise and best practices could be leveraged for other regions and the Agency as a whole.

The proposal would also entail establishing a subcommittee under USAID's Advisory Committee on Voluntary Foreign Aid for IAF and ADF's former boards to remain involved with the foundations' work going forward and to advise the Administrator on small grant activities generally, and on the smooth transition of the foundations' functions.

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Transition to Electronic Government

National Archives and Records Administration (with the Department of Homeland Security and Social Security Administration)

Summary of Proposal: This proposal would transition Federal agencies' business processes and recordkeeping to a fully electronic environment, and end the National Archives and Records Administration's (NARA) acceptance of paper records by December 31, 2022. This would improve agencies' efficiency, effectiveness, and responsiveness to citizens by converting paper-based processes to electronic workflows, expanding online services, and enhancing management of Government records, data, and information.

THE CHALLENGE

Federal agencies collectively spend billions of dollars on paper and paper-based records management practices. Even after decades of effort, far too many Federal Government services are still primarily paper-based. This forces NARA and Federal agencies to devote resources to actively processing, moving, and later maintaining large volumes of paper records (requiring facilities, staff, and support contracts), even as electronic communication and systems have dramatically increased the volume of information agencies must manage. To date, efforts to address this issue have been inconsistent and ineffective across agencies.

The Federal Government must confront this challenge by taking a comprehensive, lifecycle approach to records management. On the front end, it must cease paper processes to the extent possible, which will enable more efficient and effective delivery of services. Then, on the back end, it must support streamlined and secure electronic records management. These actions will facilitate citizen services and benefit the taxpayer by creating efficiencies and preserving public access to Federal records.

THE OPPORTUNITY

As agencies implement electronic processes in place of paper, it will be easier for the public to connect with the Federal Government, and apply for and receive services, improving customer satisfaction. Electronic records will reduce processing times and decrease the probability of lost or missing information. For example, the Department of Homeland Security's (DHS) U.S. Citizenship and Immigration Services (USCIS) currently ships most immigration applications among multiple facilities, such as lockbox and pre-processing centers, prior to adjudication, which is both costly and time consuming.

Electronic records will greatly improve agencies' ability to provide public access to Federal records, promoting transparency and accountability. Over the long term, this also will reduce agencies' records management and storage costs and streamline the records management process, freeing resources for other high priority activities. This will also allow agencies to provide more timely and accurate assistance to their customers.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Federal Records Act (FRA) authorizes NARA to issue Government-wide guidance to agencies on how to preserve their records and directs NARA to maintain a permanent archive of Government records that will be preserved indefinitely. NARA policies and regulations cover the entire lifecycle of records, from creation to use to storage or disposal. This proposal would use those authorities to drive agencies to reassess and modernize their paper-based processes Government-wide.

Currently, NARA holds more than 5 million cubic feet (equivalent to 12.5 billion pages) of archival records, and anticipates that an additional 3 million cubic feet of permanent records will be transferred by Fiscal Year (FY) 2030. Additionally, NARA's Federal Records Centers Program stores over 28 million cubic feet of Federal Government records on a temporary basis for other Federal agencies, costing agencies approximately $200 million annually in payments to NARA. Agencies also acquire records management and storage services from commercial providers. At the same time, agencies are trying to manage a surge in their electronic records. NARA managed archival electronic records equivalent to 12 billion pages in 2005, which grew to 34 billion in 2017.

However, the continuing need to support paper-based processes diverts resources away from investments in a modernized electronic records management system. Without focused attention to this challenge, NARA and agencies will face inadequate electronic records systems and protocols, leading to higher costs and lost records, as well as deficient practices and services for paper records.

This proposal would transition Federal agencies' business processes and recordkeeping to a fully electronic environment, and end NARA's acceptance of paper records by December 31, 2022. Establishing a deadline by which NARA will no longer accept paper records will force agencies to direct attention and resources to this issue in a way that has not occurred previously. To ensure this necessary transformation away from paper-based processes would occur across all of the Executive Branch, NARA will coordinate with Federal agencies to develop and provide the guidance, technical assistance, and services they will need to implement this proposal. The General Services Administration would play a supporting role by connecting agencies with commercial digitization services available in the private sector. This will allow agencies to more efficiently procure needed services, helping expedite the electronic records process.

U.S. Citizenship and Immigration Services Efforts to Expand Electronic Records

Even as the Administration moves toward electronic records management across the entire Federal Government, some individual agencies have already started to take critical steps toward this goal. For example, the USCIS National Records Center has centralized millions of paper records into a single facility, dramatically improving the integrity of USCIS' recordkeeping and cutting the time spent on file retrieval—a vital component of application processing—from weeks and even months to only a few days.

USCIS already offers electronic filing capability for a replacement green card (I-90) and application for naturalization (N-400). It also plans to achieve end-to-end digital processing for all of the immigration benefits it adjudicates by the end of 2020. This will include the ingestion of all applications and evidence through adjudication, decision making, and communication with applicants. USCIS will create digital immigration records at the point of receipt that serve as the official record throughout the immigration

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lifecycle. This will increase efficiency and reduce risk to the immigration system. To further eliminate paper, USCIS is moving to a fully automated Freedom of Information Act processing system. A subset of this electronic capability will be released to the public in summer 2018, and full deployment is scheduled to be complete by the end of 2018. Requesters will be able to file requests and receive responses online. These efforts also build on other important work USCIS has already done that uses electronic records to improve applicant services and increase efficiency, such as with its E-Verify system which electronically compares information from an employee's Form I-9, Employment Eligibility Verification, to data from DHS and the Social Security Administration to confirm employment eligibility.

Social Security Administration Efforts to Expand Electronic Records

The Social Security Administration (SSA) also is reducing paper processes, relying on an expanding suite of automated and online options to conduct business with the public. In FY 2017, the public conducted over 155 million transactions via the SSA website, rather than through paper forms. SSA expects the number of successfully completed transactions in FYs 2018 and 2019 to increase by 35 million each year over the prior year. Additionally, SSA estimates that in FY 2019 about 50 percent of those submitting SSA retirement forms, or about three million people, will use SSA's online services to complete their forms; this used to be a wholly paper-based, in-person transaction.

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Customer Experience (CX) Improvement Capability

Government-wide

Summary of Proposal: This proposal would transform the way Americans interact with the Federal Government by providing a modern, streamlined, and customer-centric experience for citizens, businesses, and other customers, comparable to leading private-sector organizations. The Office of Management and Budget (OMB) will provide leadership and establish a Government-wide capability to partner with Federal agencies to identify key customer groups (e.g., farmers, veterans), map their journeys from end-to-end and across agencies and programs, and improve their experience across delivery channels and organizational silos. This will be done in partnership with the U.S. Digital Service and the General Services Administration (GSA) Technology Transformation Service with contributions from specific involved agencies. This capability will also serve as a central resource to better manage organizational change and ensure reform proposals achieve mission, service, and stewardship objectives.

THE CHALLENGE

Americans expect well-designed, efficient Government services that are generally comparable in quality to that of leading private-sector organizations. Unfortunately, customer satisfaction with Federal services lags behind every other industry, as measured by the American Customer Satisfaction Index (ACSI), causing frustration for customers and higher costs for the Federal Government. While many agencies are taking action to improve their services, customer experience can lag when customer needs and journeys cross organizational silos. Whereas Government agencies execute their missions based on their specific authorities and responsibilities, customers tend to experience Government across stovepipes. For example, while the Federal Government strives to support small business growth and competitiveness, duplicative and inconsistent programs spread across five different Federal agencies have sometimes created confusion and extra work for the small businesses they mean to serve.

As individual agencies make investments – particularly information technology investments – maturing the capability to improve customer experience across agency silos will help the Government meet 21st Century needs and expectations. At the same time, improving customer focus can lead to greater efficiency and effectiveness in agency operations. This will require technical expertise, enhanced business processes, management support, and new Government authorities to create cross-agency, Government-wide solutions.

THE OPPORTUNITY

Establishing a Government-wide customer experience improvement capability would support existing agency efforts and create new Government-wide approaches to improve the way the public interacts with the Federal Government. In partnership with agencies, this new function would identify key Federal customers (e.g., veterans, students, farmers, retirees), map their journeys as they interact with Federal agencies, and work to streamline those interactions across delivery channels and organizational silos. It would work with Federal

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organizations that control resources and services and convene partner agencies and programs to harmonize business processes with a more holistic customer-centric model. In many cases, Federal agencies already devote considerable resources to customer experience, and these existing efforts will benefit from more end-to-end visibility into customer needs and access to broader perspectives and tool sets. Further, this capability will support the U.S. Digital Service (USDS) and other information technology modernization efforts by evaluating how Federal services are delivered and identifying priority opportunities to leverage technology to make service delivery more customer-centric and efficient. Not only has this approach been proven to improve services in the private sector, but it also offers opportunities to reduce overlap and fragmentation and reduce costs.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The application of these tools and approaches has been proven in the private sector. Leading practice in the private sector now trends to having an individual Customer Experience Officer reporting directly to the CEO, supported by teams that both advocate for customer needs at an enterprise level as well as embed practices into individual business units across the organization. These CX organizations have developed a clear set of standards, tools, and capabilities – such as the use of personas and customer journey maps – and have demonstrated their utility across diverse organizations and industries.

Applying these tools and capabilities to the Government has also been proven to work. Through USDS and GSA's Office of 18F, the Government has recruited top-tier talent in information technology and business process re-engineering. These individuals are helping the agencies that serve customers incorporate user-centered design into plans to modernize digital services – and demonstrating those investments yield a high return. For example, for many years small business owners have been extremely frustrated by slow, bureaucratic, paper-based processes at the Small Business Administration (SBA) that were not responsive to their needs. Due to the USDS team at the SBA, small businesses can now apply for Government Contracting Programs online in about 1 hour instead of days. They can also secure key information on locating their business by using a mapping application that updates in near real-time.

Further, individual agencies have developed enterprise-level customer experience capabilities that are delivering direct results to citizens, such as the Journeys of Veterans Map, which has become the centerpiece of the Department of Veterans Affairs' (VA) success in presenting one face to veterans. For example, veterans have historically had a frustrating experience navigating over 1,000 VA phone numbers and more than 1,770 VA contact centers across its many lines of business. To address this challenge, VA is now in the process of integrating backend data systems and providing veterans a single front door. It estimates that these efforts will produce a cost avoidance of approximately $2 billion dollars over five years while also improving veterans' experiences.

This proposal envisions building on these individual efforts by adding the capability to tackle customer experience challenges throughout the Government. To get started, this capability and relevant agencies will conduct research to identify the most significant opportunities for customer-centric change, develop customer journey maps which cross organizational silos, and then develop action plans to execute service improvements. As needed, agencies would partner with USDS and GSA's Technology Transformation Service to enhance their digital services. One particular area of focus would likely be the creation of user-focused Digital Front Doors – rebuilding Government web properties to focus less on Government structure and more on user experience. For example Farmers.gov, designed by the U.S. Department of Agriculture, delivers the information, tools, and first-hand advice built around the needs of the people who produce our food, fiber, flora, and fuel.

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This capability will also serve as a central resource to better manage organizational change. Managing process improvements across organizations is complex, especially given the legal structures, size, and cultures of Federal agencies. It will partner with agency leadership to support interagency change management, including project planning, convening interagency meetings and facilitating collaboration, and sharing best practices on change management.

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Next Generation Federal Student Aid Processing & Servicing Environment

Department of Education

Summary of Proposal: The Next Generation (Next Gen) Financial Services Environment that will benefit Federal Student Aid's (FSA) customers and save taxpayer millions of dollars, will create an improved, world-class customer experience for FSA's more than 42 million customers, while creating a more agile and streamlined operating model. FSA's initial focus will be on modernizing capabilities related to the Free Application for Federal Student Aid (FAFSA®) form and the servicing and repayment of customer loans, with additional work to come to improve the experience throughout the student aid life cycle.

THE CHALLENGE

FSA helps provide educational opportunity for more than 42 million students pursuing higher education. It manages one of the largest consumer loan portfolios in the country, rivaling those of major financial institutions. FSA's customers deserve a world-class experience, but they do not consistently receive one today. Currently, customers interface with multiple brands and vendors throughout the student aid life cycle, creating a disjointed experience. Further, customers want additional capabilities and functionalities to enable them to make more informed decisions and make their loan experience easier and more accessible. The current student loan servicing environment is a major barrier to FSA's ability to provide outstanding service to borrowers and taxpayers.

THE OPPORTUNITY

The Department of Education is pursuing a new approach to FSA processing and servicing with a modernized, innovative, and integrated architecture that will benefit FSA's customers and save taxpayers millions of dollars. The Next Gen Financial Services Environment will create an improved, world-class customer experience for FSA's more than 42 million customers, while creating a more agile and streamlined operating model.

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Next Generation Processing and Servicing Environment is being designed to meet customer expectations, improve how customers consume services and utilize different technology and media platforms, and further enhance borrower protections. The new system requires the separation of database housing, system processing, and customer account servicing so that cost efficiencies can be achieved and current state-of-the-art technologies can be deployed and evolve in the future. Through this market research, FSA has refined its strategy to implement the Next Generation Processing and Servicing Environment.

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Based on this research and discussions with a broad range of internal and external experts in student loan finance and information technology services, the Department has developed a plan for a Next Generation Financial Services Environment that will leverage best-in-business technology to improve customer experience and outcomes and drive savings for taxpayers by reducing FSA administrative costs. The key to this transformation will be a comprehensive, Department of Education-branded customer engagement layer that will create an environment through which the Department's customers will receive clear, consistent information and readily accessible self-service options at every stage of the student aid lifecycle. FSA will emphasize a mobile-first, mobile-complete strategy – enabling and encouraging customers to fulfill all their needs on mobile devices – complemented by web, phone, chat, and in-person capabilities.

This engagement layer will foster a life-long relationship with customers, from before they apply for aid as high school students through when they plan for their children and grandchildren's education. It will transform FSA into a trusted source of information and greatly simplify the process of helping customers choose the best options to help them manage their student debt. In addition, the creation of standardized systems, processes, and procedures—combined with the inclusion of clear performance expectations tied wherever possible to explicit contract incentives and disincentives—is expected to simplify oversight of vendor performance and better ensure compliance with consumer protection and customer service standards.

The Next Generation Financial Services Environment would provide customers a seamless, world-class experience with FSA from application through repayment, a mobile-first, mobile-complete experience that allows customers to seamlessly interact with FSA to make informed decisions about their educational experience, and improved back-end technology and operations, to allow FSA to innovate how it interacts with customers and the types of products and services it can offer.

FSA plans to leverage the latest in middleware, processing, data storage, and security to create a more efficient, cost-effective, and secure technical infrastructure. While Federal student loans are uniquely complex, the Department believes that leveraging modern commercial engagement and technical capabilities is likely to reduce FSA's operating costs over the long-term, once the solution is fully implemented.

FSA has issued and will continue to issue solicitations focused on account processing and loan servicing in 2018. Significant customer-facing milestones will be realized throughout 2019. The Department plans to have significant elements of the Next Generation Financial Services Environment in place prior to the expiration of the current servicing contracts in 2019.

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AMERICAN OVERSIGHT

Solving the Federal Cybersecurity Workforce Shortage

Department of Homeland Security and the Office of Management and Budget

Summary of Proposal: The Federal Government struggles to recruit and retain cybersecurity professionals due to a shortage of talent along with growing demand for these employees across the public and private sectors. The Department of Homeland Security (DHS) and the Office of Management and Budget (OMB), working in coordination with all Federal departments and agencies, will establish a unified cyber workforce capability across the civilian enterprise. This Administration will work towards a standardized approach to Federal cybersecurity personnel, ensuring Government-wide visibility into talent gaps, as well as unified solutions to fill those gaps in a timely and prioritized manner.

THE CHALLENGE

The Federal Government struggles to recruit and retain cybersecurity professionals due to a shortage of, and growing demand for, cybersecurity talent across the public and private sectors. The workforce shortage compounds the Government's challenges in responding to a constantly evolving threat environment and achieving its many IT-dependent missions.

In the past, each Federal department and agency was responsible for addressing its own cybersecurity workforce gaps independently, which has led to disaggregated and redundant Federal programs. As a result, the Government lacks a comprehensive, risk-derived understanding of which cybersecurity skillsets the Federal enterprise needs to develop and which positions are most critical to fill.

Moreover, the manner in which departments and agencies recruit, hire, train, retain, and compensate cybersecurity personnel varies by agency. This uneven approach has created internal competition for talent, which in turn creates disparities and discontinuities that degrade agencies' ability to defend networks from malicious actors and respond to cyber incidents. A unified approach to attracting and retaining cybersecurity talent within the Federal Government would better support the Government's cybersecurity enterprise.

Finally, there have not been continuous, strategic investments made in U.S. education programs to strengthen a pipeline for future cybersecurity talent. The abundance of redundant Federal programs focused on strengthening cybersecurity education illustrates how the Government's role building the cybersecurity talent pipeline remains ill-defined.

THE OPPORTUNITY

This Administration can strengthen Federal cybersecurity and improve agencies' ability to carry out their missions by identifying and closing workforce gaps in the near term, and can ensure long-term viability by building the cybersecurity talent pipeline.

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

To improve recruitment and retention of highly qualified cybersecurity professionals to the Federal Government, this Administration will develop a standardized approach to identifying, hiring, developing, and retaining a talented cybersecurity workforce in a timely and prioritized manner.

In the near term, this Administration will prioritize and accelerate on-going efforts to reform the way that the Federal Government recruits, evaluates, selects, pays, and places cyber talent across the enterprise.

Taking Stock of the Current Cybersecurity Workforce and Identifying Gaps

Human Capital personnel from across the Executive Branch are currently working with the Office of Personnel Management (OPM) to categorize the Federal cybersecurity workforce, using the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework (NICE Framework, as required by the Cybersecurity Workforce Assessment Act of 2015). By Fall 2018, the Federal Government will have catalogued the entire cybersecurity workforce to better understand our current set of knowledge, skills, abilities, and identify any gaps; this catalog will give us Government-wide insight into where our most pressing needs are, and, for the first time, enable the development of an enterprise-wide approach to the recruitment, placement, and training of cybersecurity talent.

Using the NICE Framework analysis, the Federal Government will be able to determine which workforce gaps are most critical to address the current cybersecurity threat landscape. DHS, as the lead agency for the protection of Federal IT networks, is best positioned to drive this prioritization with Federal agencies and OMB. By the first quarter of Fiscal Year (FY) 2019, all CFO Act agencies, in coordination with DHS and OMB, will develop a list of critical vacancies across their organizations. By the end of FY 2019, all CFO and non-CFO Act agencies will have a prioritized list of critical vacancies. OMB and DHS will analyze these lists and work with OPM to develop a whole-of-government approach to identifying or recruiting new employees or reskilling existing employees in FY 2019.

Developing Innovative Recruitment, Retention, and Mobility Strategies

As agencies prioritize their cyber workforce needs, they will likely need to adopt innovative hiring techniques to ensure the best and brightest cyber talent can seamlessly enter the Federal Government. To address this challenge, the Department of Homeland Security received authority, through the 2014 Border Patrol Pay Reform Act, to modernize the traditional personnel system. With this new authority, DHS is working to create a new Federal hiring system called the Cyber Talent Management System (CTMS), exempting DHS from many of the requirements and restrictions in existing law under Title 5 for hiring and compensation of cybersecurity professionals. With an agile and innovative personnel system, DHS will be better equipped to compete for cyber talent with the private sector—speeding up the hiring process, attracting talent from non-traditional educational backgrounds, using innovative tools to assess applicants, and offering more flexible performance-based compensation. DHS will also be able to align prospective cybersecurity talent to the most pressing cybersecurity needs and will allow these technical professionals to accelerate their careers as rapidly as their aptitudes allow. In order to implement CTMS, by the first quarter of FY 2019 OMB, through its Office of Information and Regulatory Affairs (OIRA), will work with DHS to promulgate the necessary regulatory notices. By the end of FY 2019, DHS will work

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with OMB and all Federal agencies to measure the performance of CTMS and determine how to expand the system so that all departments and agencies can leverage it to address their personnel gaps.

One of the main hindrances to a seamless entry into the Federal Government is the security clearance process. The success of this initiative partly hinges on the success of the Government's security clearance reform initiative, as discussed in a separate Executive Branch reorganization proposal in this Volume. In addition to the Government-wide security clearance solution, OMB, DHS, and OPM will work with agencies to review workforce characteristics to rationalize security clearance requirements in order to expedite the vetting and onboarding process.

The NICE Framework Federal workforce assessment is expected to confirm what has been known for some time: that cybersecurity employees' skills and competencies vary across the Government. OMB will consult with DHS to standardize training for cybersecurity employees, and will work to develop an enterprise-wide training process for Government cybersecurity employees.

As part of creating a modern hiring and compensation system that rewards cyber expertise, the Executive Branch should also evaluate opportunities to make cybersecurity positions more mobile than traditional Government jobs. Flexibilities that allow workers to easily move from one position to another, or from one agency to another, would appeal to cyber talent in the agile and fast-paced cybersecurity industry. This mobility is also useful during a major cybersecurity incident, allowing agencies to surge capacity for incident response activities. OMB, in coordination with departments and agencies, will develop a work plan to implement this initiative by the end of FY 2018. Departments and agencies will begin to exercise these authorities by the end of FY 2019.

As an alternative or supplement to surge capacity, a mobile workforce will allow agencies to surge capacity for incident response activities. OMB, DHS, and DOD will evaluate what workforce gaps might exist that would be needed during a major Federal cybersecurity incident to determine the requirements for a Federal cybersecurity reservist program. As part of this analysis, OMB, DHS, and DOD will evaluate the existing authorities of Federal agencies to rapidly mobilize talent, including those of the U.S. Digital Service, which recruits talent from the private sector. These organizations will also evaluate the feasibility of extending a reservist program to support non-Federal major cybersecurity incidents within the United States, such as those affecting critical infrastructure. These programs will be coordinated with existing cyber services, including those in the National Guard.

Reskilling Employees to Fill High-Value Cybersecurity Roles

In addition to hiring new cybersecurity talent, the Government must look for opportunities to maximize the potential of its existing workforce. This includes efforts to reskill employees whose skills have become less relevant due to automation. OMB, DHS, and OPM will build aptitude and skills assessments to identify and select current Government staff who can be reskilled to fill critically-needed cybersecurity jobs. By reskilling the current workforce, agencies will be able to quickly sift its workforce into the highest-priority vacancy gaps. OMB and DHS will establish a job reskilling work plan by the first quarter of FY 2019. OMB and DHS will then update the CIO Council on a quarterly basis on the implementation of the reskilling work plan.

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Building a Pipeline of Cybersecurity Talent

While solving the immediate needs of the Federal workforce is a major challenge, the Administration will also work to educate America's youth to build an enduring cybersecurity talent pipeline. As part of the FY 2020 Budget development process, OMB will evaluate options to rationalize the size and scope of current Federal cybersecurity education programs, including the National Science Foundation (NSF)'s CyberCorps, the Scholarship for Service program, the National Security Agency (NSA)/DHS Centers for Academic Excellence program, NSF and NSA's GenCyber Program, the Department of Labor's apprenticeship program, DHS's Cybersecurity Education and Training Assistance Program, the U.S. Army Cyber Center of Excellence, and the U.S. Navy Information Operations Command program, among others.

While the cybersecurity workforce shortage has been a known challenge for Federal agencies, no other Administration has taken a whole-of-Government approach to fixing it. OMB and DHS look forward to solving this major challenge through smart analysis and creative solutions.

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AMERICAN OVERSIGHT

The GEAR Center

Government-wide

Summary of Proposal: This proposal would establish a public-private partnership to help the Government respond to innovative technologies, business practices, and research findings that present opportunities to improve mission delivery, services to citizens, and stewardship of public resources. The Government Effectiveness Advanced Research (GEAR) Center would be a non-governmental public-private partnership that would engage researchers, academics, non-profits, and private industry from disciplines ranging from behavioral economics, to computer science, to design thinking to use creative, data-driven, and interdisciplinary approaches to re-imagine and realize new possibilities in how citizens and Government interact.

THE CHALLENGE

Most Federal Government entities and programs were designed many decades ago, while still others have their organizational roots aligned to the missions of the 19th Century. Their designers could not have anticipated how technology and society would evolve or how the mission demands on the Federal Government would evolve in the 21st Century. Government has also been slower than the private sector to adapt operations to new realities. The bottom line is that the Government has fallen behind the curve, with reported decreases in trust[1] and lower customer satisfaction[2]. The inability to keep pace with the private sector on adoption of technology has likely contributed to these failures to meet expectations as well as inefficient use of resources. This proposal makes progress toward a future vision of a more efficient and effective Government that provides a level of service that citizens deserve.

Although disparate research is available in the public and private sector, there is little work directed toward providing a forward-looking view on how the operating entities of Executive Branch should evolve management practices for the 21st Century. The Executive Branch currently lacks the capability to work with State and local governments, businesses, and institutions of higher education to assess the long-term strategic needs of the Government enterprise, and to "test and learn" how to apply innovative approaches to meeting the mission, service and stewardship needs of the 21st Century. This capability is needed to effectively apply theory to practice in a low-risk environment.

THE OPPORTUNITY

The GEAR Center would be a public-private partnership bringing together experts from disciplines ranging from behavioral economics, to computer science, to design thinking, in order to take a creative, data-driven, and interdisciplinary approach to imagining and realizing new possibilities in how citizens and government interact.

[1] Pew Research Center, May, 2017, "Public Trust in Government Remains Near Historic Lows as Partisan Attitudes Shift."
[2] *https://www.theacsi.org/news-and-resources/customer-satisfaction-reports/reports-2017/acsi-retail-report-2017.*

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WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

To establish the GEAR Center, the General Services Administration (GSA) could, for example, issue a new Challenge under the America COMPETES Act[3], and as a parallel effort, issue a Request for Information (not leading to a traditional contract but to get more information on the art of the possible) to maximize input from the public, universities, and industry to show transparency while promoting innovation from the largest group possible.

New "Challenges" under the America COMPETES Act provide agencies with the authority to conduct prize competitions to spur innovation, solve tough problems, and advance their core mission. Prize competitions under this new statute may be funded jointly by more than one agency and by the private sector. These challenges can be monetary or non-monetary, and they allow for multiple phases of engagements, ideations, and competitions. The America COMPETES Act authority offers a flexible and fast method to obtain input from a wide swath of the public, including industry, non-profits, universities, and other entities.

Based on the results of the Challenge, the GEAR Center could be established at a university, think tank, or other prominent research institution as a public-private partnership to inform critical areas for programs and services to meet the needs of the American public. The GEAR Center would call upon researchers, academics, non-profits, and private industry to help test hypotheses, rapidly prototype new strategies and models, and help the Government anticipate and respond to changes in technology with implications for service to citizens and Government mission.

The Center would provide the Federal Government with the opportunity to not only catch up to where the private sector services and capabilities are today, but to lay the groundwork for where Government operations and services need to be in five, 10, or 20 years or more by bringing together researchers, academics, non-profits, and private industry to inform leaders in the Federal Government of the future delivery models for programs and services that meet the needs of the American public. This Center will enable the testing of hypotheses and shape future direction in order to help the Government anticipate and respond to changes in technology and society with implications for how the Government can better serve its citizens. For example, the GEAR Center could examine the impacts to Government that are likely to occur due to broader economic forces (e.g., self-driving cars, automation), improving service in programs that rate the worst in terms of public feedback (e.g., immigration system, farmers), and exploring strategies to leverage Big Data and manage data as an asset across Government silos.

Developing this capacity supports innovation as an engine to transform the public's experience with Government. Researchers will validate and/or develop improved ways to serve the needs and desires of the customers of Government services, and rethink the experience of Government-public interactions.

[3] The America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act of 2007 or America COMPETES Act was signed by President George W. Bush and became law on August 9, 2007. This was an Act, "To invest in innovation through research and development, and to improve the competitiveness of the United States." On January 4, 2011, President Barack Obama signed into law the America COMPETES Reauthorization Act of 2010.

AMERICAN OVERSIGHT

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Further, the GEAR Center would provide capacity to explore questions concerning how Government can best harness technological advances to address evolving challenges concerning citizen interactions with the Government, Federal workforce skill/reskilling requirements, the leveraging of Big Data, and collaboration with the private sector via grant-making, procurement and public-private partnerships. In addition, it would explore opportunities to better integrate public and private sector innovative fee for service and co-investment models to ensure that infrastructure for the digital age receives appropriate investments and attention.

DOJ-FBI-18-0520, 18-0521-L-000293

AMERICAN OVERSIGHT

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Transfer of Background Investigations from the Office of Personnel Management to the Department of Defense

U.S. Office of Personnel Management and Department of Defense

Summary of Proposal: That the National Background Investigations Bureau (NBIB), currently under the Office of Personnel Management (OPM), be transferred to the Department of Defense (DOD).

THE CHALLENGE

The placement and performance of background investigations for the Executive Branch has been an evolving and open issue for years.

- In October 2016, the National Background Investigations Bureau (NBIB) was established to succeed the Office of Personnel Management's (OPM) Federal Investigative Services (FIS). The NBIB absorbed the FIS's background investigation capabilities, inventory, and operational challenges, and began the conduct of background investigations for 95 percent of Executive Branch agencies.
- In August 2017, an implementation plan was provided to the Congress for DOD to conduct background investigations for DOD personnel, pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year 2017 (P.L. 114-328).
- In December 2017, the NDAA for Fiscal Year 2018 (§925(b) of P.L. 115-91) was enacted into law, legislating a phased transfer of DOD background investigations conducted by NBIB from NBIB to DOD.

The pending transfer of DOD Investigations from NBIB comprises 70 percent of NBIB's background investigation volume and raises questions with Government-wide implications regarding the remaining 30 percent. With no easy or obvious answers regarding the placement of the 30 percent, the Security, Suitability, and Credentialing Performance Accountability Council (PAC) principal agencies (OPM, DOD, the Office of Management and Budget, and the Office of the Director of National Intelligence) initiated an interagency review to determine a path forward.

THE OPPORTUNITY

This proposal would transfer the NBIB background investigation program, currently under OPM, to DOD. The transfer provides the opportunity to achieve an efficient, effective, fiscally viable, and secure operation that meets all agencies' needs. It avoids a variety of potential problems inherent in splitting the existing program into two pieces, and provides the means to achieve bold, transformative reform in the manner in which background investigations are conducted. The opportunity exists to improve timeliness, strengthen management of sensitive information and ensure a more trusted workforce.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-L-000294 18-cv-2422(FBI)-5856

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Administration recognizes that background investigations are critical to enabling national security missions and ensuring public trust in the workforce across the Government. The congressionally mandated transfer of 70 percent of NBIB's background investigation caseload has significant implications for the conduct of background investigations Government-wide. Additionally, the mandate comes at a time when significant challenges in security, suitability, and credentialing processing continue to adversely affect Government operations. The background investigation inventory has risen to approximately 725,000; the average Top Secret background investigation takes four times longer than the target completion date; and costs have risen more than 40 percent since Fiscal Year 2014. This is an unsustainable way to do business.

Now is the time for bold, transformational change in how we vet our workforce. To that end, the Administration has concluded that to achieve an efficient, effective, fiscally viable, and secure operation that meets the needs of the Executive Branch, it is necessary for the background investigation program to remain consolidated through a complete transfer of NBIB to DOD. Given the urgency and complexity of the issue, the Administration believes this transfer is the right thing to do because:

- Consolidation retains "economies of scale". Keeping the program together prevents unnecessary duplication of functions (e.g. headquarters, back office, etc.), removes operational complexity, and provides increased opportunities for centralization and specialization that will increase continuous process improvement benefits.

- Residing within DOD facilitates better leveraging of DOD's existing enterprise capabilities DOD already provides capabilities to the enterprise by servicing industrial security clearances for 31 agencies through the National Industrial Security Program, and manages adjudications for four agencies through the DOD Consolidated Adjudications Facility. DOD already has strong, established research and training programs under the Personnel and Security Research Center and Center for Development of Security Excellence, is developing continuous evaluation capabilities that will benefit non-DOD agencies, and has a global footprint that is well-suited to the increased need for international contact and employment investigations. Drawing on significant national security, IT, and cybersecurity expertise, DOD is also responsible for designing, building, securing, and operating, a suite of end-to-end vetting shared services to be made available to all Executive Branch agencies.

- Truly bold and transformational reforms are more achievable through consolidation. Despite improvements, the Federal government's vetting policies, processes, and tools, have failed to keep pace with emerging technological capabilities and opportunities to continuously identify, assess, and integrate key sources of information. Reform initiatives chartered by the Security and Suitability/Credentialing Executive Agents are underway to revamp the fundamental approach and supporting policy framework, overhaul the business process, and modernize the information technology architecture. Implementation of these reforms across a single, consolidated provider can best serve the sustainment of a trusted workforce for the Nation.

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The Administration will take the requisite executive actions to ensure the background investigation program remains consolidated within DOD. Transition planning and implementation over the next several years will be critical to success and will involve interagency cooperation and coordination. The PAC will provide oversight of that transition, and will continue to be accountable for ongoing reform of the broader Executive Branch vetting program, including background investigations. The existing Security Executive Agent (the Director of National Intelligence) and Suitability and Credentialing Executive Agent (the Director of OPM) will continue to fulfill their respective policy and oversight roles for the security, suitability, and credentialing enterprise.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-L-00296 2432(FBI)-5858

Strengthening Federal Evaluation

Government-wide

Summary of Proposal: Bringing evidence to bear in decision-making is a critical component of good government. However, there are large gaps and inconsistencies across Federal agencies in their ability to formally evaluate their programs. These reforms would expand upon existing capabilities and push agencies to adopt stronger practices that would generate more evidence about what works and what needs improvement in order to inform mission-critical decisions and policies.

THE CHALLENGE

Decisions about how best to allocate taxpayer dollars and improve government services involve a complex set of factors, including political priorities, resistance to change, and the availability of credible evidence. In many policy domains, however, we lack key information on program effectiveness that could help the Congress and the President make better decisions. Program evaluation is a valuable tool that can help us learn what works in order to focus limited funding on effective programs, discontinue programs that fall short of desired results, and identify ways to improve continually funded programs. For example, a decade of rigorous evaluations of the Maternal, Infant, and Early Childhood Home Visiting Program demonstrated positive impacts and future savings that warranted scaling up the program. In contrast, Project D.A.R.E., a substance abuse prevention program for adolescents, lost all Federal funding following several high-quality evaluations that determined the program was ineffective and in some cases had negative effects.

These examples illustrate how, absent program evaluation, we would not know whether what we think works, does in fact work. Yet, building evaluation into program design so that we can learn and improve is currently the exception rather than the rule, and there are no formal Government-wide incentives, expectations, or guidance to Federal agencies regarding program evaluation. We must increase the capacity of Federal agencies to conduct evaluation and fill a critical gap in the Federal government's ability to generate evidence about what works and how we can improve programs. This will lead to more and better information that the Congress and the President can use to make decisions about how to best spend taxpayer dollars and provide services for our citizens.

THE OPPORTUNITY

Passage of the Foreign Aid Transparency and Accountability Act of 2016 set an important precedent that our Nation must have expectations for monitoring and evaluating foreign assistance programs. OMB's guidance for these programs (see M-18-04) was a first step, but there is much more that can be done across Government. We must set standards for evaluation across all program activities and agencies so that Federal agencies, OMB, the Congress, and taxpayers have critical information about the effectiveness of Government programs and policies, which will lead to improved services, increased efficiencies, and a greater return on investment.

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AMERICAN OVERSIGHT

18-cv-2422(FBI)-5859

WHAT WE'RE PROPOSING AND WHY IT'S THE RIGHT THING TO DO

The Congress is increasingly compelling agencies to focus funding on evidence-based programs that we know work. Executing this vision requires evaluation to answer essential questions regarding program effectiveness and cost-efficiency that cannot be answered through performance measurement, statistics, or data analytics alone. Unlike Federal statistical and performance functions, there is currently no formal Federal system or underlying infrastructure to support evaluation. As a result, there are many programs and policies across the Government for which we have no evidence on program effectiveness, thus making evidence-based policymaking difficult.

If we expect agencies to test innovative strategies and execute effective programs, we must enhance Federal agencies' ability to conduct program evaluation and other evidence-building activities. The bipartisan Commission on Evidence-Based Policymaking's recommendations and subsequent draft legislation would further these goals. However, many of the necessary improvements can be accomplished administratively. Doing so will require a change in Federal agencies' cultures and standard operating procedures so that program evaluation is integrated into program design, and evaluation experts are part of decision-making processes.

We must strengthen the role of program evaluation and better understand how we are investing in evaluation across the government. At minimum, OMB intends to ask Federal agencies to:

- Designate a senior official responsible for coordinating the agency's evaluation activities, learning agenda, and information reported to OMB on evidence. This official must have expertise and experience in program evaluation, which is a different skill set than performance, statistics, and other agency functions. One approach that has worked well in some agencies is to create a centralized independent evaluation office and designate a senior career official to lead this office who is given lead responsibility for evaluation at the agency. Other agencies have multiple sophisticated evaluation offices serving different components.

- Document the resources dedicated to program evaluation. If taxpayers, the Congress, or the Administration were to ask how much is currently spent on program evaluation, we would not be able to state an amount nor easily calculate a reasonable estimate. Absent this information, we cannot know where our investments in evaluation are adequate and where we are under- or over-investing.

We must also strengthen the Government's ability to build and use a portfolio of evidence, including results from program evaluations, to inform decision-making. To do this, OMB will provide direction and set expectations that encourage agencies to:

- Strengthen the quality of the information provided to OMB on evidence-building activities, including program evaluation, as part of the annual budget process. Currently, agency submissions vary greatly in quality and completeness. If improved, however, they could be a useful way for OMB to understand agencies' current and planned evidence-building activities, the evidence base behind key priorities, and evidence gaps that should be addressed. By designating a senior official at agencies with relevant experience responsible for this submission, OMB expects the quality and breadth of submitted information will improve and better inform the budget and policymaking processes.

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- Establish and utilize multi-year learning agendas. Learning agendas are a powerful tool that allow Federal agencies to strategically plan evaluation and other evidence-building activities over a multi-year period. The structured agenda setting process requires coordination within an agency to identify priority research questions and knowledge gaps. Learning agendas should be informed by key stakeholders and the public, and the resulting documents should be made available to the public to promote transparency and accountability. The studies, evaluations, and other learning that results from these agendas should be shared within the agency and with other stakeholders, OMB, the Congress, and the public in order to facilitate policy and program improvement.

A broad consensus has emerged regarding the importance of evaluation as a key part of evidence-based policymaking. We acknowledge the potential risk that establishing a more formal structure for Federal evaluation could introduce administrative rigidity and complexity in ways that may detract from innovation in the small number of agencies already excelling in this area. During implementation, however, we could mitigate this risk by allowing appropriate flexibility, recognizing the unique circumstances and capacities of various agencies, and soliciting input from stakeholders both inside and outside of the Federal Government.

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"Let President Trump reorganize the government like a business."

– Michelle
Delaware

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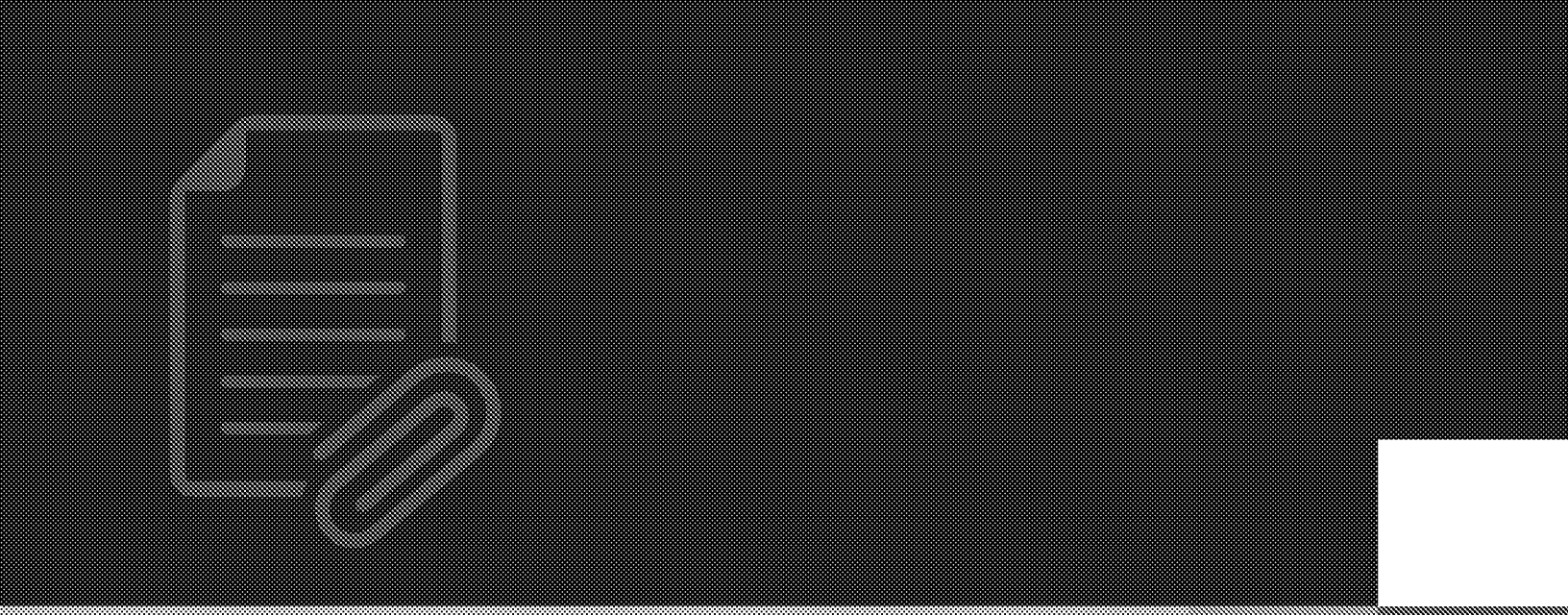

APPENDIX: AGENCY-SPECIFIC REFORM PROPOSALS

AMERICAN OVERSIGHT

DEPARTMENT OF AGRICULTURE

Reorganizing the Agricultural Marketing Service

As part of the U.S. Department of Agriculture's (USDA) internal reorganization effort, it has undertaken significant changes to the Agricultural Marketing Service (AMS) to improve customer engagement, maximize efficiency, and improve agency collaboration. The Packers and Stockyards Program, Federal Grain Inspection Service, U.S. Warehouse Act Program, and International Commodity Purchasing were transferred to the Agricultural Marketing Service as new program areas in FY 2018.

Realigning USDA's Mission Areas

The USDA has begun realigning and consolidating certain offices into more logical organizational reporting structures. The realignment has included the creation of an Under Secretary for Trade and Foreign Agricultural Affairs, an Assistant to the Secretary for Rural Development (RD), and an Under Secretary for Farm Production and Conservation. Additionally, USDA is merging the Center for Nutrition Policy and Promotion (CNPP) into the Food and Nutrition Service (FNS). These efforts will improve service delivery by providing a simplified one-stop shop for USDA's farmer and rancher customers, advance agricultural trade and address the needs of Rural America.

DEPARTMENT OF ENERGY

Streamline Environmental Management Headquarters Organization

This effort will review the Environmental Management (EM) organizational structure to identify opportunities to streamline the management team. EM will specifically review supervisor-to-worker ratios, skill gaps, and cost reduction measures such as consolidating facilities and reducing administrative support. This proposal focuses on completion of the EM clean-up mission in an efficient and cost-effective manner.

Consolidate International Staff Under Office of International Affairs

The Department is consolidating international affairs offices from DOE's applied energy programs into the headquarters Office of International Affairs. This effort centralizes staff and resources with technical expertise and foreign affairs policy knowledge to advise on and carry out the Department's international engagement efforts.

Merge Shared Service Centers and Other Activities

The Department continues to merge DOE's Human Resources Shared Service Centers, consolidate human capital functions across the DOE enterprise, and merge DOE training and development functions. This effort will streamline processes, reduce costs, and improve services.

Office of Science Restructuring

The Department of Energy's Office of Science is evaluating several proposals to merge and consolidate field and headquarters activities to improve efficiency and reduce costs. Potential options for consideration include: merging geographically associated site offices; reorganizing the Integrated Service Centers; realigning safety and technical services; streamlining the Office of Science organization; and reducing staff and/or administration support costs.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Optimize National Institutes Health (NIH)

Restructure NIH's administrative functions to ensure operations are effective and efficient. This initiative represents the largest change management initiative in the history of NIH, and will align management with best practices and break down administrative silos through standardization of structures and processes agency-wide.

Consolidate Health Research Programs into National Institutes of Health (NIH)

Integrate the research of three programs into NIH – the Agency for Healthcare Research and Quality (AHRQ), the National Institute for Occupational Safety and Health (NIOSH), and the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) to improve research coordination and outcomes. These entities would be initially established as three new NIH institutes: the National Institute for Research on Safety and Quality; the National Institute for Occupational Safety and Health, including the Energy Employees Occupational Illness Compensation Program; and the National Institute on Disability, Independent Living, and Rehabilitation Research. NIH will assess the feasibility of integrating health services research activities more fully into existing NIH Institutes and Centers over time.

Reorganize the Strategic National Stockpile (SNS) to the Assistant Secretary for Preparedness and Response (ASPR)

Restructure the SNS from Centers for Disease Control and Prevention to ASPR to consolidate strategic decision making around the development and procurement of medical countermeasures, and streamline operational decisions during responses to public health and other emergencies and improve responsiveness. This reorganization is intended to enhance enterprise effectiveness by more fully integrating the Stockpile with HHS' other preparedness and response capabilities.

DEPARTMENT OF HOMELAND SECURITY

DHS Air & Maritime Programs

This proposal would identify efficiencies and budgetary savings to be achieved by eliminating unnecessary duplication between U.S. Customs and Border Protection and U.S. Coast Guard air and maritime programs. This could include facility consolidation, standardized data, enhanced domain awareness and coordination, and common future capability requirements.

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AMERICAN OVERSIGHT

Coordinated Operations, Planning & Intelligence

This proposal will evaluate how DHS headquarters and components will produce information and intelligence that is comprehensive, current, coordinated, operationally-focused and analytically-defensible, and increase the effectiveness of coordinated operational plans and policies. DHS's Office of Intelligence and Analysis, the Office of Strategy, Policy and Plans, and Office of Operations Coordination will explore areas such as analysis overlap, duplication and/or fragmentation; joint and integrated strategies and operations; common operating picture (COP) and alert warning; and operations centers overlap, duplication and/or fragmentation.

National Bio and Agro-Defense Facility (NBAF) Transfer from DHS to USDA

This FY 2019 Budget proposal would transfer operational responsibility for the National Bio and Agro-Defense Facility (NBAF) from DHS's Science and Technology Directorate (S&T) to USDA's Agricultural Research Service (ARS) in FY 2019. DHS would finish the construction and commissioning of the laboratory facility, while USDA would operate the facility in the future.

Organizing Headquarters Functions

This proposal would identify how DHS Headquarters can more effectively align Business Support and Mission Support functions to support Homeland Security mission delivery by enabling: (1) strategic governance, oversight, policymaking, and internal and external coordination; and (2) strengthening service and delivery of the business support and mission support functions to the Department. In tandem, the DHS Management Directorate is advancing agency-wide initiatives such as field efficiencies, modernizing financial systems and processes, and SOC consolidation.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Reform Rental Assistance

HUD is seeking legislative reforms to decades-old rent policies that are confusing and costly, and often fail to support HUD-assisted individuals in increasing their earnings. HUD's Making Affordable Housing Work Act would offer public housing authorities (PHAs), property owners, and HUD-assisted families a simpler and more transparent set of rent structures to reduce administrative burden, incentivize work, and place HUD's rental assistance programs on a more fiscally-sustainable path.

Consolidate Headquarters Offices

HUD spends approximately $11.8 million per year on four leases within walking distance of its main headquarters at the Robert C. Weaver Federal building. HUD is in the process of consolidating these satellite offices into the Weaver building, reducing its real property footprint and annual leasing costs.

DEPARTMENT OF STATE

Modernizing IT, HR Operations, and Data Analytics

The State Department seeks to advance information technology (IT) modernization, including: allowing real-time collaboration; strengthening workforce readiness and performance management; and improving enterprise-wide data availability. This will involve enhancing data analytics to better inform decisions and investing in and implementing cloud technologies to allow employees to work more easily from any location, improve cyber security, streamline work processes, and consolidate duplicative systems. Cloud implementation has been underway since the end of 2017. By the end of March 2018, the Department had already migrated 16.6 percent of user mailboxes to cloud-based e-mail. This effort will also seek to improve connectivity between the State and United States Agency for International Development (USAID) IT platforms, thus ensuring increased collaboration and information access to improve effectiveness and efficiency.

Leadership Development and Training

The State Department seeks to enhance leadership training and development opportunities. To this end, the Foreign Service Institute is working to modernize and expand formal leadership training for all levels of the workforce and is implementing a program of mid-level leadership projects. The Leadership Advisory Board is reviewing the Department's Leadership and Management Principles and promoting leadership development activities more broadly.

Special Envoys

The State Department is integrating selected envoys and special representative offices into the regional and functional bureaus, and eliminating those envoys and representatives that have accomplished their original purpose, or have overlapping roles and responsibilities. This effort will empower regional and functional bureaus' policy direction, provide clarity in reporting authority, and strengthen communication channels. In consultation with the Congress, 17 such offices are being realigned as of May 2018.

Enhance Global Presence and Policy Processes

The State Department seeks to improve oversight of the U.S. Government's global presence under Chief of Mission authority, including enhanced interagency coordination to foster increased collaboration and oversight. The goal is to ensure the most efficient allocation of personnel consistent with U.S. interests around the world. State and USAID will work together to advance targeted reforms in this area, where changes are mutually reinforcing and can be effectively synchronized to maximize benefits as appropriate.

Enhance Operational Efficiencies

The State Department is examining ways to enhance human resources service delivery in order to simplify processes and reduce wasted time. Enhancements will also strengthen real property management both domestically and overseas, and achieve efficiencies in our acquisitions process to improve service delivery. State and USAID will work together to advance targeted reforms in this area, where changes are mutually reinforcing and can be effectively synchronized to maximize benefits as appropriate.

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DEPARTMENT OF THE INTERIOR

Aligning DOI Regions Across Bureaus

The Department of the Interior (DOI) seeks to establish common regional boundaries for its bureaus and offices to provide better coordination across the department, focus resources in the field, and ultimately, improve mission delivery. Currently, each DOI bureau manages its responsibilities using regional structures that follow different geographical boundaries. This inconsistency slows coordination between DOI bureaus and offices, other Federal agencies, and the American public that DOI serves.

Improving Efficiency through Shared Services

DOI is working to collocate bureau offices wherever possible and to emphasize the use of shared administrative support services across its organizational units. This will drive more efficient use of resources and ensure employees within each region and at the local level receive adequate support. Better utilization of the Interior Business Center (IBC) and DOI's consolidated Financial and Business Management System (FBMS) will also further these objectives.

DEPARTMENT OF THE TREASURY

Consolidate Alcohol and Tobacco Enforcement at Treasury

The FY 2019 Budget proposes to transfer all alcohol and tobacco responsibilities from the Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to Treasury's Alcohol and Tobacco Tax and Trade Bureau (TTB). This transfer would leverage TTB's resources and expertise relating to the alcohol and tobacco industries and allow ATF to continue to focus on its firearms and explosives mandates, enabling both agencies to more efficiently and effectively carry out their core missions of protecting the public.

DEPARTMENT OF TRANSPORTATION

Shared Services

The Department of Transportation (DOT) is taking a comprehensive look at implementing a shared services model for acquisitions, human resources, information technology, and motor vehicle pools across the Department. DOT is also working to consolidate office space and leases.

OST Streamlining

DOT is committed to rightsizing the Office of the Secretary (OST), which plays a critical role in overseeing DOT's Operating Administrations (OAs). To better support the OAs, offices and positions will be consolidated in areas such as research and development.

Workforce Development

DOT workforce development grants will be transferred to the new Department of Education and the Workforce to centralize workforce development policy and to deliver more efficient and effective outcomes.

DEPARTMENT OF VETERANS AFFAIRS

Electronic Health Record Modernization

This will transition the Department of Veterans Affairs (VA) to a new Electronic Health Records (EHR) system allowing for interoperability between the Department of Defense (DOD) and VA, and other community providers. The new system will permit efficient exchange of patient health information as military servicemembers transition from DOD to VA healthcare, and will enhance the coordination of care for veterans. Having a veteran's complete and accurate health information in a single common EHR system is critical to that care, and to patient safety. The new EHR system will enable VA to easily adopt improvements in health information technology and cyber security, which VA's current system is unable to do.

Community Care

To ensure veterans get the right care, at the right time, with the right provider, the Trump Administration and VA have worked closely with the Congress and Veteran Service Organizations (VSOs) to create legislation to merge all of VA's community care efforts, including the Choice Program, into a single, streamlined Federal program. The new community care program will improve veterans' experiences and healthcare outcomes and transform VA into a high-performing and integrated 21st Century healthcare system for more than 9 million veteran enrollees.

Appeals Modernization

VA is undertaking an initiative to replace its current claims appeals process, adopted after World War I, which is slow, complex, and confusing for veterans to navigate. In an effort to enhance veterans' experience, VA is accelerating implementation of a new system under which veterans have the option to submit appeals using one of three lanes based on their unique circumstances.

Financial Management Business Transformation

This ambitious effort will transform VA's financial management business processes and systems using an integrated approach. A modern integrated financial management and acquisition solution will enhance transparency, data accuracy, and improve fiscal accountability across the department, and will provide opportunities to improve the care and services provided to veterans.

Legacy IT Systems Modernization

Many of the 130 legacy information technology systems that VA relies on to administer and deliver veteran benefits are no longer supportable, and do not meet security compliance standards or support new, more efficient business processes. In addition, the inability of these systems to interface with one another results in severe redundancies which, in turn, results in inefficiencies and impedes the department's customer service to veterans. Collectively, modernizing legacy IT systems will streamline benefit delivery and appeals processing, ensure compliance with new security and accessibility standards, and expand veteran self-service capabilities while also promoting greater transparency.

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AMERICAN OVERSIGHT

ENVIRONMENTAL PROTECTION AGENCY

Tailoring State Oversight

The Environmental Protection Agency (EPA) will recalibrate resources devoted to oversight of State-delegated programs, including the role of EPA National Programs and Regions, and their respective levels of effort. EPA will recognize States as the primary implementers and enforcement authorities where States have authorized delegation of Federal environmental programs. With input from the Environmental Council of the States (ECOS) and the States, EPA will streamline, reduce, and tailor its oversight activities to focus on national consistency and technical assistance to States as needed.

Examining EPA Field Presence

After streamlining and tailoring State oversight activities, EPA will assess the best locations from which to provide key functions and services to customers. Some functions may be performed more effectively with enhanced proximity to customers, while others may be more efficient, but equally effective, if consolidated. EPA will assess owned space vs. leasing space for field operations.

Improving Management of EPA Laboratories

EPA will review the current laboratory enterprise in an effort to operate EPA's labs in a more strategic, corporate, and efficient manner. This project starts with the identification and implementation of an enterprise-wide framework to create a more agile work environment and manage lab capabilities and capacity to meet the scientific demands associated with achieving the Agency's mission more efficiently and effectively.

GENERAL SERVICES ADMINISTRATION

Federal Motor Vehicle Fleet Management

The Federal Government operates more than 400,000 motor vehicles, including cars, trucks, SUVs, buses, and other specialty vehicles. The cost of operating motor vehicles can vary widely among Federal agencies. The President's Management Agenda initiative on improving mission support services includes consolidating Federal fleet management. This will reduce taxpayer costs and introduce efficiencies into Federal fleet management. To achieve these objectives, the General Services Administration will conduct studies of agency fleets to identify recommendations on improving fleet management. The study will include analysis of operational, maintenance, and inventory data to assess whether centrally leasing and managing motor vehicles is more cost effective than separate agency ownership and management of vehicles. GSA studies will also identify opportunities for reducing the overall size of the Federal fleet through car sharing or other such shared activities.

NATIONAL SCIENCE FOUNDATION

Introduce Two Convergence Accelerators to Support Interdisciplinary Research

The National Science Foundation (NSF) will introduce two "Convergence Accelerators" that will facilitate the agency's funding of interdisciplinary research. The Accelerators will focus on "Harnessing the Data Revolution" and the "Future of Work at the Human-Technology Frontier." Staff, budget, and resources for the Accelerators will be realigned from the current directorates and offices. Accelerator directors will be part of the NSF scientific leadership team. With separate staff, budget, and resources, the Accelerators will be NSF's primary units for conceiving, funding, and managing NSF-wide interdisciplinary activities in these areas.

OFFICE OF PERSONNEL MANAGEMENT

Implement a 21st Century Approach to Federal Employee Records and Data Management

The Office of Personnel Management (OPM) seeks to establish a secure Employee Digital Record (EDR), with as close to live updates as technologically feasible. By creating a permanent EDR, OPM can drive a data collection strategy that, among other things, collects employee data once and uses it many times across the employee lifecycle. This will reduce redundancy, inefficient and inaccurate reporting, costly vendor management, and incomplete data that creates challenges in applying modern business processes to core HR functions.

NUCLEAR REGULATORY COMMISSION

Merge the Office of New Reactors (NRO) and the Office of Nuclear Reactor Regulation (NRR)

The Nuclear Regulatory Commission (NRC) recognizes that a merger of NRO and NRR will provide flexibility and improved agility to manage uncertainties associated with the workloads in both the new and operating reactor business lines. As part of the merger of NRO and NRR, the NRC will conduct an assessment of technical review functions to identify efficiencies and eliminate redundancies.

AMERICAN OVERSIGHT

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SOCIAL SECURITY ADMINISTRATION

IT Modernization

The Social Security Administration's (SSA) IT Modernization Plan is a thoughtful and deliberate multi-year agency initiative to modernize SSA's major systems using modern architectures, agile software engineering methods, cloud provisioning, and shared services. SSA is embarking on an initiative to transform the way they design and build systems, and ultimately the way they work and serve the public. The IT modernization vision is to establish a fully integrated IT and Business team that delivers modern business platforms that improve our ability to respond more rapidly to changing needs at manageable costs. SSA will provide an enhanced customer experience for millions of beneficiaries across an expanded mix of service options in a cost effective and secure manner.

Eliminate In-Kind Support and Maintenance and the Holding Out Policy for SSI

This proposal simplifies administration of the Supplemental Security Income (SSI) program and reduces improper payments. The proposal eliminates the counting of In-Kind Support and Maintenance (ISM) in lieu of a flat rate benefit reduction for adults living with other adults. The proposal also ends the intrusive and burdensome "holding out" policy, which currently reduces benefits for couples that present themselves as married to the community.

Eliminate Services to Claimant Representatives

This proposal would eliminate the Federal Government as the middleman in the relationship between applicants and the representatives they voluntarily hire. It would eliminate administration of fee agreements, fee petitions, and claimant representative travel. The current workload is expensive, error prone, and not SSA's core mission. In FY 2016, SSA spent about $122 million on the activity, but collected only about $30 million (due to a statutory fee cap) to reimburse the trust funds. The $30 million collected is not currently part of SSA's administrative resources.

Establish a Consistent National State Disability Appeal Process

As resources permit, SSA plans to reinstate the reconsideration process in the disability determination services located in the 10 prototype States. Once fully implemented, SSA can return to a single nationwide appellate process. This change will allow claimants to receive benefits sooner at a lower administrative cost. In addition, it will provide some relief to SSA's hearings backlog.

Eliminate SSI Dedicated Accounts

This proposal facilitates financial independence by eliminating dedicated accounts for past-due benefits to SSI youth recipients. It also reduces the administrative burden of monitoring expenses from dedicated accounts.

Implement Metrics and Quality

The proposal would implement quantity and quality metrics for employees across SSA. This change will provide several significant benefits, including: improving productivity and accuracy; ensuring that employees are fully engaged in work and can learn from feedback about their work; ensuring efficient and effective use of taxpayer dollars; and helping managers better address both outstanding and poor performance.

Implement Standard Office Design

SSA is improving facility design to meet business requirements and reduce design and build costs for offices while at the same time evaluating the security of these offices.

Additional Footprint Reduction

SSA continues to find ways to increase real property efficiency and reduce the size of its real property portfolio. SSA will continue to co-locate offices, consolidate space while merging components, and ensure space savings when implementing telework.

U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

Journey to Self-Reliance

USAID will realign its strategies, policies, and programs to more thoughtfully, strategically, and purposefully assist developing countries in becoming more self-reliant. USAID will reorient its relationship with partner countries by more clearly defining expectations up front, giving more clarity and focus to the objectives of assistance, and establishing tangible and meaningful goals to which partner countries can aspire.

Advance National Security

This USAID effort includes three components: operating more effectively in non-permissive environments; preventing violent extremism; and improving coordination with DOD.

Empower People to Lead

USAID seeks a human capital system that leverages and supports employees, enables a high return on investment, and supports workforce mobility and agility. This effort includes: management of human capital, workforce flexibility and mobility; knowledge management, streamlining coordinators; reviewing HR functions; and creating a culture of accountability and learning.

Respecting the Taxpayer's Investments

USAID will maximize how each and every dollar of the taxpayer's money is spent by developing systems and processes that allow for structuring USAID's presence domestically and abroad in the most efficient way possible.

18-cv-2422(FBI)-5868
DOJ-FBI-18-0520, 18-0521-L-000306
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Development of this report and its proposals drew on input from a variety of sources, including Federal staff, managers, and senior leaders; research institutions and thought leaders; the Congress; customers of Federal services; and American citizens. Individuals interested in learning more about reorganization efforts in government and the private sector may be interested in consulting the following resources. This list is not exhaustive, and does not represent endorsement of any one particular viewpoint or publication by the U.S. Government.

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18-cv-2422(FBI)-5869

“Reform is necessary to create more efficient and effective government.”

– Nick
Oklahoma

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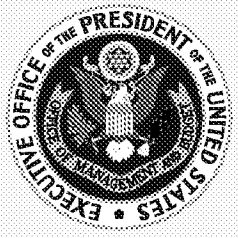

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www.whitehouse.gov/omb/management/GovReform

DOJ-FBI-18-0621-18-0621-L-000409
18-cv-2422(FBI)-5871
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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, July 3, 2018 12:03 PM
To: [redacted]
Subject: FW: New HQ EPW QFRs
Attachments: EPW QFRs_All Haley QFR's 02.28.2018_clean copy responses_v1 070218.docx

FYI. Still haven't heard from him.

-----Original Message-----
From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Monday, July 02, 2018 7:53 PM
To: Harmon, Zachary J. (DO) (FBI [redacted]
Cc: [redacted]
Subject: New HQ EPW QFRs

Hi Zack,

I don't believe we have met, but I am the UC of the Fiscal and Contract Law Unit in OGC. [redacted]

[redacted]

Please let me know if you have any questions or would like to have further discussions related to the EPW hearing or the new HQ project.

Many Thanks and Best Regards,

[redacted] b6 -1 b7C -1 b7E -1

[redacted]
Chief
Fiscal & Contract Law Unit
Office of the General Counsel
Federal Bureau of Investigation
[redacted]

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, July 11, 2018 11:13 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Thanks [redacted]

FYI – GSA sent the FY19 prospectus to OMB last night [redacted] I know you're out of the office) but if you don't have a final copy already, hopefully you will shortly.

r/
[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, July 10, 2018 9:23 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Hey [redacted]

I spoke to both my boss and Rich Haley about giving Zack a nudge. I'm not sure what else we can do. I'll check in with them in a few days if we don't hear anything.

[redacted]

From: [redacted] b5 -1 b6 -1 b7C -1 b7E -1
Sent: Tuesday, July 10, 2018 10:33 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Sorry -- accidently sent that email too soon... I was going to add...

[redacted]

r/

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[redacted]

b6 -1
b7C -1
b7E -1

[redacted]

From: [redacted]
Sent: Tuesday, July 10, 2018 10:28 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b6 -1
b7C -1
b7E -1

Team – any updated on our QFRs?

[redacted]

From: [redacted]
Sent: Thursday, July 05, 2018 8:26 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

Hi [redacted] – I apologize for the delayed response, I was out of the office Mon/Tues. I agree and think you can delete that sentence. I understand you're waiting for the front office to review, just let us know if you or they have any questions.

b5 -1
b6 -1
b7C -1
b7E -1

Thanks
[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Friday, June 29, 2018 9:40 PM

b6 -1
b7C -1

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To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

Hey [redacted]

[redacted]

From: [redacted]
Sent: Friday, June 29, 2018 10:45 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

Hi [redacted] per our discussion, [redacted]

[redacted]

Thank you.

r/
[redacted]

[redacted]

From: [redacted]
Sent: Thursday, June 28, 2018 2:52 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b6 -1
b7C -1
b7E -1

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[redacted]

Everything else looks good to me. How would you recommend we package for sharing with the DO for them to weigh in on the White House issues?

b5 -1
b6 -1
b7C -1
b7E -1

r/

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, June 28, 2018 10:32 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

Hey [redacted]

[redacted]

From: [redacted]
Sent: Wednesday, June 27, 2018 9:54 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

[redacted]

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[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

-----Original Message-----
From [redacted]
Sent: Tuesday, June 26, 2018 11:46 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b6 -1
b7C -1
b7E -1

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Hi [redacted]

b5 -1
b6 -1
b7C -1

[redacted]

-----Original Message-----
From: [redacted]
Sent: Thursday, June 14, 2018 11:34 AM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

[redacted]

Thanks again!

r/
[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, June 11, 2018 3:45 PM
To: [redacted]
Cc: [redacted]
Subject: RE: QFR draft

b6 -1
b7C -1
b7E -1

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[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

Thanks all.
[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:34 PM
To: [redacted]
Cc: [redacted]
Subject: FW: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

Hi guys,

[redacted]

Thanks!
[redacted]

[redacted]

-----Original Message-----
From: [redacted]
Sent: Tuesday, June 05, 2018 2:25 PM
To: [redacted]
Cc: [redacted]
Subject: QFR draft

b5 -1
b6 -1
b7C -1
b7E -1

Hey [redacted]

[redacted]

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Thanks and Best Regards,

[redacted]

b6 -1
b7C -1

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From:
Sent: Wednesday, July 25, 2018 11:00 AM
To:
Cc:
Subject: RE: GSA Questions for the Record on FBI Headquarters

b5 -1
b6 -1
b7C -1
b7E -1

From:
Sent: Wednesday, July 25, 2018 10:46 AM
To
Cc:
Subject: RE: GSA Questions for the Record on FBI Headquarters

Thanks – after a quick review I did not see any red flags; lots of generic/short answers and redirects to us – but that's to be expected. I'm sure the committee won't be happy.

b5 -1
b6 -1
b7C -1
b7E -1

Primary comments:

r/

From:
Sent: Wednesday, July 25, 2018 8:46 AM
To:

b6 -1
b7C -1
b7E -1

AMERICAN OVERSIGHT
18-cv-2422(FBI)-6000

Cc: [redacted]
Subject: FW: GSA Questions for the Record on FBI Headquarters
Importance: High

b6 -1
b7C -1
b7E -1

Hi,

OCA just sent these to us to review by 2pm. These are [redacted] QFR responses.

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, July 25, 2018 7:01 AM
To: [redacted]
Subject: GSA Questions for the Record on FBI Headquarters
Importance: High

b6 -1
b7C -1
b7E -1

Please provide any comments by 2pm today.

Thx

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, July 25, 2018 12:59 PM
To: [redacted]
Cc: [redacted]
Subject: FW: GSA Questions for the Record on FBI Headquarters
Attachments: EPW Presentation_Final_20180210.pdf

Here is the attachment from [redacted]

[redacted]

From: [redacted]
Sent: Wednesday, July 25, 2018 11:50 AM
To: [redacted]
Subject: RE: GSA Questions for the Record on FBI Headquarters

b6 -1
b7C -1
b7E -1

Here is the attachment.

Thx

[redacted]

From: [redacted]
Sent: Wednesday, July 25, 2018 11:02 AM
To: [redacted]
Subject: RE: GSA Questions for the Record on FBI Headquarters

b5 -1
b6 -1
b7C -1
b7E -1

Hey [redacted]

[redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, July 25, 2018 7:01 AM
To: [redacted]
Subject: GSA Questions for the Record on FBI Headquarters
Importance: High

b6 -1
b7C -1
b7E -1

Please provide any comments by 2pm today.

Thx

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

July 30, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

211 pages were reviewed and 35 pages are being released.

Please see the paragraphs below for relevant information specific to your request and the enclosed FBI FOIPA Addendum for standard responses applicable to all requests.

☑ Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].

☐ This information has been referred to the OGA(s) for review and direct response to you.
☑ We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals.

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"Part 3" includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of non-exempt portions of Bates-stamped documents, 18-cv-2422(FBI)-6027 through 18-cv-2422(FBI)-6237. The enclosed documents represent the sixteenth interim release of information responsive to your request. This material is being provided to you at no charge.

Duplicate copies of the same document were not processed.

As previously indicated, 5,597 pages were located which originated with, or contained information concerning another agencies. We are consulting with the other agencies and are awaiting their response. Our office has processed all other information currently in our possession. The FBI will correspond with you regarding those documents when the consultation is completed.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FOI/PA
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[redacted] b5 -1 b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, July 25, 2018 1:26 PM
To: [redacted]
Cc: [redacted]
Subject: RE: GSA Questions for the Record on FBI Headquarters

[redacted]

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, July 25, 2018 12:59 PM
To [redacted]
Cc: [redacted]
Subject: FW: GSA Questions for the Record on FBI Headquarters

Here is the attachment from [redacted]

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, July 25, 2018 11:50 AM
To: [redacted]
Subject: RE: GSA Questions for the Record on FBI Headquarters

Here is the attachment.

Thx

[redacted]

From: [redacted]
Sent: Wednesday, July 25, 2018 11:02 AM
To: [redacted]

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Subject: RE: GSA Questions for the Record on FBI Headquarters

Hey [redacted]

b5 -1
b6 -1
b7C -1
b7E -1

Question 29 references an attachment. Did GSA provide us with the attachment to review? For question 49, we would prefer to use the response below.

[redacted]

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, July 25, 2018 7:01 AM
To: [redacted]
Subject: GSA Questions for the Record on FBI Headquarters
Importance: High

b6 -1
b7C -1
b7E -1

Please provide any comments by 2pm today.

Thx

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[redacted]

b6 -1,4
b7C -1,4
b7E -1

From: [redacted]
Sent: Monday, July 30, 2018 8:08 PM
To: [redacted]
Subject: Re: WAPO article

Do you know who the anonymous people are?

Sent from my iPhone

On Jul 30, 2018, at 7:56 PM [redacted] wrote:

https://www.washingtonpost.com/business/2018/07/30/trump-intervenes-fbi-headquarters-project/?utm_term=.f9dd05f23d80

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Tuesday, July 31, 2018 1:48 PM
To: [redacted]
Subject: FW: HQ

More.....

-----Original Message-----
From: [redacted]
Sent: Tuesday, July 31, 2018 1:36 PM
To: [redacted]
Subject: HQ

https://www.politico.com/magazine/story/2018/07/30/donald-trump-fbi-headquarters-washington-dc-219076

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, July 31, 2018 4:35 PM
To: [redacted]
Subject: Re: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

i think this is just noise and if anything it will make it even harder to get through the Hill

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 7/30/18 1:03 PM (GMT-05:00)
To: [redacted]
Subject: Re: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

Ahh.. We can only pray and hope it gets some leg..

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 7/30/18 9:27 AM (GMT-05:00)
To: [redacted]
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

crazy...

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 7/29/18 9:25 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)[redacted]'Young, Andrew N. (FLSD) (FBI)[redacted]
[redacted]
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

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-------- Original message --------
From: [redacted]
Date: 7/29/18 9:23 PM (GMT-05:00)
To: [redacted]
Subject: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

b6 -1
b7C -1
b7E -1

https://www.axios.com/donald-trump-obsession-fbi-building-headquarters-65d36fb9-b1a2-42ca-8cbd-3dbbe59de907.html

Scoop: Trump's obsession with the "terrible" FBI building

Jonathan Swan 1 hour ago

Trump is obsessed with the FBI building. For months now, in meetings with White House officials and Senate appropriators intended to discuss big-picture spending priorities, the president rants about the graceless J. Edgar Hoover Building in downtown Washington, D.C.

Behind the scenes: In the midst of one rant about the FBI, he lit into the building. "Even the building is terrible," he observed to an Axios source. "It's one of the brutalist-type buildings, you know, brutalist architecture. Honestly, I think it's one of the ugliest buildings in the city."

- Another source said he was dead opposed to plans to move it out of D.C. "This is prime real estate, right on Pennsylvania Avenue," he said. "This is a great address. They need to stay there. But it needs a total revamp."
- That source said Trump told Chief of Staff John Kelly he wants to oversee the project at an excruciating level of detail: the cost per square foot, the materials used, the renovation specs, etc. He's treating it like it's a Trump Organization construction project, the source added.

The White House response: In response to my emails about this story, a senior official said, "POTUS has interest in the issue and has met with FBI officials, but more importantly the GSA [General Services Administration] team. GSA has concerns that the building can't be rehabilitated particularly given the security requirements and has relayed that to him."

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- **What's next?** The FBI hasn't submitted a plan for a new building to Congress, and Congress hasn't appropriated any money for the project. The senior official added that the FBI leadership and work force would prefer to stay in D.C. and "are working with GSA for optimum design for the Bureau's needs and at lowest budget, fastest timetable, etc."

Be smart: To risk stating the obvious, it's highly unusual for the president of the United States to micromanage a building project.

- Responding to this story, White House press secretary Sarah Sanders said: "POTUS is always interested in building because he knows it better than anyone and has been very successful in it. He's found GSA to be on it, 'very impressive' and 'knowledgeable' are the phrases he has used."

Sent from my iPhone

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, August 1, 2018 9:03 AM
To: [redacted]
Subject: RE: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

You have an entire new stack…

Someone told me Shuster (I think) was pushing for the revolving fund and said the FBI HQ would be the first project….

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, July 30, 2018 9:28 AM
To: [redacted]
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

this is crazy. How many brouchures do we have left?

--

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 7/29/18 9:25 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted] "Young, Andrew N. (FLSD) (FBI)" [redacted]
Subject: Fwd: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

.

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 7/29/18 9:23 PM (GMT-05:00)
To: [redacted]
Subject: Donald Trump is obsessed with revamping the "terrible" FBI building - Axios

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Scoop: Trump's obsession with the "terrible" FBI building

Jonathan Swan 1 hour ago

Trump is obsessed with the FBI building. For months now, in meetings with White House officials and Senate appropriators intended to discuss big-picture spending priorities, the president rants about the graceless J. Edgar Hoover Building in downtown Washington, D.C.

Behind the scenes: In the midst of one rant about the FBI, he lit into the building. "Even the building is terrible," he observed to an Axios source. "It's one of the brutalist-type buildings, you know, brutalist architecture. Honestly, I think it's one of the ugliest buildings in the city."

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The White House response: In response to my emails about this story, a senior official said, "POTUS has interest in the issue and has met with FBI officials, but more importantly the GSA [General Services Administration] team. GSA has concerns that the building can't be rehabilitated particularly given the security requirements and has relayed that to him."

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very successful in it. He's found GSA to be on it, 'very impressive' and 'knowledgeable' are the phrases he has used."

Sent from my iPhone

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[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, August 7, 2018 12:20 PM
To: [redacted]
Subject: FW: GSA EPW QFRs
Attachments: CC038724 GSA QFRs for SenEPW Final.pdf

[redacted] has requested you personally...

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, August 07, 2018 10:29 AM
To: [redacted]
Subject: FW: GSA EPW QFRs

Hey [redacted]

What do you think about having [redacted] do a comparison with our draft responses, to see if there are any inconsistencies?

Best Regards,
[redacted]

-----Original Message-----
From: [redacted] b6 -1,3 b7C -1 b7E -1
Sent: Tuesday, August 07, 2018 10:27 AM
To: [redacted]
[redacted]
Subject: GSA EPW QFRs

I just received these from [redacted] at GSA -- their final QFRs that went to the Hill.

[redacted]

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, August 8, 2018 8:57 AM
To: [redacted]
Subject: Re: GSA in the news about FBI Headquarters again

thanks [redacted]

-

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 8/8/18 8:46 AM (GMT-05:00)
To: [redacted]
Cc: "Grant, Douglas S. (FD) (FBI)" [redacted]
Subject: RE: GSA in the news about FBI Headquarters again

Team,

1. Here's another article about GSA, the White House, and conversations on the new FBIHQ:

https://www.bizjournals.com/washington/news/2018/08/07/van-hollen-gsa-should-disclose-white-house.html?ana=e_me_set1&s=newsletter&ed=2018-08-08&u=CWitytehpYLIKRxf%2BdgPnQ0598204c&t=1533730523&i=83148191

GSA met at White House on FBI HQ, and Van Hollen wants more details
By Daniel J. Sernovitz
Aug 7, 2018

A top GSA official attended several meetings at the White House where plans for a new FBI headquarters were discussed in the lead-up to the federal government's about-face decision to keep the agency in downtown D.C., according to documents obtained by the Washington Business Journal.

The General Services Administration confirmed the meetings were held from November 2017 to January 2018 in its July 31 written response to several pointed questions asked by senators in February during a Environment and Public Works committee hearing. The GSA declined to say whether the president's views on the project were stated at any of those meetings, citing "established executive branch practices."

The lack of detail has some, including Sen. Chris Van Hollen, D-Md., demanding more transparency from the federal government's main civilian real estate arm.

"Given the delay in submission, the lack of detail in the responses is especially disappointing," Van

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Hollen wrote in a letter to GSA Administrator Emily Murphy dated Tuesday. "Several of the questions I submitted for the record regarding the President's involvement in the decision-making process for determining the site of the new headquarters building were not answered with any substance."

The disclosure comes amid a series of media reports about White House influence over the FBI project. Axios last week said the White House, including President Donald Trump himself, was more involved in discussions than previously acknowledged, and The Washington Post reported Tuesday that a forthcoming report from the GSA's inspector general is expected to suggest GSA officials may have mislead Congress about the White House's involvement.

In its response to Van Hollen's February questions, the GSA said Public Buildings Service Commissioner Dan Mathews attended one meeting with a senior official at the White House where the FBI project was the primary topic of the meeting, another where it was brought up briefly, and several others where the project was talked about only in the broader context of federal real property acquisition financing.

The meetings were held after the GSA had scrapped its plans for a new FBI headquarters in either Greenbelt, Landover or Springfield but before its February decision to rebuild at the Hoover site.

"The abrupt decision to change course on a project of this magnitude should be fully explained, including the feedback from the White House and other agencies," Van Hollen wrote.

A GSA spokeswoman declined to comment on the Post's article without seeing the contents of the IG's report.

"Additionally, and in accordance with standard procedure, any comments GSA would provide in response to a DRAFT report would first be sent to the GSA IG's office for their awareness and incorporation as they complete their review," the spokeswoman said.

She said the agenchy's comments to its congressional oversight committees were accurate and truthful. The agency also stands behind the plans it announced in February, including keeping the FBI in its current location at 935 Pennsylvania Ave.

2. And here's another earlier article about the subject:

https://www.bizjournals.com/washington/news/2018/07/30/report-president-trump-may-try-to-micromanage-fbi.html

Report: President Trump may try to micromanage FBI HQ project. Oh, and he despises the Hoover building.
By Michael Neibauer
Jul 30, 2018

President Donald Trump has at least one thing in common with most Washingtonians: He really, really dislikes the J. Edgar Hoover Building.

So says Axios' Jonathan Swan, who reported Sunday not only on Trump's personal distaste for the Brutalist, crumbling home of the FBI at 901 Pennsylvania Ave. NW, but also on Trump's flat out refusal to allow the agency to leave D.C. for the suburbs, as was previously planned.

Swan cites a source quoting the president saying, "Honestly, I think it's one of the ugliest buildings in the city." The building needs a "total revamp," Trump reportedly said, but the FBI should stay there because "it's a great address" on "prime real estate."

The massive Hoover building, the FBI's headquarters since 1974, is just a couple blocks from the Trump International Hotel.

As the WBJ has chronicled, the state of the FBI's home is in standoff mode between the General Services Administration, which switched gears in 2017 from a suburban headquarters to a new building on the existing Hoover footprint, and Congress, which would have to fund that billion

AMERICAN OVERSIGHT

dollar-plus project.

Before the suburban search was canceled, the GSA had narrowed its choices to three locations: Greenbelt and Landover in Prince George's County or Springfield in Fairfax County.

According to the Axios report, if the FBI does remain in the District, Trump — the real estate developer — may attempt to micromanage the project "at an excruciating level of detail," from the materials used to the spec to the cost per square foot.

"POTUS is always interested in building because he knows it better than anyone and has been very successful in it," White House press secretary Sarah Sanders told Axios.

3. Here's an article about Sen Ben Cardin's request for the EPW committee to take a more active role on the FBIHQ.

https://www.bizjournals.com/washington/news/2018/08/01/maryland-lawmakers-voice-impatience-over-fbi.html?ana=e_me_set3&s=newsletter&ed=2018-08-02&u=CWitytehpYLIKRxf%2BdgPpQ0598204c&t=1533731729&j=83048291

Maryland lawmakers voice impatience over FBI headquarters status, and Trump's involvement

By Daniel J. Sernovitz
Aug 1, 2018

Sen. Ben Cardin, D-Md., on Wednesday called on the head of the Environment and Public Works committee to consider taking up a resolution spelling out plans for a new FBI headquarters in either suburban Maryland or Northern Virginia since the federal government's real estate arm still hasn't submitted a prospectus seeking funding for the project.

Cardin criticized the General Services Administration at a committee business meeting for its delay in submitting the spending request, which would outline the costs and other details involved in building a new home for the nation's chief law enforcement agency.

Cardin's suggestion came more than five months after the GSA suggested demolishing the FBI's current home in downtown D.C. and building a new one on the same site rather than moving the agency to a larger, presumably safer location in either Greenbelt, Landover or Springfield.

"I would just urge us to take the responsibilities of our committee in a timely way so that we can influence the decisions that are being made," Cardin said.

The committee meeting came days after media outlet Axios reported President Trump has been more directly involved in the project than representatives of the FBI and GSA admitted during a Senate EPW hearing on the topic in February. Cardin raised concerns about the implications of that prospect on Wednesday.

"Reports this week confirm that the president himself has been involved in this decision. I say that with two concerns in mind," Cardin said. "First, during our hearing, that was denied by the witnesses, and yet we know now that the president has a direct interest in this facility. It's been confirmed by a press report that he informed members of the United States Senate of his interests in the downtown location, and again that was denied in the hearing before us.

"Secondly, the president's concerns have been specifically expressed that he doesn't like the way that the building looks, and is clearly more concerned about the appearance of the building than the usefulness of the building from the point of view of the FBI's mission."

Sen. Chris Van Hollen, D-Md., raised similar concerns. The FBI needs a larger and more modern headquarters to replace the deteriorating J. Edgar Hoover building, and the administration should choose its next steps based on what will best help the agency fulfill its mission, "a decision, I think we all agree should be based on the merits, not on a whim."

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4. And here's an article about Amazon's HQ2 and MD, VA, and DC's tactics to attract it.

https://www.bizjournals.com/washington/news/2018/08/06/three-jurisdictions-and-three-starklydifferent.html?ana=e_du_prem&s=article_du&ed=2018-08-07&u=CWitytehpYLIKRxf%2BdgPpQ0598204c&t=1533731037&j=83137521

Three jurisdictions — and three starkly different tactics — to lure HQ2 with incentives

By Katie Arcieri
Aug 6, 2018

Key story highlights:

- **Maryland, Virginia and D.C. have employed different tactics and levels of transparency related to the incentives they will offer Amazon.com Inc. in the race for its second headquarters.**
- **While D.C. keeps details of its incentive package under wraps, Virginia requires extensive communication between the legislative and executive branches when approving incentives.**
- **Maryland was very public in its approach to incentives, with legislation passed to approve an incentive package worth up to $8.5 billion.**

Maryland, Virginia and D.C. all made the short list for Amazon.com Inc.'s second headquarters, but the three jurisdictions couldn't be more different in their tactics for winning the HQ2 incentive race.

There is the wide open approach. Maryland was very public with its proposed Promoting ext-Raordinary Innovation in Maryland's Economy (PRIME) Act — the General Assembly approved the package of tax and infrastructure incentives for Amazon worth up to $8.5 billion. It was the largest deal in the state's history and greater than New Jersey's $7 billion offer.

There is the closed-door approach. D.C. Mayor Muriel Bowser has kept quiet on the details of the city's Amazon (NASDAQ: AMZN) incentive proposal, with virtually no communication even with the D.C. Council. The council's role would only kick in if and when Amazon selects the District, to assist with any legislation to accommodate the company's specific needs if Amazon wants more than Bowser can give.

And there's the middle-ground approach. Virginia's incentive-vetting process requires extensive communication between the governor's staff and certain General Assembly members via the state's Major Employment and Investment Project Approval Commission, a group that meets eight times a year and includes both administration and legislative leaders, said Frank Ruff Jr., the state senator who chairs the commission.

"We act to make sure that no administration makes too many commitments that they cannot live up to," said Ruff, R-Mecklenberg. "We have one four-year term for governor. Most of these projects take several years to develop."

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Seattle-based Amazon has said it plans to invest as much as $5 billion in its second headquarters, to create a new campus that could encompass as much as 8 million square feet and employ as many as 50,000 earning more than $100,000 a year on average.

The site selection process kicked off 11 months ago with a public request for proposals but has since morphed into a behind-the-scenes incentive game as the company closes in on a decision. As the Puget Sound Business Journal recently reported, Amazon is incentive obsessed — and the winning bidder will probably offer 10 figures.

"Now they are getting really serious about the details, and they probably have been able to cut the wheat from the chaff at this point and know which states and which localities can truly meet their needs," said Ken McFadyen, president of the Virginia Economic Developers Association.

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Maryland lays it out

Maryland was likely more public in its approach because it costs more to do business there, said Tom Stringer, a managing director with BDO in New York who leads the company's national site selection and business incentives practice. Jurisdictions, he said, are more aggressive with incentives to help change a perception, adding that Maryland has historically "not been a strong state in terms of going after big projects and being aggressive about it."

"Could it increase the frequency that Maryland shows up on the radar screen given what they are doing and someone like Apple in the market? Maybe," Stringer said. "It certainly doesn't hurt."

Economist Stephen Fuller, who oversees the Stephen S. Fuller Institute at George Mason University, said that he believes the transportation improvements offered in Maryland's package need to be done anyway.

"Part of this is about trying to get stuff done and trying to use HQ2 as an excuse," he said. "You need somebody to say we'll bring 50,000 jobs if you do these things."

But transparency only goes so far. When The New York Times asked Montgomery County for its bid for a story on the different tacks governments have taken, the county provided 10 pages with every line redacted.

Virginia's talking amongst themselves

Virginia's approach to incentives allows leaders of the executive and legislative branches to be involved in the process, even if the incentive proposal isn't released to the public.

Ruff, the Republican Senator, declined to disclose details of the state's incentive proposal to Amazon, but said he and other MEI commission members have signed off on Virginia's bid. The 10-member commission includes Secretary of Commerce and Trade Brian Ball, Secretary of Finance Aubrey Layne and House Appropriations Chairman Chris Jones.

If any changes are made to that deal, the commission would have to sign off on it first, Ruff said.

"We would have to deal with that counteroffer at that time," he said.

And it's entirely possible that could happen. "I suspect that there is going to be more to this game than has gone out so far," he said. "Whether we are willing to change anything, that's a different equation."

The commission would also review any enabling legislation that would need to be passed by the Virginia General Assembly, he said.

The office of Gov. Ralph Northam declined to comment for this story.

All quiet on the D.C. front

Unlike Virginia, D.C. Council members say they have had little to no communication with Bowser's administration about the Amazon incentives — not even Chairman Phil Mendelson.

"I'm assuming that the mayor didn't make any commitments requiring council legislation," Mendelson said. "D.C. has a lot to offer and we have existing incentives in the law, and we have some good locations as well. ... If Amazon chooses any part of this region, the entire region benefits and so we don't need to get into a bidding war with Maryland or Virginia."

Andrew Trueblood, chief of staff for D.C.'s Office of the Deputy Mayor for Planning and Economic Development, said Amazon would "likely" qualify for incentives offered to certain high-tech companies that do not require council approval, including relocation reimbursements of up to $7,500 per worker and wage reimbursements of up to $30,000 per new job it fills locally with military veterans; a five-year corporate franchise tax exemption capped at $15 million; and a five-year freeze on property taxes.

Assuming all 50,000 of the employees that will ultimately work from HQ2 followed their jobs from other Amazon locations and made the District their permanent home, which almost certainly

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would not be the case, it could qualify for up to $375 million in relocation reimbursements.

But D.C. is being careful not to "over-incentivize" Amazon.

"We know that incentives are probably not the primary driver — it's things like work force, quality of life, transportation, connectivity, transportation, and we have a very compelling case for all of those," Trueblood said. "But we also know that incentives can help tip the balance."

Trueblood said the administration has had general conversations with Council members Jack Evans, D-Ward 2, and Kenyan McDuffie, D-Ward 5, who chairs the economic development committee. They, along with the rest of the council, would have to approve any custom legislation to accommodate a specific Amazon proposal that goes above and beyond what existing law allows.

And Evans confirmed he's spoken with DMPED, but those conversations only covered what the District would need to do — housing, for example — to accommodate HQ2. He said he has no idea what the details of the incentive package are.

Mendelson added that it would be "counterproductive" to hold a hearing on incentives while negotiations are ongoing.

"What value is it of the council, to let's say, have a hearing on it before we know that Amazon wants the District?" Mendelson said. "Maybe the hearing would scare Amazon away. There's folks who don't like corporations."

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, August 08, 2018 5:53 AM
To: [redacted]
Subject: GSA in the news about FBI Headquarters again

https://www.washingtonpost.com/business/2018/08/07/gsa-chief-may-have-misled-congress-about-white-house-involvement-fbi-headquarters-inspector-general-finds/?utm_term=.f233ab403207

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, August 16, 2018 3:27 PM
To: [redacted]
Subject: Re: GSA EPW QFRs

more like stalling for time.

-------- Original message --------
From: [redacted] b6 -1 b7C -1 b7E -1
Date: 8/16/18 3:15 PM (GMT-05:00)
To: [redacted]
Subject: RE: GSA EPW QFRs

So are you running the show?

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, August 16, 2018 2:43 PM
To: [redacted]
Subject: RE: GSA EPW QFRs

Everyone is out apparently – it's a ghost town in the front office.

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, August 15, 2018 2:28 PM
To [redacted]
Cc [redacted]
Subject: RE: GSA EPW QFRs

All – I haven't heard anything back on this; hopefully all is good?

I will be out of the office next week on vacation. I can be reached on my cell but will have limited computer access.

Thanks
[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, August 08, 2018 3:32 PM
To: [redacted]
Cc [redacted]

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Subject: RE: GSA EPW QFRs

[redacted] b5 -1 b6 -1 b7C -1 b7E -1

r/

[redacted]

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Tuesday, August 07, 2018 10:27 AM
To: [redacted]

Subject: GSA EPW QFRs

I just received these from [redacted] at GSA -- their final QFRs that went to the Hill.

[redacted]

[redacted]

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Tuesday, August 21, 2018 7:59 AM
To: [redacted]
Subject: Timeline
Attachments: Project Milestones_3.1.2018.xlsx

[redacted]- as requested.

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Wednesday, August 22, 2018 9:49 AM
To: [redacted]
Subject: Re: New HQ

We don't need [redacted] rendering anymore

--

-------- Original message --------
From: [redacted] b6 -1 b7C -1
Date: 8/22/18 8:57 AM (GMT-05:00) b7E -1
To: [redacted]
Subject: New HQ

https://www.newyorker.com/humor/daily-shouts/fbi-headquarters-remodelled-for-president-trump

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, August 27, 2018 3:46 PM
To: [redacted]
Cc: [redacted] Grant, Douglas S. (FD) (FBI)
Subject: FBIHQ Article

Good Afternoon,

Here's a new article on GSA:

GSA may have misled Congress over FBI HQ cost, meetings with Trump, Inspector General says
By Daniel J. Sernovitz
Aug 27, 2018

President Donald Trump and key members of his leadership team met with officials from the FBI and General Services Administration ahead of last February's about-face announcement to keep the nation's chief law enforcement agency in downtown D.C., contradicting GSA officials' testimony to Congress.

That's according to a report released by the office of the GSA's Inspector General Monday.

Trump, Chief of Staff John Kelly and Deputy Attorney General Rod Rosenstein were among those in on an Oval Office meeting Jan. 24 when GSA Administrator Emily Murphy and FBI Director Christopher Wray briefed the president on plans for a new FBI headquarters.

The report notes several other meetings with Trump officials going as far back as Dec. 20, when Murphy and GSA Public Buildings Commissioner Dan Mathews met with Kelly and Office of Management and Budget Director Mick Mulvaney in response to a Kelly request for an update on the FBI headquarters project. Mulvaney, at that meeting, first floated the prospect that the FBI might not need a consolidated campus, that FBI officials were concerned about the possibility of a location outside of the District, and that the agency's preference was to stay in the District.

The report also challenges the GSA's estimate that building a new headquarters on the site of the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW would be cheaper than moving the agency to an off-site location.

The January White House briefing, preceded by a meeting earlier in the day inside Kelly's office, included discussions about how the FBI, GSA and OMB reached the decision to demolish the FBI's J. Edgar Hoover building and establish a new headquarters for the agency on the site of the Hoover building, how to pay for the project, and "appropriation challenges," likely dealing with how to win buy-in from members of Congress still partial to moving the FBI outside of the District.

The findings appear to undermine testimony Murphy and Mathews to committees in the Housing and Senate during which neither would acknowledge having attended meetings on the subject of a new FBI headquarters at the White House or with officials representing the Trump administration. It notes Mathews, at a February hearing before the Senate Environment and Public Works committee,

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"answered that he had not spoken with the President, but later clarified that he had spoken with senior White House officials." Also, regarding Murphy's April testimony before a House Appropriations Committee subcommittee: "She was questioned about White House involvement in the FBI headquarters project and did not disclose the White House meetings."

The GSA, in a statement, reasserted its position that the FBI and GSA had already decided keeping the FBI in downtown D.C. was the most practical option before any meetings with the president took place and that it stands by its February recommendation and the project costs outlined at that time.

"The IG review acknowledges an indisputable fact: the Administrator's congressional testimony was truthful," The GSA's statement noted. "As the FBI's representative stated under oath before the Senate Committee on Environment and Public Works, the FBI made the decision to keep its headquarters on Pennsylvania Avenue. GSA is unaware of any White House involvement in the FBI's decision. Further, GSA stands by the cost analysis in its revised plan, as those numbers are accurate, transparent, and more representative of the full costs of the project than the analysis put forth in the IG review."

The IG initiated its report in March based on a request by U.S. Rep. Gerry Connolly, D-Va., who asked Inspector General Carol Ochoa's office to look specifically at how the GSA and FBI arrived at the new decision to keep the FBI in the District and how the plan "properly accounts for" the costs and security requirements of the projects.

In a statement, Connolly said the IG's report substantiated his concerns about Trump's involvement with the project, namely that the Trump International Hotel across Pennsylvania Avenue from the FBI stood to be negatively impacted if the FBI were to move and its current footprint be redeveloped, potentially into a competing hotel. He called on the House Oversight and Government Reform Committee to "convene immediate hearings on this matter and to subpoena any GSA officials who are suspected of misleading Congress."

"This IG report demonstrates that Administration officials obscured the White House's involvement in the FBI headquarters project," Connolly said in a statement.

Connolly also called on the Trump administration to revert to abandon its current recommendation and resume its search for a new FBI headquarters in either Maryland or Virginia.

"Regarding this future procurement, we must wipe the slate clean in light of these troubling revelations," Connolly said. "The GSA and FBI must return immediately to the plan for a fully consolidated FBI headquarters at one of the sites selected as part of the original procurement. The hardworking mean and women of the FBI deserve a functional headquarters without further delay."

The GSA's report estimated it would cost $2.65 billion to design and build a new headquarters for the FBI at sites in Greenbelt, Landover or Springfield and another $915 to fit out that space, for a total cost of $3.57 billion. The revised plan to demolish and rebuild on the Hoover site would cost $1.93 billion, another $923 million in fit-out costs, and $479 million in swing space, for a total of $3.3 billion.

In its analysis, the IG concluded the demolish-rebuild plan omitted key expenses, including roughly $57 million in personnel relocation costs and another $46 million in costs to build out other parts of the plan, including shifting headquarters components to other locations outside of the District. The IG concluded the rebuild plan "will have a higher project cost and require more funding than the JEH exchange would have," with a shortfall of between $2.2 billion and nearly $2.7 billion.

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V/R,

b6 -1
b7C -1
b7E -1

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, August 27, 2018 4:05 PM
To: [redacted]
Subject: GSA IG report
Attachments: gsa_ig_fbi_hq_report.pdf

I see your name is redacted for not being an executive!

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, August 28, 2018 1:41 PM
To: [redacted]
Cc: [redacted] Grant, Douglas S. (FD) (FBI)
Subject: RE: FBIHQ Article

And here's an article about the change from focusing on the 3 suburban locations to downtown D.C.:

How divergent paths converged for FBI, GSA on headquarters plan
By Daniel J. Sernovitz
Aug 28, 2018

Lawmakers from Maryland and Virginia resumed their calls Monday to move the FBI to a suburban location in Maryland or Virginia in the wake of new revelations about the Trump administration's involvement in an about-face recommendation in February to keep the nation's chief law enforcement agency in downtown D.C.

But it turns out the report that provided the fodder — an investigation by the office of the General Services Administration's inspector general — also revealed divisions between the GSA and FBI over where the FBI should be based dating back to early August 2017, soon after plans were scrapped to move the FBI to a campus-like setting in either Greenbelt, Landover or Springfield.

A detailed timeline released by the IG and response by the GSA reveal that GSA Administrator Emily Murphy and her agency continued to explore suburban options, including holding meetings with local government officials, while FBI Director Christopher Wray began to explore other alternatives to keep his agency at the site of the J. Edgar Hoover Building at 935 Pennsylvania Ave. NW, close to the Department of Justice.

The GSA, meanwhile, pushed back against the IG's report in a letter Acting Associate Administrator Jeffrey Post wrote Monday to Rep. Mark Meadows, R-N.C., chair of the government operations subcommittee of the House Committee on Oversight and Government Reform, and Rep. Gerald Connolly, D-Va., ranking member of the subcommittee. In it, Post confirmed testimony by Murphy, Mathews and FBI Assistant Director Richard Haley regarding an option to demolish the Hoover Building and build a new HQ, the project's costs and related aspects, and challenged the IG's assertion the GSA misrepresented parts of the project.

"GSA is concerned the OIG's review omits significant relevant facts, does not accurately represent the full picture of GSA's decision making process with regard to the FBI headquarters consolidation project, and misrepresents GSA's communications to Congress," Post's letter read in part.

Here's a closer look at how those divergent paths converged:

• **July 11, 2017:** The GSA cancels solicitation to exchange the Hoover Building as partial value for a new headquarters.

• **Aug. 2:** At Senate Environment and Public Works committee meeting, FBI and GSA officials committed to a 120-day window to come up with a new plan to consolidate the FBI's headquarters. The

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GSA continued to explore a campus-like setting for the FBI, including holding a round of meetings with officials in D.C., Maryland and Virginia in October. The FBI, meanwhile, began to explore options to keep the agency in downtown, D.C. instead.

Dec. 20: Murphy and GSA Public Buildings Service Commissioner Dan Mathews met with White House Chief of Staff John Kelly and Office of Management and Budget Director Mick Mulvaney in response to a Kelly request for an update on the FBI headquarters project. Murphy told the IG that, while she was prepared to talk about a consolidated campus plan, Kelly and Mulvaney revealed the FBI may no longer be seeking a consolidated campus, that it is concerned about the location of the headquarters, and that it is looking to stay in the District.

The following day, Mathews received and passed onto Murphy a slide presentation from the FBI regarding renovation options for the Hoover Building, followed the next day by a call from Wray to Murphy reiterating the FBI's interest in remaining at the existing site.

Jan. 4, 2018: At a meeting at the Hoover Building, FBI staff disclosed the agency had revised its headcount, shifting some employees to FBI facilities outside of the District, enabling it remain at Hoover after some proposed renovations. The FBI had already hired a contractor to develop renovation plans, calling for phased renovations to a quarter of the building at a time while staff continued to occupy the remaining space during construction.

Murphy revealed the Hoover Building was not the GSA's preferred site and that a lot of work had already gone into the campus concept. Keeping the FBI at Hoover would make it difficult to gain congressional support for full, upfront funding, but that sufficient savings over a suburban campus could help win support from lawmakers.

Serious questions emerged as the FBI and the GSA continued to study renovation options for Hoover including cost, security and impact on operations. It would be difficult to harden the deteriorating building to meet security standards, and Mathews noted it would be "extremely difficult" to renovate the building while it was partially occupied.

Jan. 23: By this point, according to Murphy, the GSA's recommendation was to demolish and rebuild the Hoover Building under a ground lease-leaseback scenario under which the government would lease the Hoover site to a private entity, which would then build a new facility and lease it back to the government.

Jan. 24: Murphy and Mathews attended a pair of meetings at the White House, first with Kelly, Mulvaney, Deputy Attorney General Rod Rosenstein, and Wray, and the second with those officials and President Donald Trump in the Oval Office. Mulvaney sought the first meeting "to ensure that everyone was on the same page prior to meeting with the president."

At the Kelly meeting, Wray expressed reluctance to leave the Hoover Building, even temporarily, for fear the FBI would not be able to return after the site was redeveloped. With assurances from Murphy and Mulvaney, he agreed to support the demolish-rebuild plan. All involved acknowledged challenges to that plan remained, including securing congressional funding for the $3.3 billion prospect.

In the Oval Office, Trump was briefed on how the FBI, the GSA and the OMB arrived at the decision to demolish and rebuild the Hoover Building and how they would secure authorization and funding for the project. Consensus was for the federal government to own the new building, which it could do under a ground lease-leaseback option.

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GSA and OMB officials later rejected the leaseback option but proposed other ways to finance the project, including through the proposed creation of a $10 billion Federal Capital Revolving Fund, which was part of both Trump's proposed infrastructure plan and a follow-on plan unveiled last month by Rep. Bill Shuster, R-Pa.

June 15: After introducing their new proposal in February, representatives for the FBI and GSA encountered resistance from lawmakers in the House and Senate. A day after a Senate hearing panning the proposal, a follow-up meeting was held with Trump at the White House attended by Murphy, Kelly, Rosenstein, Wray, OMB Deputy Director Ross Vought, White House Counsel Donald McGhan and Marc Short, White House director of legislative affairs and assistant to Trump. Murphy said attendees "discussed ongoing congressional pressure for a campus project and the funding challenges."

From: [redacted]
Sent: Monday, August 27, 2018 3:46 PM
To: [redacted]
Cc: [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
Subject: FBIHQ Article

b6 -1
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b7E -1

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The report also challenges the GSA's estimate that building a new headquarters on the site of the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW would be cheaper than moving the agency to an off-site location.

The January White House briefing, preceded by a meeting earlier in the day inside Kelly's office, included discussions about how the FBI, GSA and OMB reached the decision to demolish the FBI's J. Edgar Hoover building and establish a new headquarters for the agency on the site of the Hoover building, how to pay for the project, and "appropriation challenges," likely dealing with how to win buy-in from members of Congress still partial to moving the FBI outside of the District.

The findings appear to undermine testimony Murphy and Mathews to committees in the Housing and Senate during which neither would acknowledge having attended meetings on the subject of a new FBI headquarters at the White House or with officials representing the Trump administration. It notes Mathews, at a February hearing before the Senate Environment and Public Works committee, "answered that he had not spoken with the President, but later clarified that he had spoken with senior White House officials." Also, regarding Murphy's April testimony before a House Appropriations Committee subcommittee: "She was questioned about White House involvement in the FBI headquarters project and did not disclose the White House meetings."

The GSA, in a statement, reasserted its position that the FBI and GSA had already decided keeping the FBI in downtown D.C. was the most practical option before any meetings with the president took place and that it stands by its February recommendation and the project costs outlined at that time.

"The IG review acknowledges an indisputable fact: the Administrator's congressional testimony was truthful," The GSA's statement noted. "As the FBI's representative stated under oath before the Senate Committee on Environment and Public Works, the FBI made the decision to keep its headquarters on Pennsylvania Avenue. GSA is unaware of any White House involvement in the FBI's decision. Further, GSA stands by the cost analysis in its revised plan, as those numbers are accurate, transparent, and more representative of the full costs of the project than the analysis put forth in the IG review."

The IG initiated its report in March based on a request by U.S. Rep. Gerry Connolly, D-Va., who asked Inspector General Carol Ochoa's office to look specifically at how the GSA and FBI arrived at the new decision to keep the FBI in the District and how the plan "properly accounts for" the costs and security requirements of the projects.

In a statement, Connolly said the IG's report substantiated his concerns about Trump's involvement with the project, namely that the Trump International Hotel across Pennsylvania Avenue from the FBI stood to be negatively impacted if the FBI were to move and its current footprint be redeveloped, potentially into a competing hotel. He called on the House Oversight and Government Reform Committee to "convene immediate hearings on this matter and to subpoena any GSA officials who are suspected of misleading Congress."

"This IG report demonstrates that Administration officials obscured the White House's involvement in the FBI headquarters project," Connolly said in a statement.

Connolly also called on the Trump administration to revert to abandon its current recommendation and resume its search for a new FBI headquarters in either Maryland or Virginia.

"Regarding this future procurement, we must wipe the slate clean in light of these troubling revelations," Connolly said. "The GSA and FBI must return immediately to the plan for a fully

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consolidated FBI headquarters at one of the sites selected as part of the original procurement. The hardworking mean and women of the FBI deserve a functional headquarters without further delay."

The GSA's report estimated it would cost $2.65 billion to design and build a new headquarters for the FBI at sites in Greenbelt, Landover or Springfield and another $915 to fit out that space, for a total cost of $3.57 billion. The revised plan to demolish and rebuild on the Hoover site would cost $1.93 billion, another $923 million in fit-out costs, and $479 million in swing space, for a total of $3.3 billion.

In its analysis, the IG concluded the demolish-rebuild plan omitted key expenses, including roughly $57 million in personnel relocation costs and another $46 million in costs to build out other parts of the plan, including shifting headquarters components to other locations outside of the District. The IG concluded the rebuild plan "will have a higher project cost and require more funding than the JEH exchange would have," with a shortfall of between $2.2 billion and nearly $2.7 billion.

V/R,

b6 -1
b7C -1
b7E -1

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, August 31, 2018 8:08 AM
To: [redacted]
Subject: RE: Updated Timeline
Attachments: Project Milestones_3.2.2018.xlsx

Updated, we had spelling errors.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Friday, August 31, 2018 8:05 AM
To [redacted]
Subject: Updated Timeline

b6 -1
b7C -1
b7E -1

Updated per [redacted] request to include the call that OGE received the night before Rich's testimony to the EPW committee.

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, August 31, 2018 3:20 PM
To: [redacted]
Subject: RE: Timeline

Thank you!

[redacted]

-----Original Message-----
From: [redacted]
Sent: Friday, August 31, 2018 3:17 PM
To: [redacted]
Subject: Timeline

b6 -1
b7C -1
b7E -1

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Friday, August 31, 2018 3:17 PM
To: [redacted]
Subject: Timeline
Attachments: Project Milestones_3.2.2018.xlsx

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, September 7, 2017 6:04 PM
To: [redacted]
Cc: [redacted]
Subject: JEH Scope definition/ POR revision (VERY high level)

Hello [redacted],

[redacted] b5 -1

JEH Renovation:

[redacted] b5 -1

Deliverables / Work Product:
Stage 1:

[redacted] b5 -1

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Stage 2:

[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

Thanks!

[redacted]

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

August 19, 2021

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW
WASHINGTON, DC 20005-1503

Civil Action No.: 18-cv-02422
American Oversight v. Federal Bureau of Investigation
FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Sections 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
☐ (b)(1)	☑ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

12 pages were returned from consultation and 2 pages are being released.

☑ The appropriate redactions were made by the FBI and Department of Justice Office of Inspector General and Justice Management Division.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

AMERICAN OVERSIGHT

Although your request is in litigation, we are required by law to provide you the following information:

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) requests, enclosed is the seventeenth interim release of responsive information. This material is being provided to you at no charge.

The FBI consulted with DOJ Office of Inspector General and Justice Management Division on Bates-stamped pages, 18-CV-2422(FBI)-629-630, 18-CV-2422(FBI)-632-639, and 18-CV-2422(FBI)-640-641, and two of these pages are enclosed. The remaining pages have been withheld in full.

AMERICAN OVERSIGHT

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 18-cv-02422

Total Deleted Page(s) = 8
Page 1 ~ b6 - -1 and per DOJ; b7A - per DOJ; b7C - -1 and per DOJ; b7E - -1;
Page 2 ~ b6 - per DOJ; b7A - per DOJ; b7C - per DOJ;
Page 3 ~ b6 - -1 and per DOJ; b7A - per DOJ; b7C - -1 and per DOJ; b7E - -1;
Page 4 ~ b6 - per DOJ; b7A - per DOJ; b7C - per DOJ;
Page 5 ~ b6 - per DOJ; b7A - per DOJ; b7C - per DOJ;
Page 6 ~ b6 - per DOJ; b7A - per DOJ; b7C - per DOJ;
Page 7 ~ b6 - per DOJ; b7A - per DOJ; b7C - per DOJ;
Page 8 ~ b6 - -1 and per DOJ; b7A - per DOJ; b7C - -1 and per DOJ; b7E - -1;

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X Deleted Page(s) X
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AMERICAN OVERSIGHT

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 18-cv-02422

Total Deleted Page(s) = 2
Page 1 ~ b6 - -1 and per DOJ; b7A - per DOJ; b7C - -1 and per DOJ; b7E - -1;
Page 2 ~ b6 - per DOJ; b7A - per DOJ; b7C - per DOJ;

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X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
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AMERICAN OVERSIGHT

[redacted] b6 - 1 b7C - 1

From: [redacted]
Sent: Thursday, February 23, 2017 10:28 AM
To: Haley, Richard L. (FD) (FBI)
Subject: RE: Update on Passback Timing/054 time

[redacted] b5 - 1

From: Haley, Richard L. (FD) (FBI)
Sent: Thursday, February 23, 2017 10:03 AM
To: [redacted]
Subject: RE: Update on Passback Timing/054 time

10-4. Keep thinking of options. ;-)

b6 - 1
b7C - 1
b7E - 1

-

-------- Original message --------
From: [redacted]
Date: 2/23/17 9:57 AM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: Update on Passback Timing/054 time

Rich,

[redacted] b5 - 1

[redacted]

From: Reynolds, Mark H. (FD) (FBI)
Sent: Wednesday, February 22, 2017 6:15 PM
To: Haley, Richard L. (FD) (FBI) [redacted] Young, Andrew N. (FLSD) (FBI)
[redacted]
Cc [redacted]
[redacted]
Subject: FW: Update on Passback Timing

b6 - 1
b7C - 1
b7E - 1

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Passback probably coming Friday with Department-level "responses" due Monday. [redacted] b5 per DOJ

[redacted]

[redacted]

From: Funston, Robin (JMD) [mailto:Robin.Funston@usdoj.gov]
Sent: Wednesday, February 22, 2017 5:51 PM
To: Budget Officers Group (JMD) <budgetofficersgroup@jmd.usdoj.gov>
Cc: Budget_Staff (JMD) <budgetstaff@jconmail.usdoj.gov>
Subject: Update on Passback Timing

Budget Officers,

Based on a call with the BOAC this afternoon, we have learned from OMB that we should anticipate their passback of the FY 2018 discretionary budget to us on Friday, February 24, with Department responses due COB Monday, February 27. Your Executive Officers will be informed of this at their meeting with Lee later this week [redacted] b5 per DOJ

[redacted]

[redacted] b5 per DOJ

[redacted] b5 per DOJ

[redacted] We will continue to keep you informed as we learn more.

Thank you in advance for your understanding, your patience, and your support as we work to achieve the goals of the new Attorney General in our FY 2018 budget.

Robin

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

February 28, 2022

AUSTIN EVERS
AMERICAN OVERSIGHT SUITE B255
1030 15TH STREET, NW
WASHINGTON, DC 20005-1503

American Oversight v. Federal Bureau of Investigation
Civil Action No.: 18-cv-02422

FOIPA Request Nos.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

You were previously advised we were consulting with another agency concerning information located as a result of your Freedom of Information/Privacy Acts (FOIPA) request.

This consultation is complete and the enclosed material is being released to you with the appropriate exemption noted next to the redacted information pursuant to Title 5, United States Code, Section(s) 552/552a as noted below. Below you will find checked boxes under statute headings indicating the appropriate exemptions asserted to protect information which is exempt from disclosure. The checked exemption boxes used to withhold the information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

114 page(s) were reviewed and 107 page(s) are being released.

☑ The appropriate redactions were made by the General Service Administration.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

AMERICAN OVERSIGHT

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) requests, enclosed is a processed copy of Bates stamped documents 18-CV-2422(FBI)-4276-4304, 18-CV-2422(FBI)-4348-4372, 18-CV-2422(FBI)-4374-4397, 18-CV-2422(FBI)-4399, 18-CV-2422(FBI)-4406-4408, 18-CV-2422(FBI)-6101-6119, 18-CV-2422(FBI)-6132, and 18-CV-2422(FBI)-6193-6202, 18-CV-2422(FBI)-6233-6234.

The enclosed documents represent the eighteenth interim release of responsive information. This material is being provided to you at no charge.

AMERICAN OVERSIGHT

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

AMERICAN OVERSIGHT

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

AMERICAN OVERSIGHT

Aaron Hassinger - WPIA

From: Aaron Hassinger - WPIA
Sent: Friday, February 2, 2018 10:41 AM
To: [redacted]
Subject: Fwd: EPW Presentation 2-1-18
Attachments: EPW Presentation_20180201_v1.pdf

b6 -1 per FBI
b7C -1 per FBI

---------- Forwarded message ----------
From: **Daniel Mathews - P** <daniel.mathews@gsa.gov>
Date: Fri, Feb 2, 2018 at 10:01 AM
Subject: Re: EPW Presentation 2-1-18
To: Aaron Hassinger - WPIA <aaron.hassinger@gsa.gov>
Cc: Michael Gelber - PD <michael.gelber@gsa.gov>, Mary Gibert - AD <mary.gibert@gsa.gov>, Shapour Ebadi <shapour.ebadi@gsa.gov>

b5 per GSA

At this point we are going to need to have 2 versions. the one attached and another set that reflects OMB modifications. For now, please make the changes from this attachment. [redacted]

Thanks

On Fri, Feb 2, 2018 at 8:59 AM, Daniel Mathews - P <daniel.mathews@gsa.gov> wrote:
I'll send you some comments shortly.

On Fri, Feb 2, 2018 at 8:36 AM, Aaron Hassinger - WPIA <aaron.hassinger@gsa.gov> wrote:
Thanks Dan. We have a 10:00 call with FBI to address some corrections/tweaks to the presentation. If at all possible can you please send us any comments you, OMB, or others may have by 10:00.

Thanks,

Aaron Hassinger
GSA
202-657-7239

On Feb 1, 2018, at 11:00 PM, Daniel Mathews - P <daniel.mathews@gsa.gov> wrote:

Aaron, please thank everyone on your team for the quick turnaround on this. I appreciate it.

Daniel W. Mathews
Commissioner
Public Buildings Service

AMERICAN OVERSIGHT

US General Services Administration
202-501-1100
daniel.mathews@gsa.gov

Sent from my iPhone

> On Feb 1, 2018, at 9:24 PM, Aaron Hassinger - WPIA <aaron.hassinger@gsa.gov> wrote:
>
> Good Evening Dan,
>
> See attached draft. Let us know what you think.
>
> Thanks,
>
> Aaron
>
> <mime-attachment.html>
>
> <EPW Presentation_20180201_v1.pdf>

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

--
Aaron D. Hassinger, LEED AP

AMERICAN OVERSIGHT

Project Executive
Office of Design and Construction
Public Buildings Service
National Capital Region
U.S. General Services Administration
301 7th Street, SW, Room 7512
Washington, DC 20407
aaron.hassinger@gsa.gov
[redacted] (cell)
202-208-0382 (office)

b6 per GSA

AMERICAN OVERSIGHT

FBI HEADQUARTERS

REVISED NATIONALLY-FOCUSED CONSOLIDATION PLAN

18-cv-2422(FBI)-4279
DOJ-FBI-18-0520, 18-0521-O-000004

AMERICAN OVERSIGHT

V.2/1/2018

GSA

FBI HQ
Consolidation

GSA and FBI are presenting a revised plan for the FBI Headquarters Consolidation project which remains a critical project and high priority.

In response to the Senate Committee on Environment and Public Works hearing on August 2, 2017 and letter from December 1, 2017, the following items are covered:

- **Project Urgency**
- **Strategic Consolidation**
- **Project Elements + Cost**
- **Analysis of Prior Work**
- **Recommendation + Development Plan**

GSA and FBI are committed to working closely with Congress to find a viable solution which:

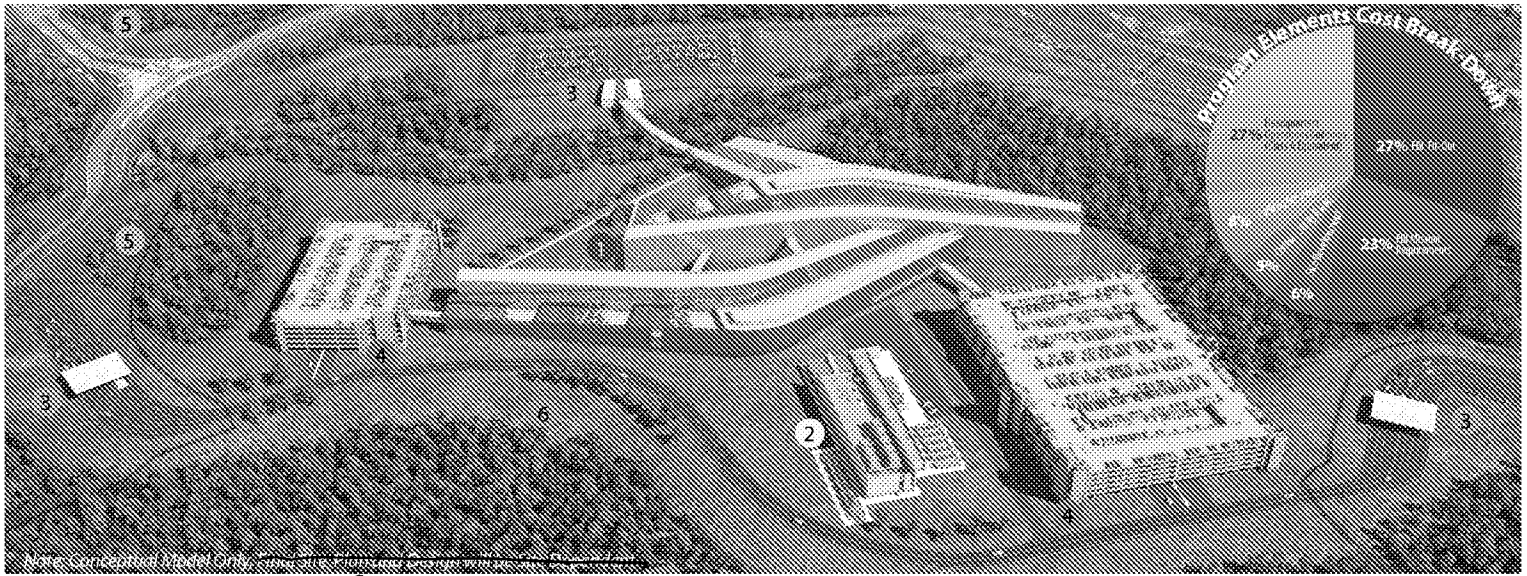
- Meets FBI Critical National Security and Intelligence Operations
- Provides a Good Deal for the Taxpayer

DOJ-FBI-18-0520, 18-0521-O-000005
18-cv-2422(FBI)-4280

Cancelled

FULL CONSOLIDATION: GREATER COST

GSA



DESIGN + CONSTRUCTION: $2.65B

1. **HQ Main Operations Building**
   - SCIF (Sensitive Compartmented Information Facility), RF (Radio Frequency) Shielding + Intrusion Detection Systems
   - SIOC (Strategic Information + Operations Center)
   - Mission Briefing Center
   - Blast, Ballastic + CBR (Chemical/Biological/Radiological) Protection
   - Health + Fitness
   - Upgraded IT (Information Technology)
2. **Central Utility Plant (CUP)**
   - Island Mode: 72-Hour Back-up Power and Redundant Utility Feeds
3. **Visitor Center (VC)**
   - Remote Visitor Center + Upgraded Access Control Systems
4. **Parking Garages**
5. **Truck Inspection Facility (TIF)**
   - Remote TIF + Perimeter Security
6. **Site Work**
   - Perimeter Security

Design

Land + GSA + Contingency

Space Utilization:
220 USF (Usable Square Feet) per Person (Existing)
182 USF per Person (Planned)

FBI FIT OUT: $915M

Active IT:	$326M
Furniture, Fixtures and Equipment (FF&E):	$125M
Security Equipment + Services:	$151M
Program Management Office:	$ 60M
Move:	$ 28M
Decommissioning / Dual Operations:	$ 30M
GSA Rent + Other Agency Fees:	$ 30M

TOTAL COST: $3.57B

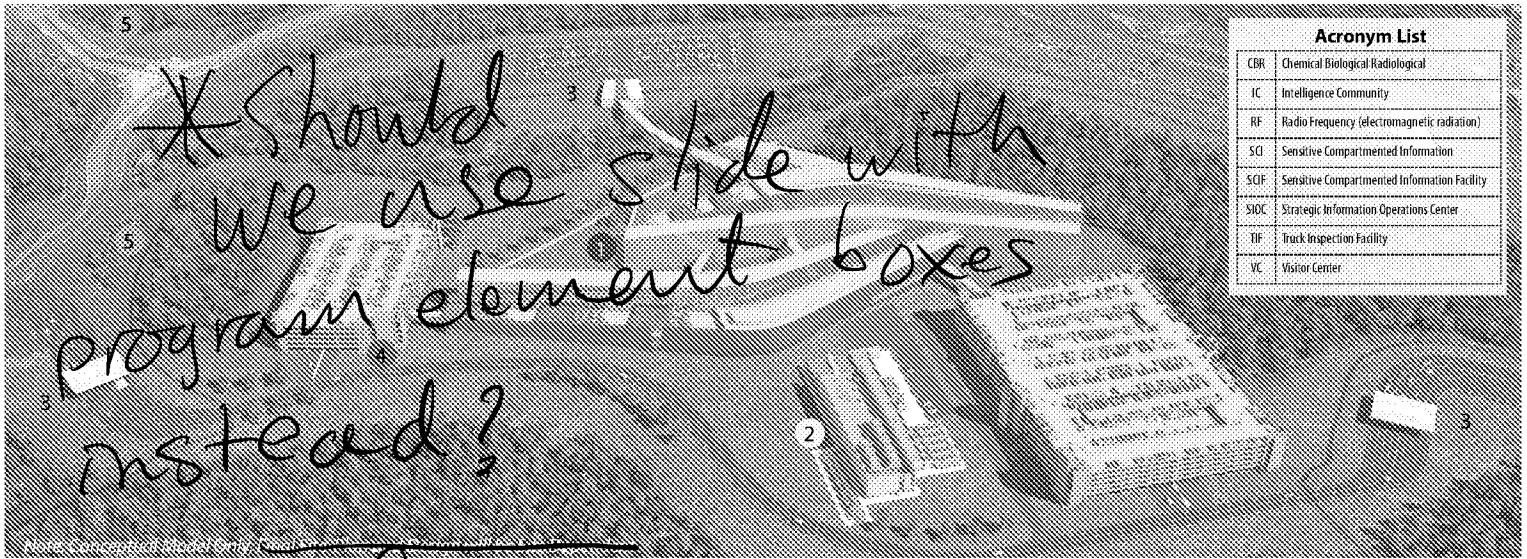
Not based on a particular site.

DOJ-FBI-18-0520, 18-0521-0-000006
18-cv-2422(FBI)-4281
FBI HQ

Cancelled

FULL CONSOLIDATION: CAMPUS PROGRAM ELEMENTS

GSA



Acronym List	
CBR	Chemical Biological Radiological
IC	Intelligence Community
RF	Radio Frequency (electromagnetic radiation)
SCI	Sensitive Compartmented Information
SCIF	Sensitive Compartmented Information Facility
SIOC	Strategic Information Operations Center
TIF	Truck Inspection Facility
VC	Visitor Center

1 SCIF, RF Shielding + Intrusion Detection Systems

- A SCIF is a cube with protective layers on all six sides and outfitted with RF shielding and Intrusion Detection systems to avert surveillance efforts.
- Home of all intelligence operations; prevents classified information from leaking out and stops outside threat from listening into sensitive conversations.

1 SIOC

- Heart of the FBI's operational capability and the nerve-center for managing all operations at both global and national scale.
- Critical operation space with large square foot + technical requirements.
- Integrates cases with U.S. Department of Justice and other IC agencies and partners.
- May host the President and the Attorney General during critical operations.

1 Island Mode: 72 Hour Back-up Power + Redundant
2 Utility Feeds

- In an attack against the U.S. Government, the initial national security operations will be hosted from the SIOC.
- The "Island Mode" provides continuous operations capabilities until the mission can be moved to a more permanent, stable location if needed.

1 Mission Briefing Center

- Unclassified auditorium to brief non-FBI law enforcement partners on joint operations as well as a large SCIF to support high level SCI briefings between IC partners.
- Designed as dual purpose training and conference area amid operational use to maximize value.
- Unclassified briefing space has been a multi-decade inadequacy of the J. Edgar Hoover (JEH) Building.

1 Blast, Ballastic + CBR Protections
3

- FBI's symbolism and high security threats due to national security missions mandate enhanced protection.
- To ensure mission continuity, the headquarters must be built with blast and ballistic protection against a large classified threat and some mission spaces have to be protected against CBR attacks.

3 Remote VC, TIF, Perimeter Security + Upgraded Access
5 Control Systems

- The threat of physical attack and unauthorized intrusion into the FBI Headquarters is very high.
- Remote TIF and perimeter barriers protect against vehicle borne threats into the facility.
- Remote VC and upgraded access control system prevents unauthorized personnel intrusion.

1 Health + Fitness

Supports required programs for agents such as:

- Fitness for Duty
- Drug Deterrence
- Emergency Medical Support
- Psychological Fitness Mission Travel Medicine
- Regional Occupational Health
- Medical Logistics + Education
- Defensive Training
- Performance, Endurance Testing + Training

1 Upgraded IT (Information Technology)

- FBI requires multiple operations networks at various classification levels and several monitoring networks for mission protection.
- These networks add considerable scope and complexity to the IT infrastructure versus a corporate office of comparable size.

AMERICAN OVERSIGHT
DOJ-FBI-18-0520; 18-0521-O-000007
18-cv-2422(FBI)-4282
FBI HQ

Cancelled

FULL CONSOLIDATION: FUNDING SHORTFALL

FBI NCR HQ	FULL CONSOLIDATION
PERSONNEL	10,606
FACILITY SIZE	2.5 M GSF
CONTRACT AWARD	2017
TOTAL	**$ 3,565 M**
DESIGN + CONSTRUCTION	**$ 2,650 M**
FY16 + FY17 APPROPRIATIONS	$ (703) M
ANTICIPATED JEH	$ (750) M
DOJ WORKING CAPITAL FUND	$ (315) M
INCLUDING JEH CREDIT	$ 882 M
EXCLUDING JEH CREDIT	$ 1,632 M
FBI FIT-OUT	**$ 915 M**
FY16 PRIOR YEAR AUTHORIZATION	$ (135) M
SUBTOTAL	$ 780 M
TOTAL SHORTFALL (Excludes JEH)	$ 2,432 M

** Offeror amounts received were much lower*

The full consolidation program funding strategy was a combination:

JEH Exchange Value
+
Federal Appropriations

The Exchange Procurement was cancelled in July 2017, as it was jointly determined by GSA and FBI that moving forward without full funding, put the Government at risk of cost escalations and the potential reduction in value of the JEH site.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000008
18-cv-2422(FBI)-4283

URGENCY OF PROJECT

Cost of Inaction:

$84 M Annually

For Construction Escalation Using a Conservative 2% on $2 B + JEH Sustainment Cost

Expensive Operations + Maintenance Cost

- **$142M** Annually for Leases (2.7M SF of Leased Space)
- **$42M** Annual Maintenance Costs for the J. Edgar Hoover Building (JEH)
- **$160M** Potential Emergency Repairs that put FBI Operations at Risk, Probability Increasing Exponentially Each Year of Delay

Delay = Increased Cost

Criteria for Success:

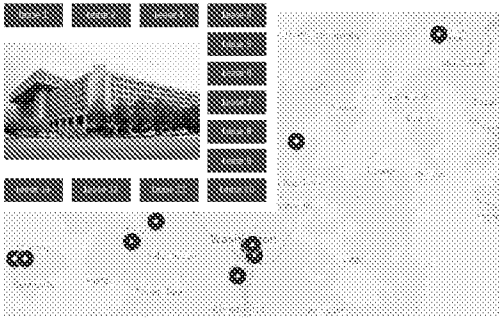
- ✓ **A Headquarters (HQ) Capable of Supporting the FBI National Security + Intelligence Operations**
- ✓ **A Good Deal for the Taxpayer**

Scattered Mission + Inadequate Capacity

- FBI Operations are Scattered Across JEH and 13 Leased Locations Causing Significant Challenges to Command and Control of Mission Elements
- JEH was Built in the 1960s as a Police Precinct Not Intended to House Operation Centers for 21st Century's Rapidly Changing, Asymmetrical National Security Missions (Intelligence, Terrorism, Cyber)
- The Current Infrastructure does not have Adequate Capacity to Support the Significant Demand of the Operations Space

Failing Infrastructure

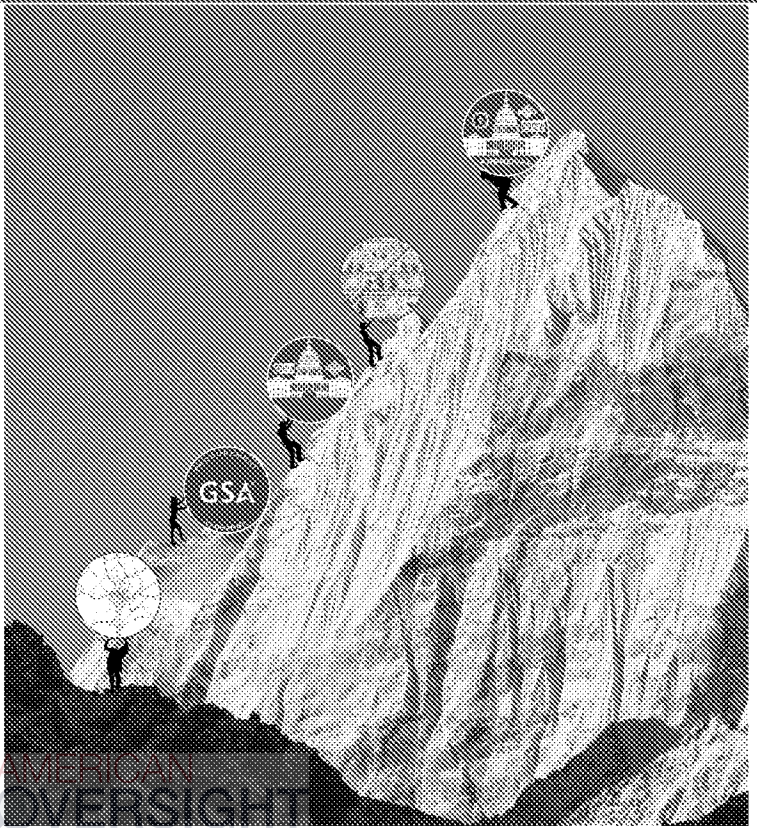
- JEH Infrastructure is on a Path to Catastrophic Failure with Key Building Systems Past their Expected Service Lives
- Exterior and Interior Concrete Structure is Failing



DOJ-FBI-18-0520, 18-0521-O-000009

18-cv-2422(FBI)-4284

REVISED APPROACH TO ACHIEVE ESTABLISHED GOALS



The FBI HQ Program unfortunately has undergone a number of starts and stops. After multiple years of unsuccessfully pursuing a Fully Consolidated HQ in the National Capital Region (NCR) – the FBI along with GSA took the latest restart as an opportunity to re-evaluate all project elements, including:

- Scope
- Location
- Cost
- Acquisition Strategy

This re-evaluation resulted in a revised approach which focused on achieving the following goals:

- Reduce Cost
- Explore Viable Acquisition Strategies
- Identify an Acceptable Funding Solution between All Stakeholders

~~With~~ this revised strategy, supported by Congress, presents an opportunity to finally resolve this decade-long goal of providing a consolidated FBI Headquarters.

DOJ-FBI-18-0520, 18-0521-O-000010
18-cv-2422(FBI)-4285

AMERICAN OVERSIGHT

FBI HEADQUARTERS – A REVISED, NATIONALLY-FOCUSED CONSOLIDATION

GSA

ORIGINAL HQ CONSOLIDATION PLAN

DC Region Focus

(2013-2017)

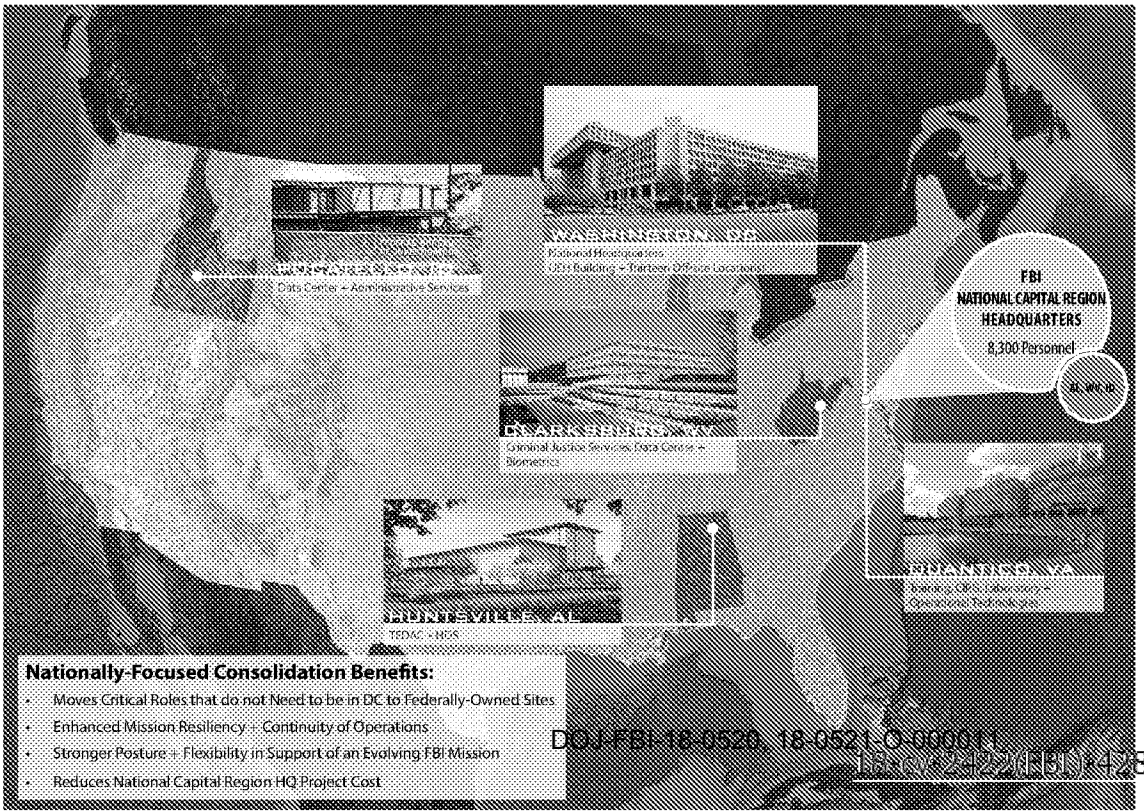
Govt Owned (J. Edgar Hoover)	5,692
DC Leases (x4)	2,115
VA Leases (x7)	2,413
MD Leases (x2)	188
Subtotal	10,408
Growth (0.5% annually over 10 years)	198
DC Region HQ Staff	**10,606**

REVISED, NATIONALLY-FOCUSED CONSOLIDATION PLAN (2018)

DC Region HQ Staff	**8,300***
National HQ Staff: AL, WV, ID	**2,306***

FBI Reduced its DC Region HQ Program Significantly to Form a Nationally-Focused Portfolio Allowing Greater Mission Resiliency and Flexibility

*Preliminary Estimates - Subject to Revisions



Nationally-Focused Consolidation Benefits:

- Moves Critical Roles that do not Need to be in DC to Federally-Owned Sites
- Enhanced Mission Resiliency + Continuity of Operations
- Stronger Posture + Flexibility in Support of an Evolving FBI Mission
- Reduces National Capital Region HQ Project Cost

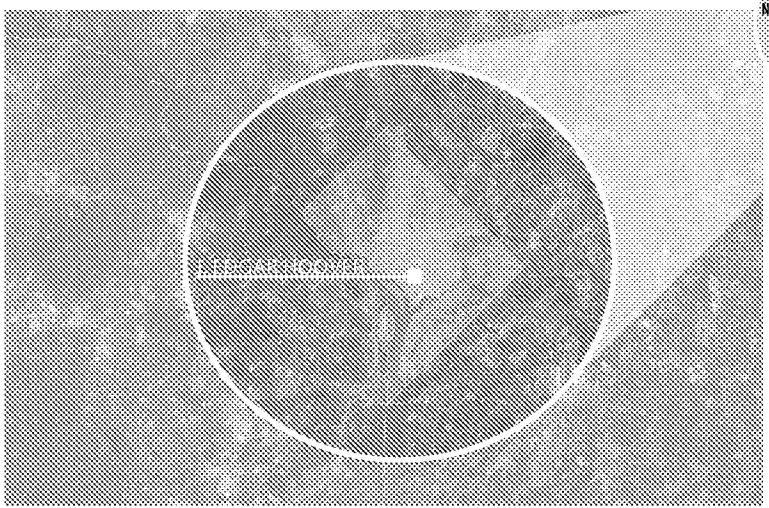
DOJ-FBI-18-0520, 18-0521-O-000011

18-cv-2422(FBI)-4286

AMERICAN OVERSIGHT

REVISED STRATEGY

Reutilization of the federally owned JEH site will provide the FBI with a headquarters capable of supporting national security and intelligence operations while providing a good deal for the taxpayer.



Under a reduced program size, GSA and FBI also re-evaluated site alternatives; reutilization of the federally owned J. Edgar Hoover (JEH) site provides multiple benefits to the FBI and will save the taxpayer $500M+:

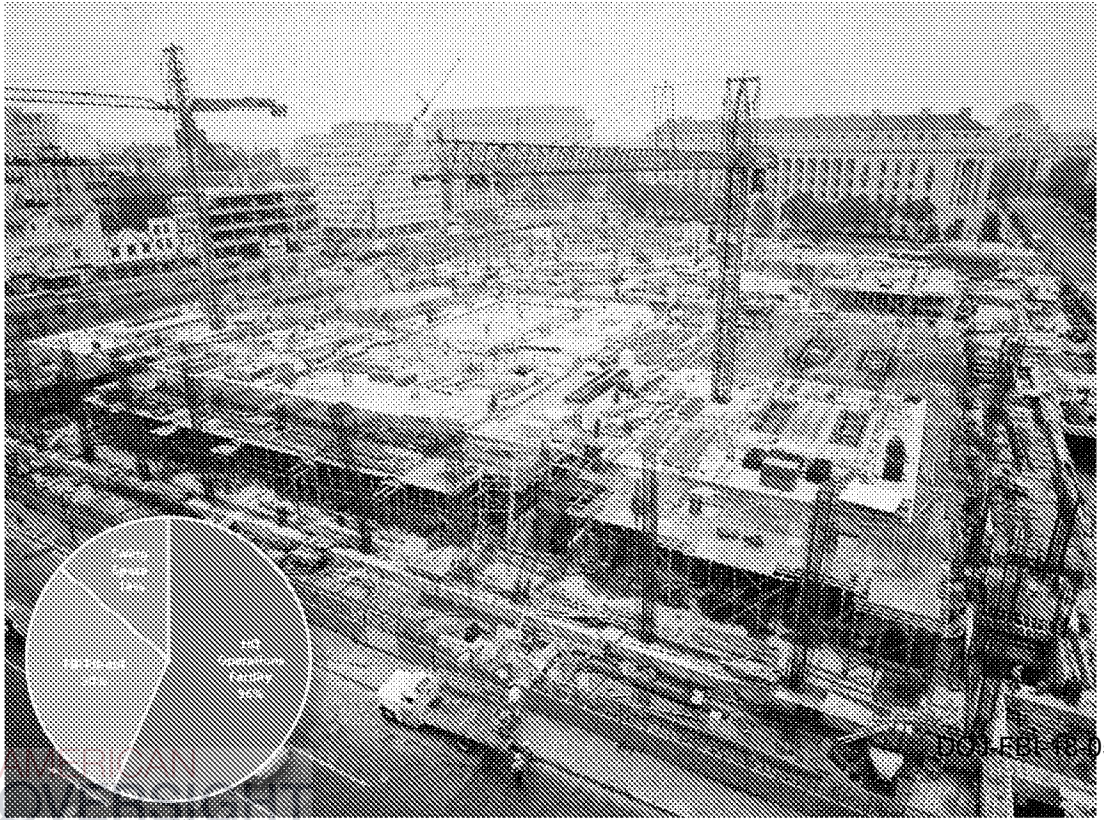
- No Land Acquisition Cost
- Reduced Off-site Transportation Mitigation Cost
- Reduced Parking Needs and Cost
- Reduced Site Development Cost
- Maintains Established and Close Proximity to FBI Mission Partners
- Provides Multiple Points of Access for FBI Employees

Much of the prior work can be leveraged for this approach, including:

- **FBI Program of Requirements (POR):** Substantial Reuse
- **Environmental Impact Study (EIS):** Partial Reuse; data and analysis related to the JEH site
- **Request for Proposal (RFP):** Partial Reuse; Security, O&M, and Commissioning Content Remains Unchanged

DOJ-FBI-18-0520, 18-0521-O-000012
18-cv-2422(FBI)-4287
AMERICAN OVERSIGHT

DEMOLISH + REBUILD: PROGRAM ELEMENTS + TOTAL COST



DESIGN + CONSTRUCTION: $1.75 B*

HQ Operations Building: 2.6M GSF

- SCIF (Sensitive Compartmented Information Facility), RF (Radio Frequency) Shielding + Intrusion Detection Systems
- SIOC (Strategic Information Operations Center)
- ESOC (Enterprise Security Operations Center)
- SOC (Security Operations Center)
- Mission Briefing Center
- Blast, Ballastic + CBR (Chemical/Biological/ Radiological) Protection
- Health + Fitness
- Upgraded IT (Information Technology)
- Visitor Center (VC)
- Parking

FBI FIT OUT: $923 M*

- Furniture, Fixture + Equipment
- Active IT/AV
- Security Equipment + Escorts
- Program Management
- Move
- Escalation

SWING SPACE: $428 M*

TOTAL COST: $3.13 B*

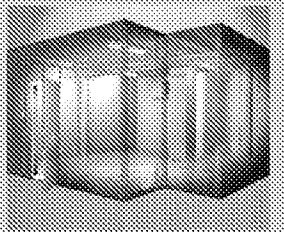
Preliminary Estimates - Subject to Revisions

DOJ-FBI-18-0520-18-0521-O-000013
18-cv-2422(FBI)-4288

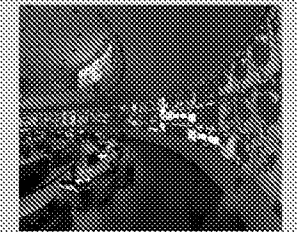
COMPARISON OF URBAN/SUBURBAN MISSION ELEMENTS

GSA

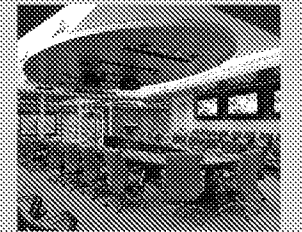
NO CHANGES TO MISSION ELEMENTS



SCIF, RF Shielding + Intrusion Detection Systems

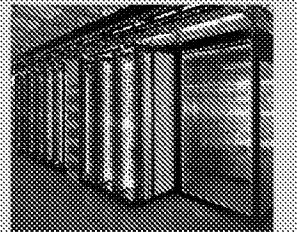


Strategic Information Operations Center (SIOC)



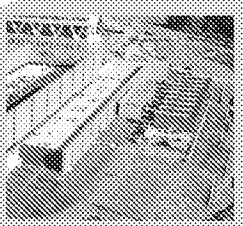
Mission Briefing Center

Blast, Ballastic + CBR Protections



Upgraded IT (Information Technology)

SUBURBAN MISSION REQUIREMENTS



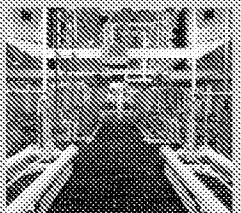
Island Mode: 72 Hour Back-up Power + Redundant Utility Feeds

Health + Fitness

Remote VC, TIF, Perimeter Security + Upgraded Access Control Systems

URBAN MISSION REQUIREMENTS

72 Hour Back-up Power + Redundant Utility Feeds



Visitor Center, Perimeter Security + Upgraded Access Control Systems

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO
OVERSIGHT

GOJ-FBI-18-0520-18-0521-O-0000014
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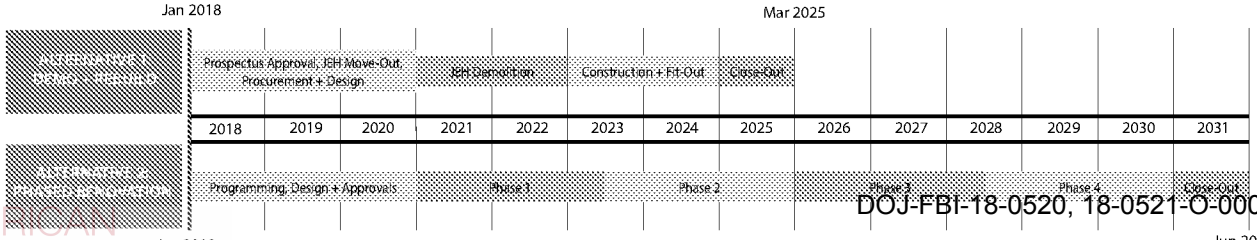
LEVERAGING THE JEH SITE: RENOVATE VS. DEMOLISH + REBUILD

ALTERNATIVE 1: DEMOLISH + REBUILD	CRITERIA COMPARISON	ALTERNATIVE 2: FOUR-PHASE RENOVATION
$3.1 B	PROGRAM COST	$3.42 B
7 Years	YEARS TO OCCUPANCY	13 Years
~4,000 Personnel	SWING SPACE NEEDS	~1,800 Personnel
Full Compliance	SECURITY	Progressive Collapse Compliance Concerns
Planned	MISSION DISRUPTIONS	Unplanned
8,300	CONSOLIDATION	7,750 Plus 550 in Leased Space
~182 USF Per Person	SPACE UTILIZATION + EFFICIENCY	~215 USF Per Person

RECOMMENDATION: DEMOLISH + REBUILD

Performs better in six of seven Comparisons of Criteria:

- Cheaper Program Cost
- Faster Delivery
- Mitigates Security Concerns
- Less Mission Disruptions
- Improved Efficiency



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FUNDING GAP ANALYSIS

Funding Shortfall for the Revised Approach is $1.95B which is reduced by nearly $500M from the original approach

FULL CONSOLIDATION		JBER REBUILD	
10,606	PERSONNEL	8,300	
2017	CONTRACT AWARD	2019	
$ 3,565 M	**TOTAL**	$ 3,151 M	Comments
$ 2,650 M	**DESIGN + CONSTRUCTON**	**$ 1,750 M**	Includes: Design, Construction, Developer Fees, Land, Contingency
$ (703) M	FY16 + FY17 APPROPRIATIONS	$ (703) M	GSA + FBI Construction Appropriations
$ 1,947 M	SUBTOTAL	$ 1,047 M	
$ 915 M	**FBI FIT-OUT**	**$ 923 M**	Includes: IT, Security, FF&E, Move, Decommissioning, PMO
$ - M	**TEMPORARY SWING SPACE**	**$ 428 M**	Design and construction excluding rent payments
$ (135) M	FY16 PRIOR YEAR AUTHORIZATION	$ (135) M	Account requires contributions before withdrawals
$ (315) M	DOJ WORKING CAPITAL FUND	$ (315) M	Recommend DOJ WCF be applied to Fit-Out
$ 465 M	SUBTOTAL	$ 901 M	
$ 2,412 M	TOTAL SHORTFALL	**$ 1,948 M**	

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18-cv-2422(FBI)-4291

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GSA AUTHORITIES FOR JEH

FEDERAL CONSTRUCTION

- 40 U.S.C. § 3305: Construct a new public building to take the place of an existing building

Traditional	Full funding made available after authorization and constructed in a single phase.
Phased Renovation	Phased construction spreads funding and construction over 14 years in four major phases. Gaps in funding causes significant costs for re- procurements and re-mobilizations (e.g. St. Elizabeths).
Hybrid: Federal + GL-LB	Half Federal Construction + half Lease Construction in a single phase. Full funding made immediately after authorization of Capital and Lease prospectuses. Expiration of the ground lease provides for Federal ownership.

LEASE CONSTRUCTION

- Pub. L. 108-447 § 412: "...may convey, by sale, lease, exchange or otherwise, including through leaseback arrangements, real and related property, or interest therein..."
- 40 U.S.C. § 585 (a): Enter into a lease agreement for the accommodation of a federal agency; terms not to exceed 20 years
- 40 U.S.C. § 585 (c): Execute a lease/leaseback arrangement for up to 30 years

Lease	Sale of JEH to selected developer. Traditional build-to-suit lease of new building. No Federal ownership (e.g. DOT HQ).
Lease with Purchase Option	Sale of JEH to selected developer. Traditional build-to-suit lease of new building. Purchase option provides possible Federal ownership.
Ground Lease - Leaseback	Property is demolished then ground leased to developer for 35 years. Developer constructs new facility and leases back to GSA for 20 years with two renewal options. Facility ownership reverts to US Govt upon expiration of ground lease.

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IMPORTANCE OF TIMELY FUNDING

GSA

FEDERAL - TRADITIONAL ← FEDERAL - PHASED — HYBRID — LEASE GL-LB → LEASE

Federal Phased Appropriations - Actual Example

FDA WHITE OAK

Appropriations by Year in $Millions	
FY1996	$55
FY2000	$35
FY2001	$92
FY2002	$19
FY2003	$38
FY2004	$42
FY2005	$89
FY2006	$128
FY2007	$178
FY2008	$58
FY2009	$163
FY2010	$140
FY2011	$43
FY2012	$10
Total Required for Phased Appropriations:	$1,090
Total Required for Traditional Appropriations:	$584
Completion Year:	2014
Planned Duration:	5
Years to Complete	18

Insufficient or Delayed Funding

Can Lead to Sub-Optimal Decisions

Traditional Operating Lease - Actual Example

DEPARTMENT OF TRANSPORTATION

Average Yearly Lease Payment in Millions
FY2007

~~$60~~

FY2021 (End of Lease Term)

Developer Construction Cost:	$422
Total Payments (~~15~~ years): Estimated 30	~~$879~~
Completion Year	2006
Planned Duration:	5
Actual Years to Complete:	5

replace with 30yr shell rent estimate

Delays Associated with Funding Increases Cost Substantially, with Each Phase Needing Re-Compete and Re-mobilization

Years of Re-Payment Due to Lease Ship at End

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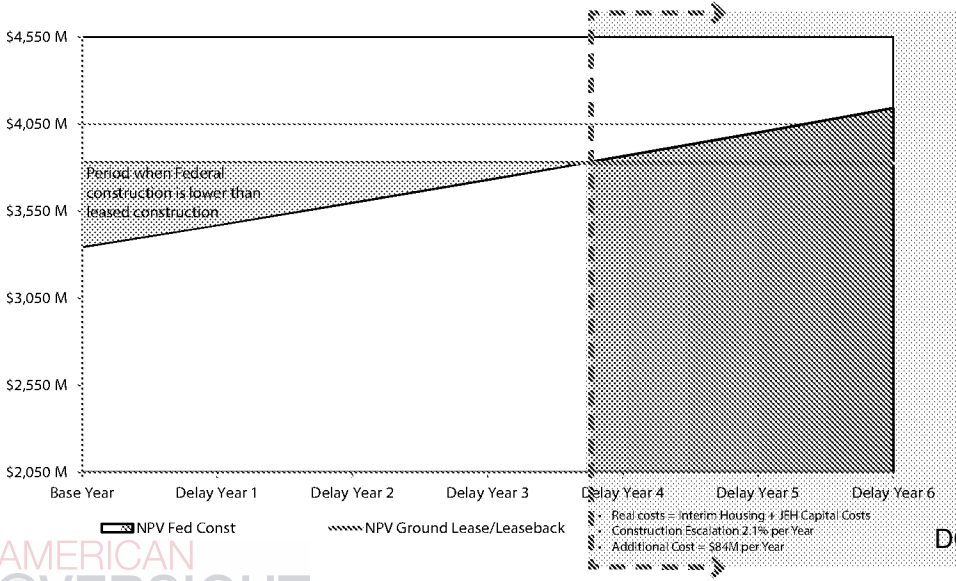
Timely funding delivery is critical or the cost advantage of Federal Construction can be undermined.

- After a 3.5-year delay, the Net Present Cost of Federal Construction is greater than Ground Lease - Leaseback.
- Over the past 20 years, no $3.08+ GSA federal construction project has been funded within consecutive fiscal year cycles.
- Funding for federal construction projects are spread over several budget cycles due to budget constraints and competing needs.



CASE STUDIES

Department of Homeland Security:
- Plan = 5 years
- **Actual = 8+ years, est. 20+**

Food + Drug Administration:
- Plan = 6 years
- **Actual = 17 years**

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SCENARIOS

CRITERIA	Federal Construction		Hybrid	Lease Construction		
	Traditional	Phased Renovation		Lease	Lease with Purchase Option	Ground Lease-Leaseback
NPC (First Year Rent)	$3.34 B	$4.04 B	Combining Federal and Lease Construction is impractical for a project of this magnitude on a downtown site of this size and was not analyzed.	$4.57 B ($156 M)	Reviewed and eliminated as the GL-LB achieves a similar outcome through a simpler transaction.	$3.83 B ($118 M)
Full Occupancy	2025	2031 2037 ?		2025		2025
Federal Ownership	Yes	Yes		No		Yes
Existing Authority	40 U.S.C. § 3305	40 U.S.C. § 3305		Pub. L. 108-447 § 412		40 U.S.C. § 585 (a) and (c)

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18-cv-2422(FBI)-4295

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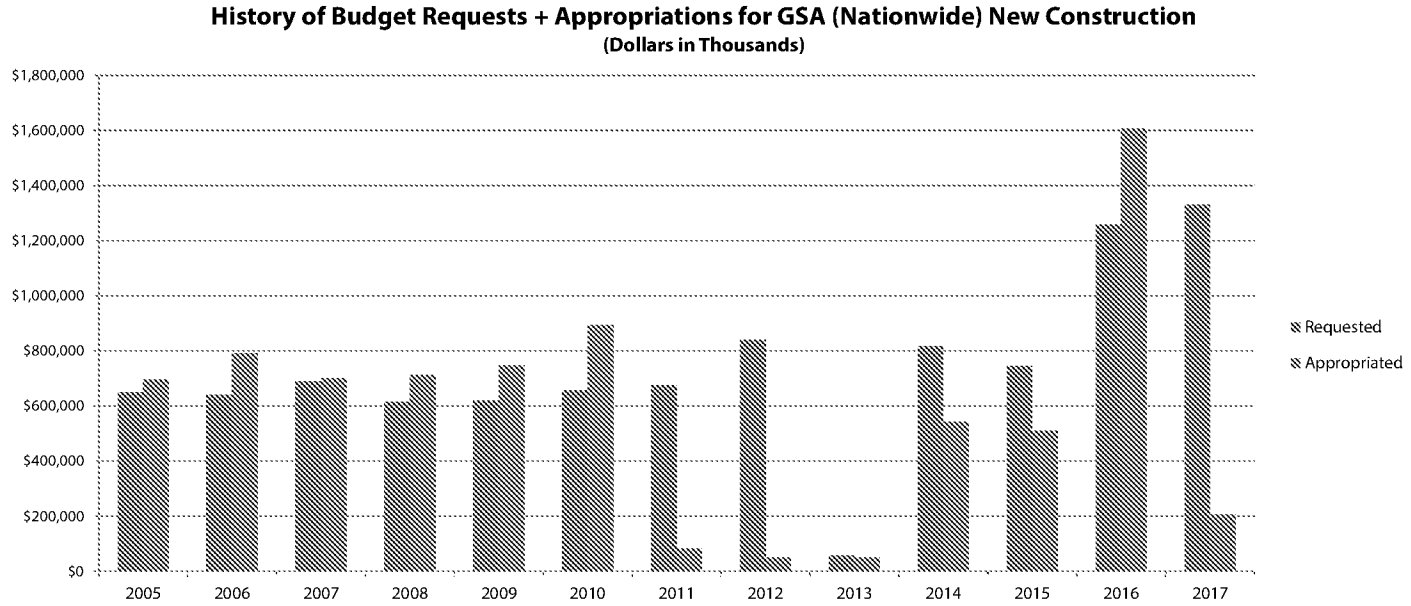
1. ~~Legislative and Executive Branches agree on the recommended approach and Funding Strategy.~~
2. GSA submits additional Prospectus.
3. GSA proceeds with the planning and procurement consistent with the existing authorization and/or appropriations.
4. The Senate and House authorize the required Prospectus and appropriations.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000021
18-cv-2422(FBI)-4296

APPENDIX

18-cv-2423(FBI)-4297
DOJ-FBI-18-0520, 18-0521-O-000022
GSA
FBI HQ
OVERSIGHT



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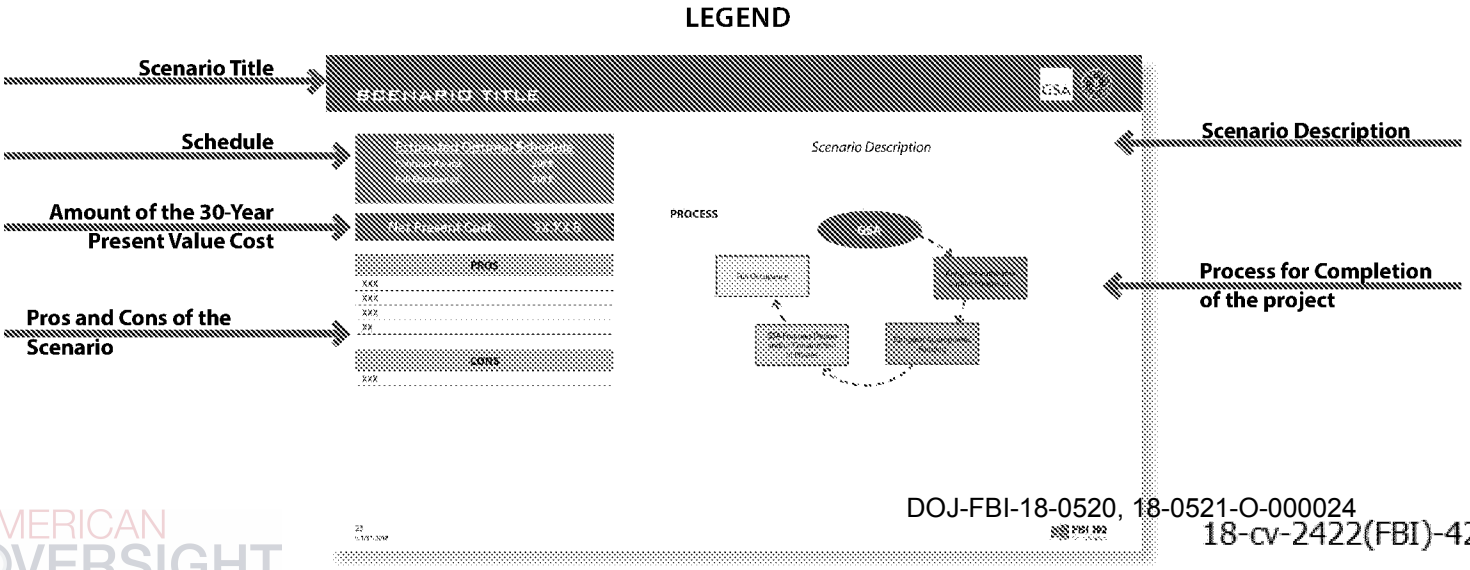
The scenarios illustrate potential ways the two acquisition authorities might proceed. The following pages are snapshots of additional scenarios providing comparative information on key factors.



DOJ-FBI-18-0520, 18-0521-O-000024
18-cv-2422(FBI)-4299
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Estimated Optimal Schedule	
Contract Award:	2018
Full Occupancy:	2023

Net Present Cost:	$3.34 B

PROS

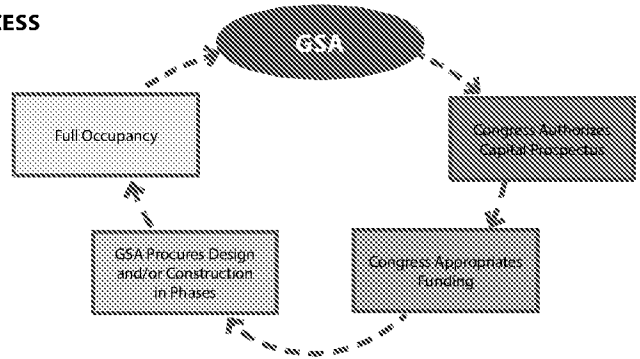
- Provides for Immediate Long-Term Ownership
- Lower Cost of Capital

CONS

- Risk of Funding Delays + Cost Increases
- Higher Risk of Change Orders

Full funding made available after authorization and constructed in a single phase.

PROCESS



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18-cv-2422(FBI)-4300

AMERICAN OVERSIGHT

FBI HQ

FEDERAL RENOVATION – PHASED

Estimated Optimal Schedule	
Contract Award:	2018
Full Occupancy:	2031

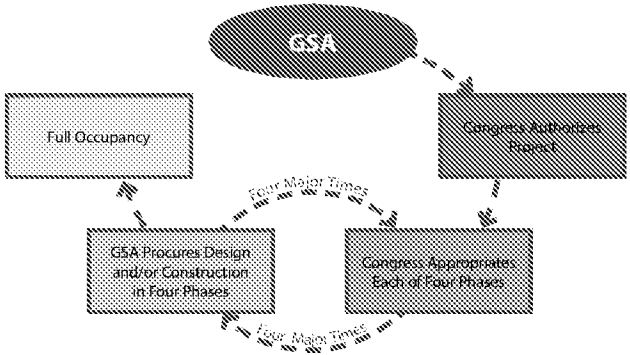
Net Present Cost:	$4.04 B

PROS
Reduce Impact of Upfront Appropriations Required
Provides for Immediate Long-Term Ownership
Lower Cost of Capital

CONS
14 Years to Complete
Delay Increases Project Costs
Three New $400-500 Million Major Appropriations
Every Phase Runs Risk of Insufficient Funding and Delay
Structural Renovation of an Occupied Facility
Disruption to Ongoing Operations

Phased construction spreads funding and construction over 14 years in four major phases.

PROCESS



DOJ-FBI-18-0520, 18-0521-O-000026
18-cv-2422(FBI)-4301

AMERICAN OVERSIGHT

FBI HQ

LEASE CONSTRUCTION – LEASE

Estimated Optimal Schedule	
Contract Award:	2018
Full Occupancy:	2023

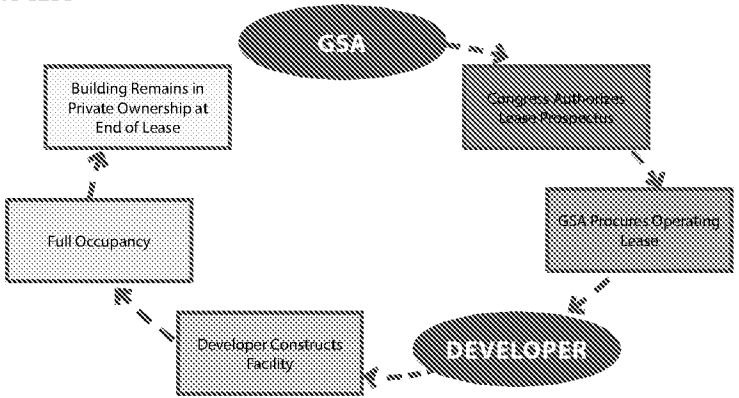
Net Present Cost:	$4.57 B

PROS
Timely Completion
Move Forward Quickly
Transfers Funding + Delivery Risk to Private Sector

CONS
No Eventual Ownership
Higher Cost of Capital

GSA sells land to Developer. Developer builds facility. GSA enters into traditional operating lease from Developer. Developer retains ownership of land and facility.

PROCESS



DOJ-FBI-18-0520, 18-0521-O-000027
18-cv-2422(FBI)-4302

AMERICAN OVERSIGHT

FBI HQ

LEASE CONSTRUCTION – GROUND LEASE-LEASEBACK

Estimated Optimal Schedule	
Contract Award:	2019
Full Occupancy:	2022

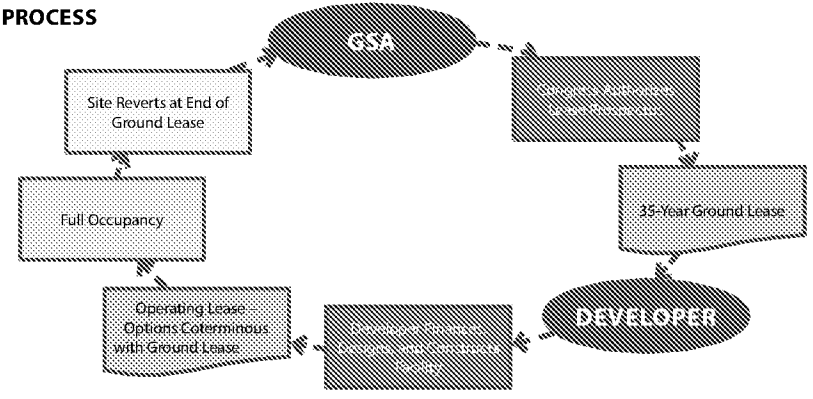
Net Present Cost: $3.83 B

GSA enters into a Ground Lease with Developer for 35 years. Developer constructs new facility and leases back to GSA for 20 years with two renewal options. At end of Ground Lease all improvements to the site including the facility revert to the Government providing long term ownership of land and the facility.

PROS
Timely Completion
Lower Risk of Change Orders
~~LOW RISK:~~ Funding and Delivery Responsibilities Transferred to Private Industry
~~LOW COST:~~ Net Present Cost Analysis is Comparable to Traditional Federal Construction
~~FAST DELIVERY:~~ No Additional Delays as a Result of Insufficient Appropriations or Budget Approvals
~~FEDERALLY OWNED:~~ Provides the Taxpayer with Federal ownership at the end of the ground lease.

CONS
Higher Cost of Capital
May Score as a Capital Lease

PROCESS



DOJ-FBI-18-0520, 18-0521-O-000028

18-cv-2422(FBI)-4303

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FBI HQ

SCENARIO TITLE

GSA

Estimated Optimal Schedule

Contract Award: 2019

Full Occupancy: 2053

Net Present Cost: $X,XX B

PROS

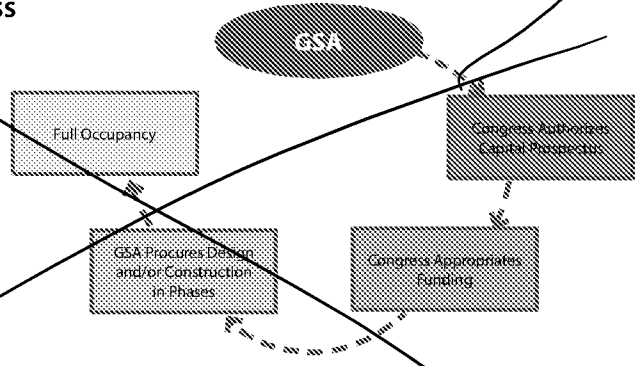
- XXX
- XXX
- XXX
- XX

CONS

- XXX

Scenario Description

PROCESS



DOJ-FBI-18-0520, 18-0521-O-000029
18-cv-2422(FBI)-4304

AMERICAN OVERSIGHT

FBI HQ

FBI HEADQUARTERS

REVISED NATIONALLY-FOCUSED CONSOLIDATION PLAN

AMERICAN OVERSIGHT

V.2/6/2018

GSA

DOJ-FBI-18-0520, 18-0521-O-000030

FBI HQ Consolidation

OVERVIEW

GSA and FBI are presenting a revised plan for the FBI Headquarters Consolidation project which remains a critical project and high priority.

In response to the Senate Committee on Environment and Public Works hearing on August 2, 2017 and letter from December 1, 2017, the following items are covered:

- **Project Urgency**
- **Revised Strategy**
- **Project Elements + Cost**
- **Recommendation**

GSA and FBI are committed to working closely with Congress to find a viable solution which:

- Meets FBI Critical National Security and Intelligence Operations
- Provides a Good Deal for the Taxpayer

AMERICAN OVERSIGHT

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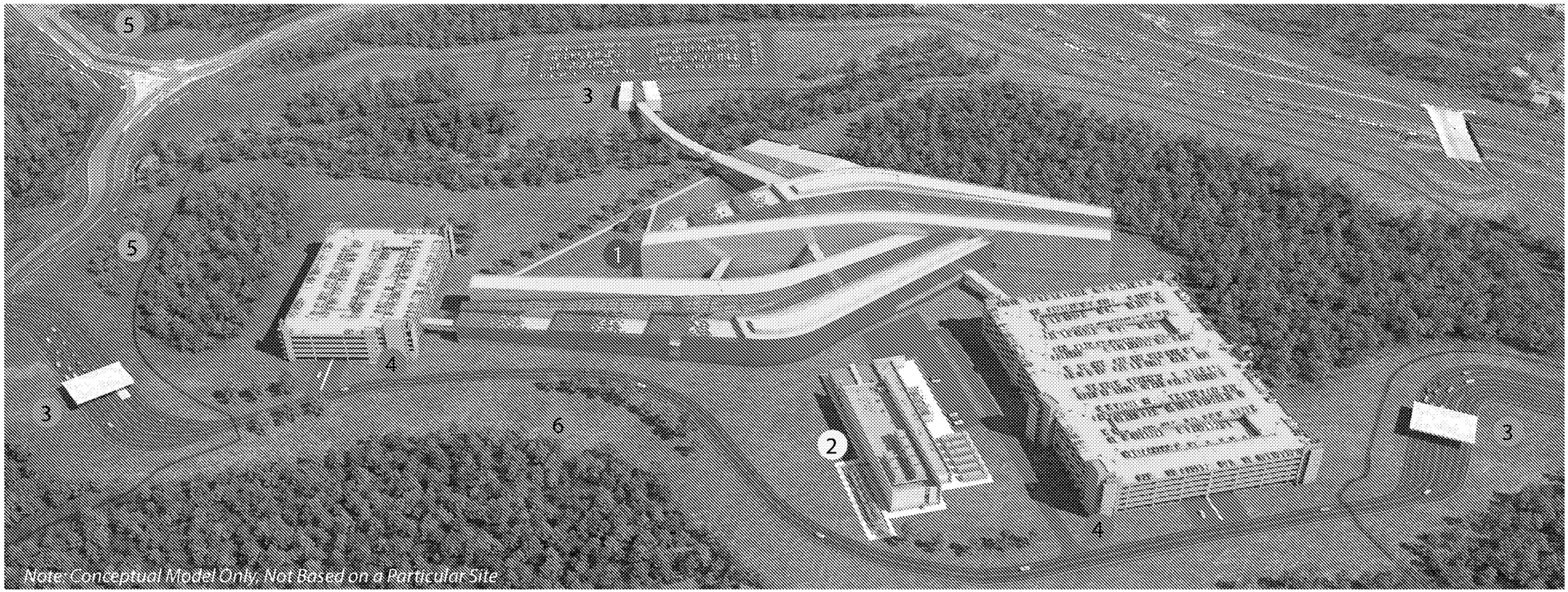
18-cv-2422(FBI)-4349
FBI HQ

CANCELLED FULL CONSOLIDATION



Note: Conceptual Model Only, Not Based on a Particular Site

DESIGN + CONSTRUCTION: $2.65B

1 HQ Main Operations Building

- SCIF (Sensitive Compartmented Information Facility), RF (Radio Frequency) Shielding + Intrusion Detection Systems
- SIOC (Strategic Information + Operations Center)
- Mission Briefing Center
- Blast, Ballastic + CBR (Chemical/Biological/ Radiological) Protection
- Health + Fitness
- Upgraded IT (Information Technology)

2 Central Utility Plant (CUP)

- Island Mode: 72-Hour Back-up Power and Redundant Utility Feeds

3 Visitor Center (VC)

- Remote Visitor Center + Upgraded Access Control Systems

4 Parking Garages

5 Truck Inspection Facility (TIF)

- Remote TIF + Perimeter Security

6 Site Work

- Perimeter Security

Design

Land + GSA + Contingency

Space Utilization:
220 USF (Usable Square Feet) per Person (Existing)
182 USF per Person (Planned)

FBI FIT-OUT: $915M

- Active IT
- Furniture, Fixtures and Equiment (FF&E)
- Security Equipment + Services
- Program Management Office
- Move
- Decommissioning / Dual Operations
- GSA Reimbursable Work Authorizations Fees

TOTAL COST: $3.57B

FBI HQ

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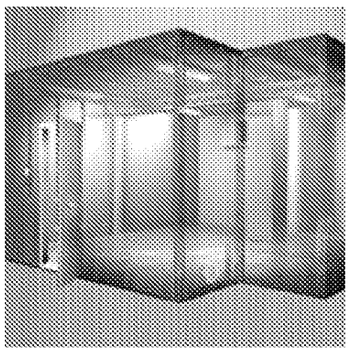
18-cv-2422(FBI)-4350
DOJ-FBI-18-0520-19-0521-C-000032

CANCELLED FULL CONSOLIDATION: CAMPUS PROGRAM ELEMENTS

SCIF, RF Shielding + Intrusion Detection Systems

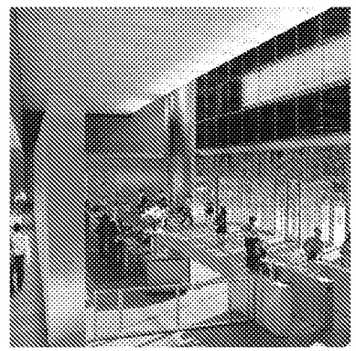


- A SCIF is a cube with protective layers on all six sides and outfitted with RF (Radio Frequency, electromagnetic radiation) shielding and Intrusion Detection systems to avert surveillance efforts.
- Home of all intelligence operations; prevents classified information from leaking out and stops outside threat from listening into sensitive conversations.

Mission Briefing Center

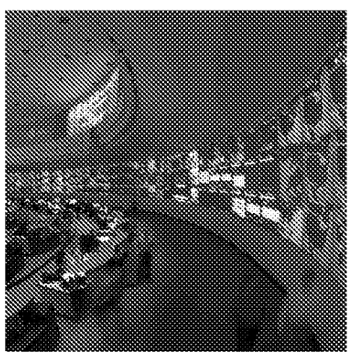
- Unclassified auditorium to brief non-FBI law enforcement partners on joint operations as well as a large SCIF to support high level SCI briefings between IC partners.
- Designed as dual purpose training and conference area amid operational use to maximize value.
- Unclassified briefing space has been a multi-decade inadequacy of the J. Edgar Hoover (JEH) Building.

Visitor Center, Perimeter Security + Upgraded Access Control Systems



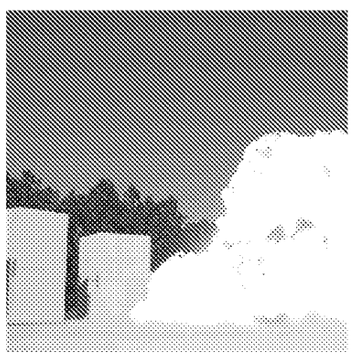
- Visitor Center and upgraded access control system prevents unauthorized personnel intrusion.
- Perimeter barriers protect against vehicle borne threats into the facility.

Strategic Information Operations Center (SIOC)



- Heart of the FBI's operational capability and the nerve-center for managing all operations at both global and national scale.
- Critical operation space with large square foot + technical requirements.
- Integrates cases with U.S. Department of Justice and other IC agencies and partners.
- May host the President and the Attorney General during critical operations.

Blast, Ballastic + CBR Protections

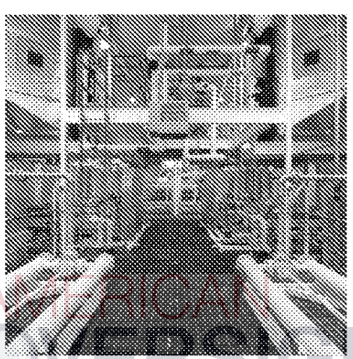


- FBI's symbolism and high security threats due to national security missions mandate enhanced protection.
- To ensure mission continuity, the headquarters must be built with blast and ballistic protection against a classified threat and some mission spaces have to be protected against CBR attacks.

Acronym List

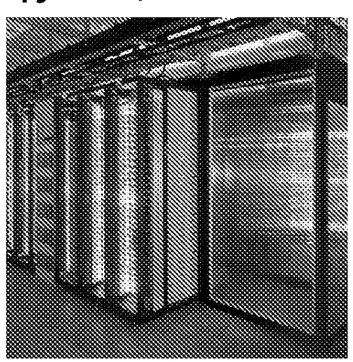
CBR	Chemical Biological Radiological
IC	Intelligence Community
RF	Radio Frequency (electromagnetic radiation)
SCI	Sensitive Compartmented Information
SCIF	Sensitive Compartmented Information Facility
SIOC	Strategic Information Operations Center

72 Hour Back-up Power + Redundant Utility Feeds



- In an attack against the U.S. Government, the initial national security operations will be hosted from the SIOC.
- Provides continuous operations capabilities until the mission can be moved to a more permanent, stable location if needed.

Upgraded IT (Information Technology)



- FBI requires multiple operations networks at various classification levels and several monitoring networks for mission protection.
- These networks add considerable scope and complexity to the IT infrastructure versus a corporate facility of comparable size.

AWAITING OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000033
18-cv-2422(FBI)-4351
FBI HQ

CANCELLED FULL CONSOLIDATION: FUNDING SHORTFALL

FBI NCR HQ	FULL CONSOLIDATION
PERSONNEL	10,606
FACILITY SIZE	2.5 M GSF
CONTRACT AWARD	2017
TOTAL	**$ 3,565 M**
DESIGN + CONSTRUCTION	**$ 2,650 M**
FY16 + FY17 APPROPRIATIONS	$ (703) M
ANTICIPATED JEH	$ (750) M *
DOJ WORKING CAPITAL FUND	$ (315) M
INCLUDING JEH CREDIT	$ 882 M
EXCLUDING JEH CREDIT	$ 1,632 M
FBI FIT-OUT	**$ 915 M**
FY16 PRIOR YEAR AUTHORIZATION	$ (135) M
SUBTOTAL	$ 780 M
TOTAL SHORTFALL (excludes JEH)	$ 2,412 M

* *Offeror amounts received were much lower*

The full consolidation program funding strategy was a combination:

JEH Exchange Value
+
Federal Appropriations

The Exchange Procurement was cancelled in July 2017. It was jointly determined by GSA and FBI that making a contract award without full funding put the Government at risk of cost escalations and the potential reduction in value of the JEH site.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-C-00084 18-cv-2422(FBI)-4352

Cost of Inaction:

$84 M Annually

For Construction Escalation Using a Conservative 3% on $2 B + JEH Sustainment Cost

Expensive Operations + Maintenance Cost

- **$142M** Annually for Leases (2.7M SF of Leased Space)
- **$42M** Annual Maintenance Costs for the J. Edgar Hoover Building (JEH)
- **$160M** Potential Emergency Repairs that put FBI Operations at Risk, Probability Increasing Exponentially Each Year of Delay

Delay = Increased Cost

Criteria for Success:

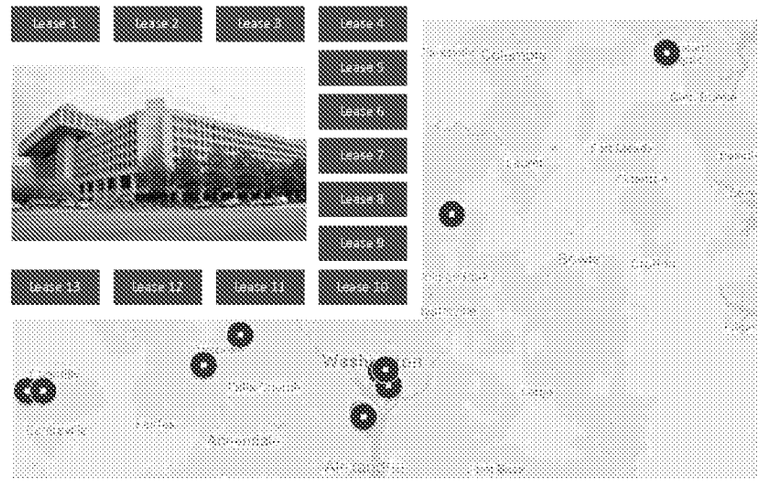
- ✓ **A Headquarters (HQ) Capable of Supporting the FBI National Security + Intelligence Operations**
- ✓ **A Good Deal for the Taxpayer**

Scattered Mission + Inadequate Capacity

- FBI Operations are Scattered Across JEH and 13 Leased Locations Causing Significant Challenges to Command and Control of Mission Elements
- JEH was Built in the 1960s as a Police Precinct Not Intended to House Operation Centers for 21st Century's Rapidly Changing, Asymmetrical National Security Missions (Intelligence, Terrorism, Cyber)
- The Current Infrastructure does not have Adequate Capacity to Support the Significant Demand of the Operations Space

Failing Infrastructure

- JEH Infrastructure is on a Path to Catastrophic Failure with Key Building Systems Past their Expected Service Lives
- Exterior and Interior Concrete Structure is Failing



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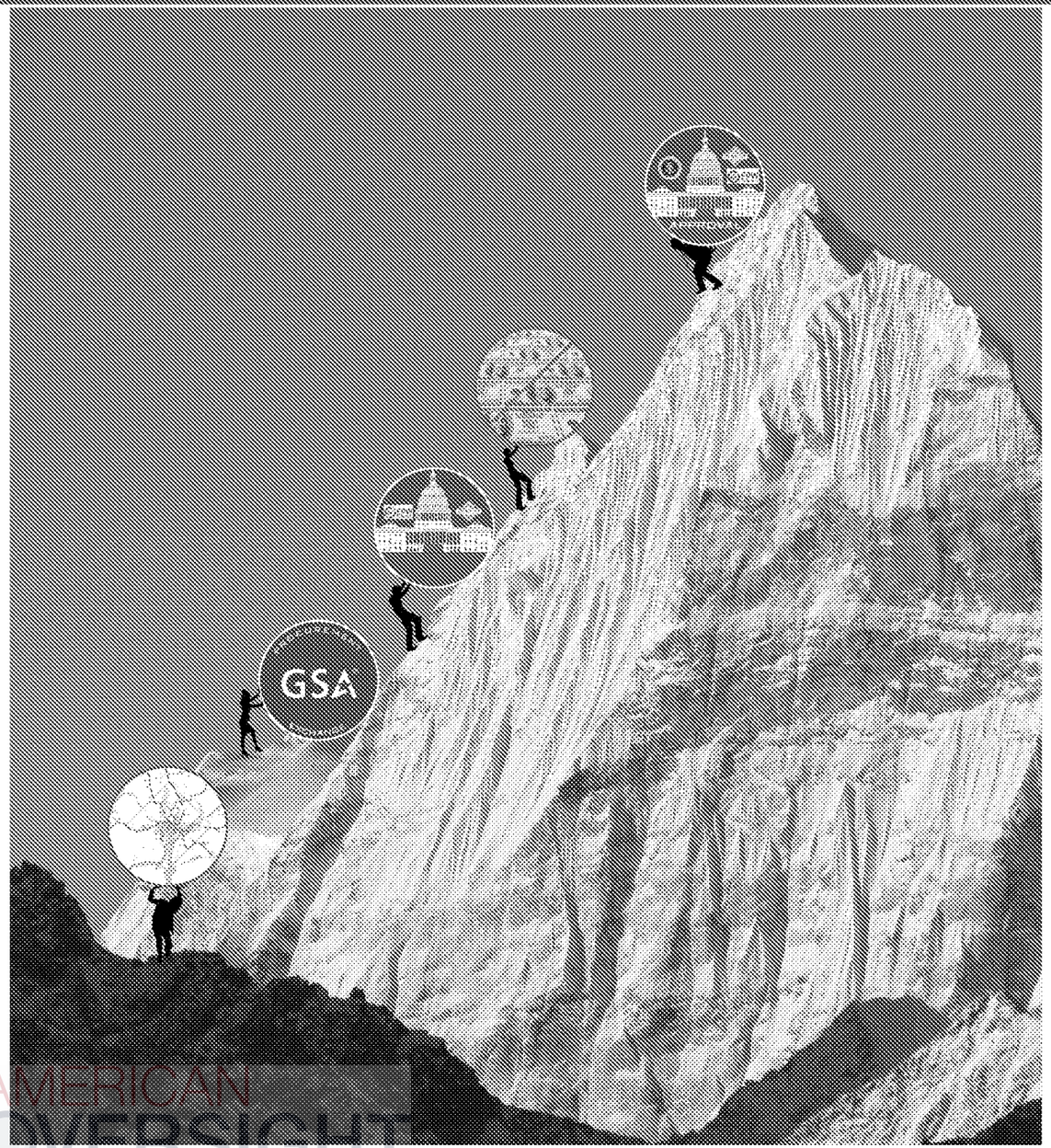
DOJ-FBI-18-0520, 18-0521-O-000035
18-cv-2422(FBI)-4353
FBI HQ Construction

REVISED APPROACH TO ACHIEVE ESTABLISHED GOALS



The FBI HQ Program has undergone a number of starts and stops. After multiple years of unsuccessfully pursuing a Fully Consolidated HQ in the National Capital Region (NCR) – the FBI along with GSA took the latest restart as an opportunity to re-evaluate all project elements, including:

- Scope
- Location
- Cost
- Acquisition Strategy

This re-evaluation resulted in a revised approach which focused on achieving the following goals:

- Reduce Cost
- Explore Viable Acquisition Strategies
- Identify an Acceptable Funding Solution between All Stakeholders

Revised strategy presents an opportunity to resolve long term goal of delivering consolidated FBI Headquarters.

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000036
18-cv-2422(FBI)-4354

FBI HEADQUARTERS – A REVISED, NATIONALLY-FOCUSED CONSOLIDATION

GSA

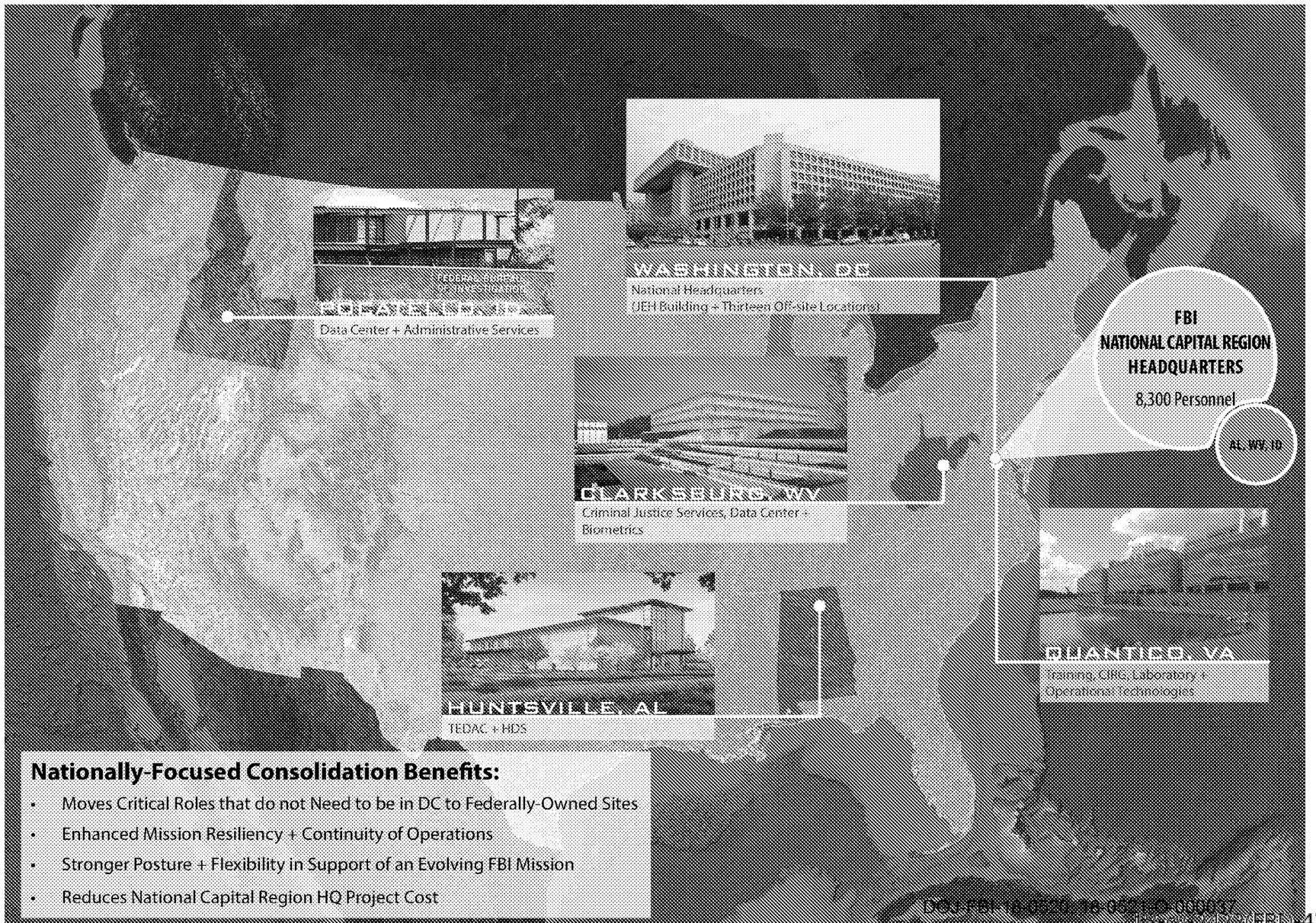
ORIGINAL HQ CONSOLIDATION PLAN
DC Region Focus
(2013-2017)

Govt Owned (J. Edgar Hoover)	5,692
DC Leases (x4)	2,115
VA Leases (x7)	2,413
MD Leases (x2)	188
Subtotal	10,408
Growth (0.2% annually over 10 years)	198
DC Region HQ Staff	**10,606**

REVISED, NATIONALLY-FOCUSED CONSOLIDATION PLAN (2018)

DC Region HQ Staff	**8,300***
National HQ Staff: AL, WV, ID	**2,306***

FBI Reduced its DC Region HQ Program Significantly to Form a Nationally-Focused Portfolio Allowing Greater Mission Resiliency and Flexibility



Nationally-Focused Consolidation Benefits:

- Moves Critical Roles that do not Need to be in DC to Federally-Owned Sites
- Enhanced Mission Resiliency + Continuity of Operations
- Stronger Posture + Flexibility in Support of an Evolving FBI Mission
- Reduces National Capital Region HQ Project Cost

*Preliminary Estimates - Subject to Revisions

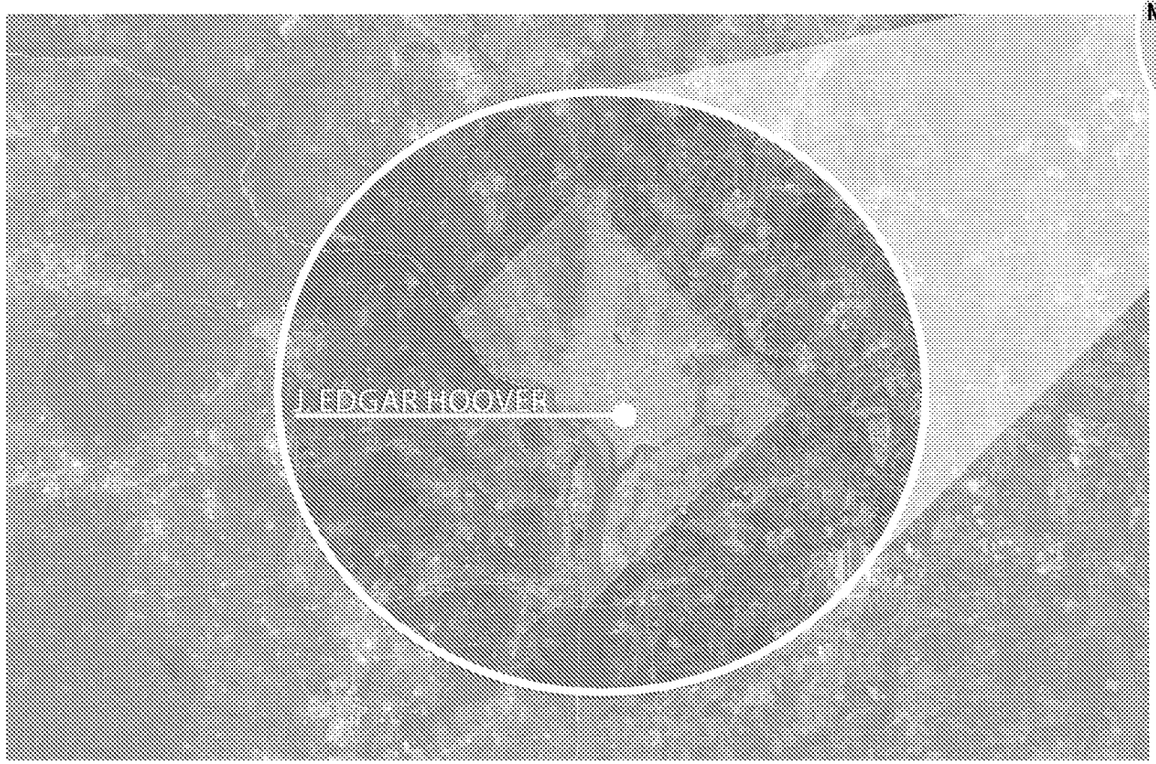
AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000037
18-cv-2422(FBI)-4355

FBI HQ Consolidation

REVISED NATIONAL CAPITAL REGION STRATEGY

Reutilization of the federally owned JEH site will provide the FBI with a headquarters capable of supporting national security and intelligence operations while providing a good deal for the taxpayer.



FBI
NATIONAL CAPITAL REGION
HEADQUARTERS
8,300 Personnel

Under a reduced program size, GSA and FBI also re-evaluated site alternatives; reutilization of the federally owned J. Edgar Hoover (JEH) site provides multiple benefits to the FBI and will save the Taxpayer $500M+. These benefits include:

- No Land Acquisition Cost
- Reduced Off-site Transportation Mitigation Cost
- Reduced Parking Needs and Cost
- Reduced Site Development Cost
- Maintains Established and Close Proximity to FBI Mission Partners
- Provides Multiple Points of Access for FBI Employees

Much of the prior work can be leveraged for this approach, including:

- **FBI Program of Requirements (POR):** Substantial Reuse
- **Environmental Impact Study (EIS):** Partial Reuse; data and analysis related to the JEH site
- **Request for Proposal (RFP):** Partial Reuse; Security (Process + Procedures), O&M, and Commissioning Content Remains Unchanged

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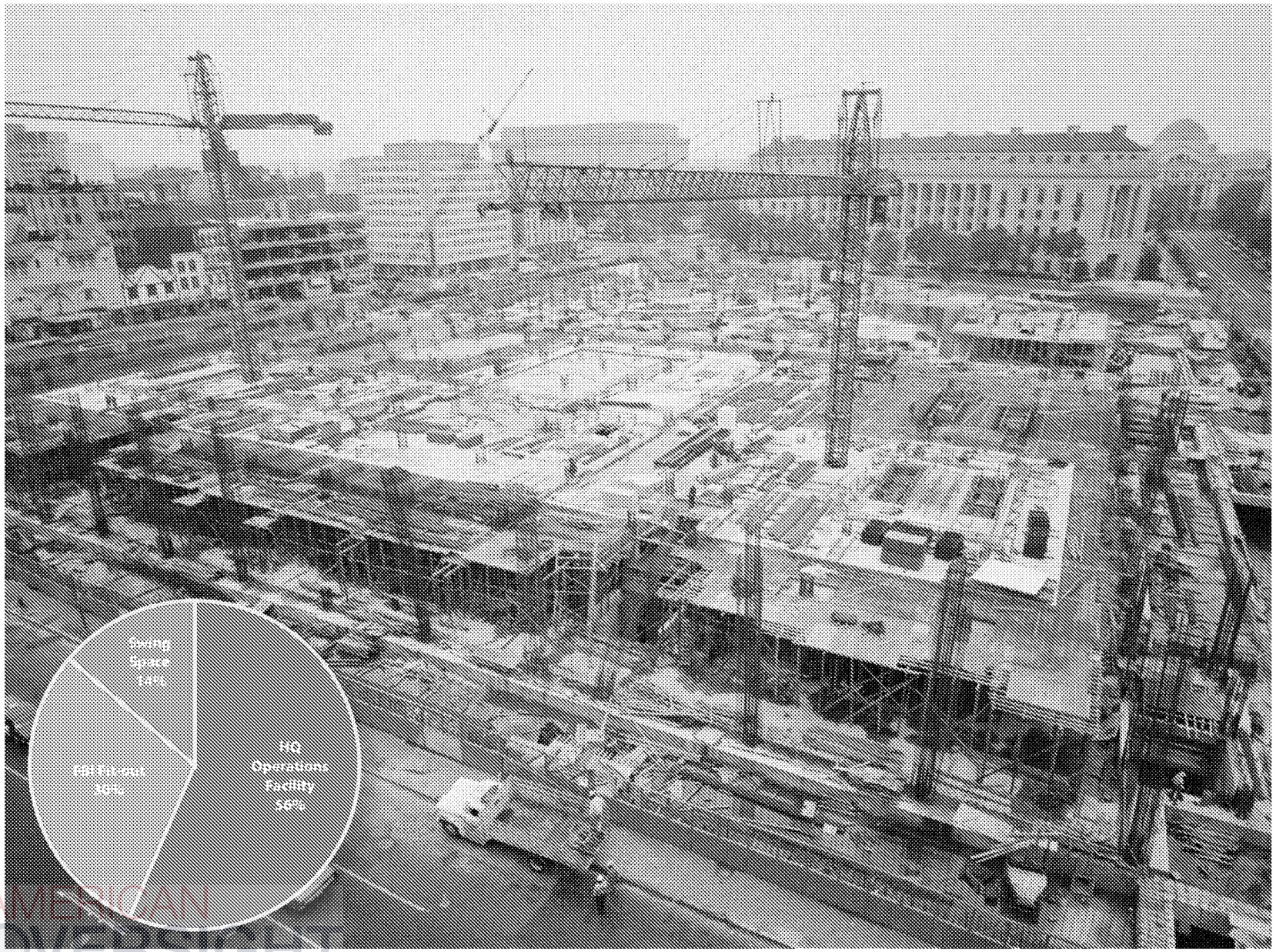
DOJ-FBI-18-0520, 18-0521-O-000038
18-cv-2422(FBI)-4356
FBI HQ

DEMOLISH + REBUILD: PROGRAM ELEMENTS + TOTAL COST



DESIGN + CONSTRUCTION: $1.75 B*

HQ Operations Building: 2.6M GSF

- SCIF (Sensitive Compartmented Information Facility), RF (Radio Frequency) Shielding + Intrusion Detection Systems
- SIOC (Strategic Information Operations Center)
- ESOC (Enterprise Security Operations Center)
- SOC (Security Operations Center)
- Mission Briefing Center
- Blast, Ballastic + CBR (Chemical/Biological/ Radiological) Protection
- Health + Fitness
- Upgraded IT (Information Technology)
- Visitor Center (VC)
- Parking

FBI FIT-OUT: $923 M*

- Furniture, Fixture + Equipment
- Active IT/AV
- Security Equipment + Escorts
- Program Management
- Move
- Escalation

SWING SPACE: $428 M*

- Design
- Tenant Improvements
- Furniture, Fixture + Equipment
- Active IT/AV
- Moves

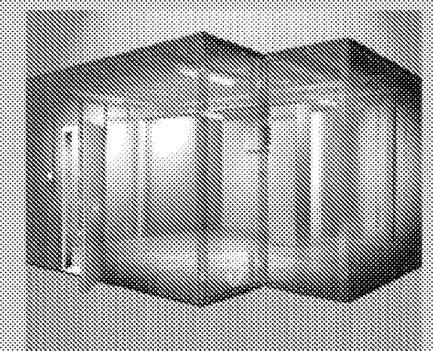
TOTAL COST: $3.1 B*

**Preliminary Estimates - Subject to Revisions*

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-O-000039
18-cv-2422(FBI)-4357
FBI HQ Construction

COMPARISON OF URBAN/SUBURBAN MISSION ELEMENTS

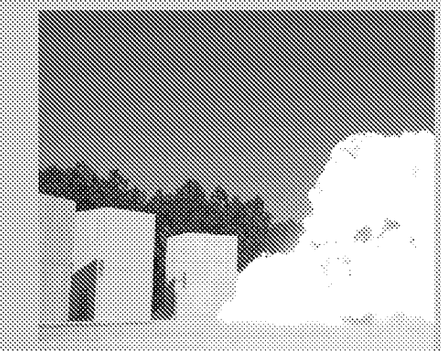
NO CHANGES TO MISSION ELEMENTS



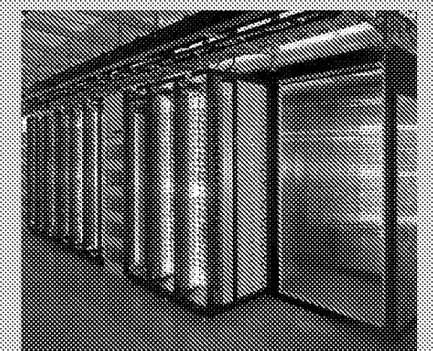
SCIF, RF Shielding + Intrusion Detection Systems

Strategic Information Operations Center (SIOC)

Mission Briefing Center

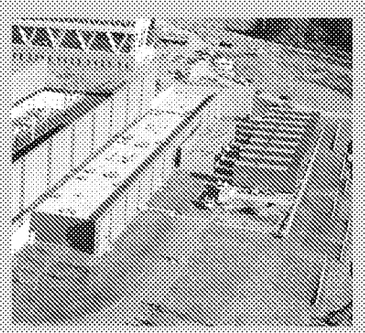


Blast, Ballastic + CBR Protections



Upgraded IT (Information Technology)

SUBURBAN MISSION REQUIREMENTS



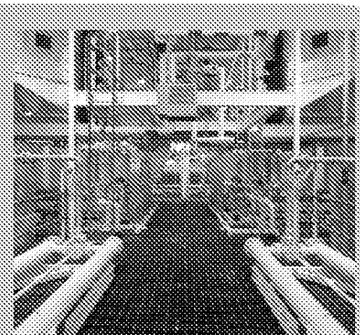
Detached Central Utility Plant (CUP): 72 Hour Back-up Power + Redundant Utility Feeds

Remote Truck Inspection Facility (TIF)

Detached Visitor Center (VC) + Access Control

URBAN MISSION REQUIREMENTS

No Separate Central Utility Plant (CUP) – All Functions Located within the Main Building



No Remote Truck Inspection Facility (TIF) – Continued Use of the Cheverly Facility

No Detached Visitor Center – All Functions Located within the Main Building

AMERICANS OVERSIGHT

DOJ-FBI-18-0520, 18-0521-D-000040
18-cv-2422(FBI)-4358
FBI HQ

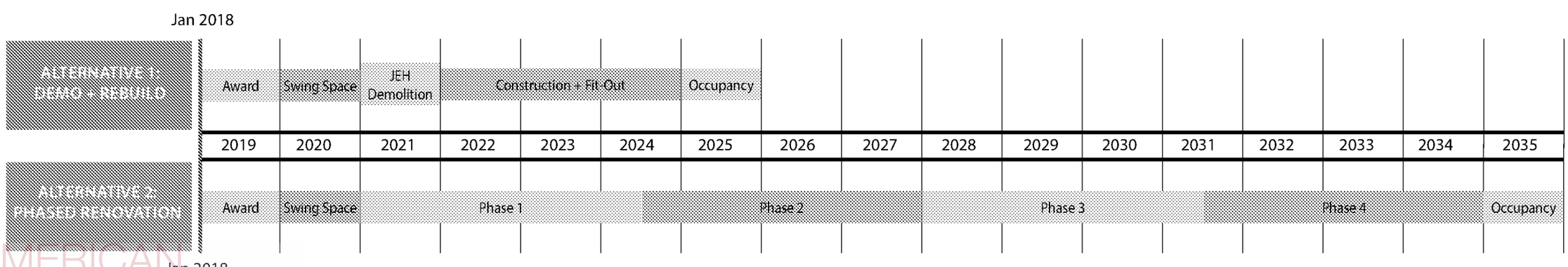
LEVERAGING THE JEH SITE: RENOVATE VS. DEMOLISH + REBUILD

ALTERNATIVE 1: DEMOLISH + REBUILD	CRITERIA COMPARISON	ALTERNATIVE 2: FOUR-PHASE RENOVATION
$3.1 B	PROGRAM COST	$3.42 B
2025	YEAR OF OCCUPANCY	2035
~4,000 Personnel	SWING SPACE NEEDS	~1,800 Personnel
Full Compliance	SECURITY	Progressive Collapse Compliance Concerns
Planned	MISSION DISRUPTIONS	Unplanned
8,300	CONSOLIDATION	7,750 Plus 550 in Leased Space
~182 USF Per Person	SPACE UTILIZATION + EFFICIENCY	~215 USF Per Person

RECOMMENDATION: DEMOLISH + REBUILD

Performs Better in Six of Seven Comparisons of Criteria:

- Cheaper Program Costs
- Faster Delivery
- Mitigates Security Concerns
- Less Mission Disruptions
- Improved Efficiency



AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000041
18-cv-2422(FBI)-4359
FBI HQ

FUNDING GAP ANALYSIS

Funding Shortfall for the Revised Approach is *$1.95B* which is reduced by nearly $500M from the original approach

FULL CONSOLIDATION		JEH REBUILD	
10,606	PERSONNEL	8,300	
2017	CONTRACT AWARD	2019	
$ 3,565 M	**TOTAL**	$ 3,101 M	Comments
$ 2,650 M	**DESIGN + CONSTRUCTON**	**$ 1,750 M**	Includes: Design, Construction, Developer Fees, Land, Contingency
$ (703) M	FY16 + FY17 APPROPRIATIONS	$ (703) M	GSA + FBI Construction Appropriations
$ (750) M	ANTICIPATED JEH		
$ (315) M	DOJ WORKING CAPITAL FUND		Account requires contributions before withdrawals
$ 882 M	INCLUDING JEH CREDIT	$ 1,047 M	
$ 1,632 M	EXCLUDING JEH CREDIT	$ 1,047 M	
$ 915 M	**FBI FIT-OUT**	**$ 923 M**	Includes: IT, Security, FF&E, Move, Decommissioning, PMO
$ - M	**TEMPORARY SWING SPACE**	**$ 428 M**	Design and construction excluding rent payments
$ (135) M	FY16 PRIOR YEAR AUTHORIZATION	$ (135) M	
	DOJ WORKING CAPITAL FUND	$ (315) M	Recommend DOJ WCF be applied to Fit-Out
$ 780 M	SUBTOTAL	$ 901 M	
$ 2,412 M	TOTAL SHORTFALL	**$ 1,948 M**	

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000042
18-cv-2422(FBI)-4360

GSA AUTHORITIES FOR JEH

FEDERAL CONSTRUCTION

- 40 U.S.C. § 3305: Construct a new public building to take the place of an existing building

Traditional	Full funding made available after authorization and constructed in a single phase.
Phased Renovation	Phased construction spreads funding and construction over 14 years in four major phases. Gaps in funding causes significant costs for re- procurements and re-mobilization (e.g. St. Elizabeths).
Hybrid: Federal + GL-LB	Half Federal Construction + half Lease Construction in a single phase. Full funding made immediately after authorization of Capital and Lease prospectuses. Expiration of the ground lease provides for Federal ownership.

LEASE CONSTRUCTION

- Pub. L. 108-447 § 412: "...may convey, by sale, lease, exchange or otherwise, including through leaseback arrangements, real and related property, or interest therein..."
- 40 U.S.C. § 585 (a): Enter into a lease agreement for the accommodation of a federal agency; terms not to exceed 20 years
- 40 U.S.C. § 585 (c): Execute a lease/leaseback arrangement for up to 30 years

Lease	Sale of JEH to selected developer. Traditional build-to-suit lease of new building. No Federal ownership (e.g. DOT HQ).
Lease with Purchase Option	Sale of JEH to selected developer. Traditional build-to-suit lease of new building. Purchase option provides possible Federal ownership.
Ground Lease - Leaseback	Property is demolished then ground leased to developer for 35 years. Developer constructs new facility and leases back to GSA for 20 years with two renewal options, not to exceed a total of 30 years. Facility ownership reverts to US Government upon expiration of ground lease.

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DOJ-FBI-18-0520, 18-0521-Q-000043
18-cv-2422(FBI)-4361
FBI HQ

IMPORTANCE OF TIMELY FUNDING

FEDERAL | FEDERAL - PHASED | HYBRID | LEASE GL-LB | LEASE

Federal Phased Appropriations - Actual Example

FDA WHITE OAK

Appropriations by Year in $Millions

FY1996	$55
FY2000	$35
FY2001	$92
FY2002	$19
FY2003	$38
FY2004	$42
FY2005	$89
FY2006	$128
FY2007	$178
FY2008	$58
FY2009	$163
FY2010	$140
FY2011	$43
FY2012	$10

Total Required for Phased Appropriations:	**$1,090**
Total Required for Traditional Appropriations:	**$584**
Completion Year:	**2014**
Planned Duration:	**5**
Years to Complete	**18**

Insufficient or Delayed Funding

Can Lead to Sub-Optimal Decisions

Traditional Operating Lease - Actual Example

DEPARTMENT OF TRANSPORTATION

Average Yearly Lease Payment in Millions
FY2007

FY2037 (End of Lease Term)

30-Year Shell Rent Cost:	**$1,482**
Total Estimated Payments (30 years):	**$1,974**
Completion Year	**2006**
Planned Duration:	**5**
Actual Years to Complete:	**5**

Per P. L. 105-277, GSA was directed to enter into an operating lease, provided that, the lease met OMB A-11 Guidelines for Operating Leases as determined by the OMB Director.

Delays Associated with Funding Increases Cost Substantially, with Each Phase Needing Re-Compete and Re-mobilization

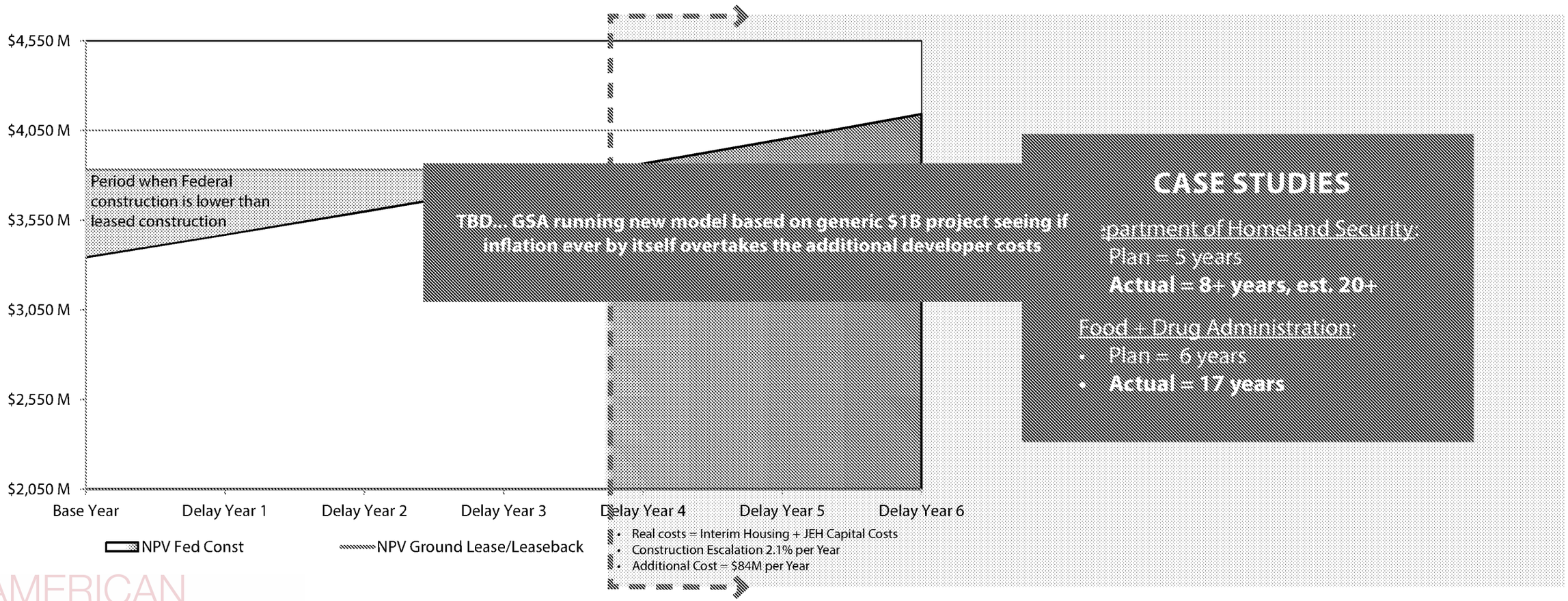
Years of Rent Payments, but No Ownership at End

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000044
18-cv-2422(FBI)-4362
FBI HQ

Timely funding delivery is critical or the cost advantage of Federal Construction can be undermined.

- After a 3.5-year delay, the Net Present Cost of Federal Construction is greater than Ground Lease - Leaseback.
- Over the past 20 years, no $3.0B+ GSA federal construction project has been funded within consecutive fiscal year cycles.
- Funding for federal construction projects are spread over several budget cycles due to budget constraints and competing needs.



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DOJ-FBI-18-0520, 18-0521-O-000045
18-cv-2422(FBI)-4363
FBI HQ

SCENARIOS

CRITERIA	Federal Construction		Hybrid	Lease Construction		
	Traditional	Phased Renovation		Lease	Lease with Purchase Option	Ground Lease–Leaseback
NPC (First Year Rent)	$3.34 B	$3.98 B	*Combining Federal and Lease Construction is impractical for a project of this magnitude on a downtown site of this size and was not analyzed.*	$4.57 B ($156 M)	*Reviewed and eliminated as the GL-LB achieves a similar outcome through a simpler transaction.*	$3.83 B ($118 M)
Full Occupancy	2025	2035		2025		2025
Federal Ownership	Yes	Yes		No		Yes
Existing Authority	40 U.S.C. § 3305	40 U.S.C. § 3305		Pub. L. 108-447 § 412		40 U.S.C. § 585 (a) and (c)

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DOJ-FBI-18-0520, 18-0521-O-000046
18-cv-2422(FBI)-4364
FBI HQ

PATH FORWARD

1. GSA submits additional Prospectus.
2. GSA proceeds with the planning and procurement consistent with the existing authorization and/or appropriations.
3. The Senate and House authorize the required Prospectus and appropriations.

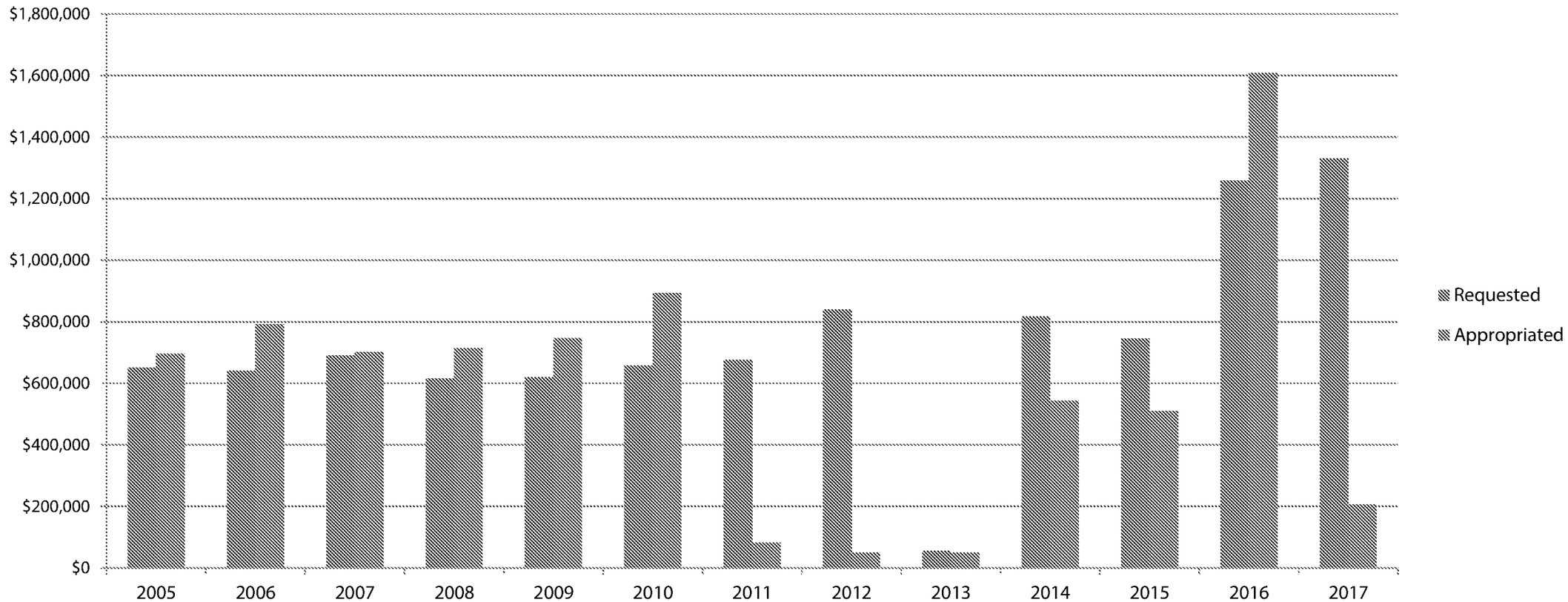
AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-00027 (FBI)-4365
18-cv-2422
FBI HQ

APPENDIX

18-cv-2422(FBI)-4366
DOJ-FBI-18-0520, 18-0521-O-000048

History of Budget Requests + Appropriations for GSA (Nationwide) New Construction
(Dollars in Thousands)



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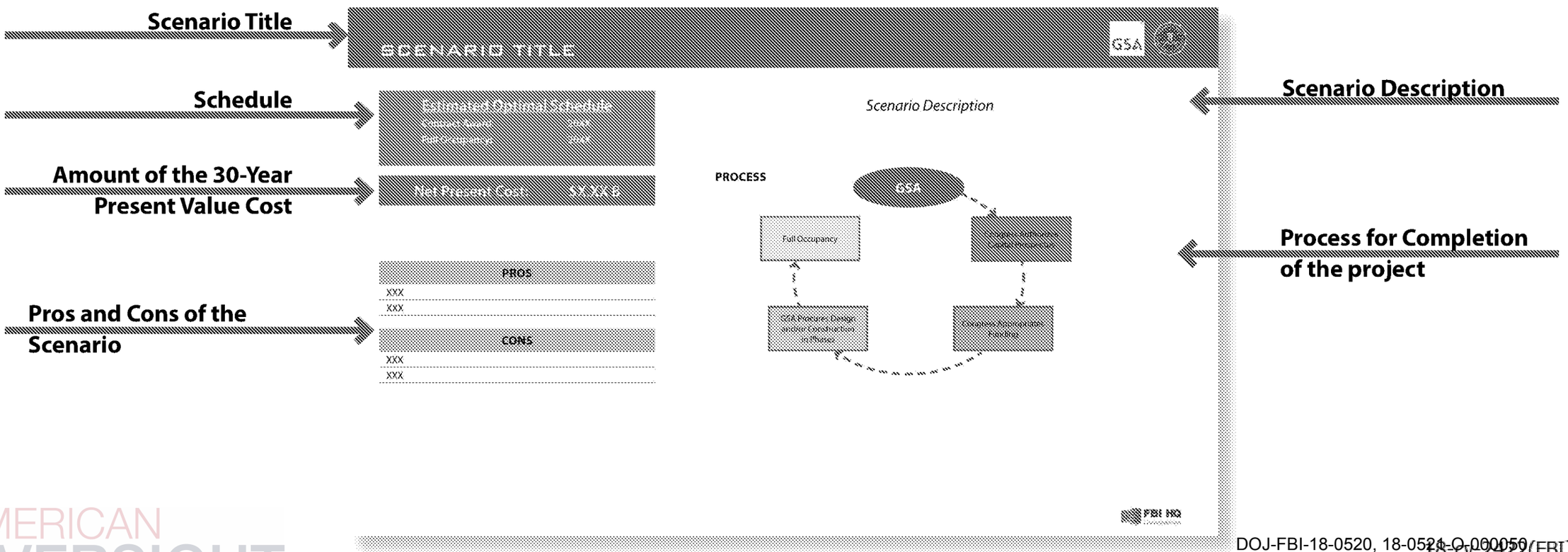
DOJ-FBI-18-0520, 18-0521-O-000049
18-cv-2422(FBI)-4367
FBI HQ

The scenarios illustrate potential ways the two acquisition authorities might proceed. The following pages are snapshots of additional scenarios providing comparative information on key factors.

LEGEND



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DOJ-FBI-18-0520, 18-0524-O-000050
18-cv-2422(FBI)-4368
FBI HQ

FEDERAL CONSTRUCTION – TRADITIONAL

Estimated Optimal Schedule

Contract Award: 2019

Full Occupancy: 2025

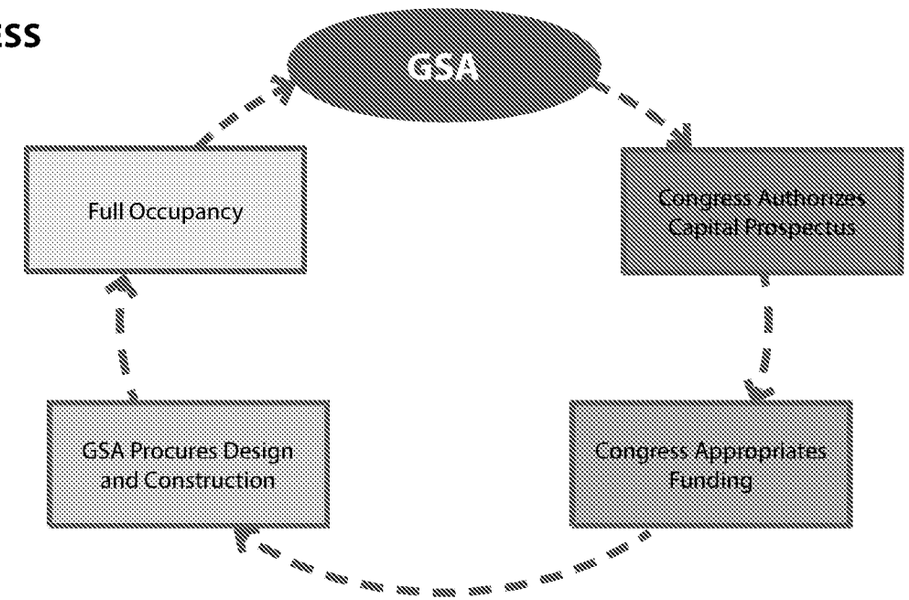
Net Present Cost: $3.34 B

PROS
Provides for Immediate Long-Term Ownership
Lower Cost of Capital

CONS
Risk of Funding Delays + Cost Increases
Higher Risk of Change Orders

Full funding made available, constructed in a single phase after Congressional authorization.

PROCESS



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DOJ-FBI-18-0520, 18-0521-O-000051
18-cv-2422(FBI)-4369
FBI HQ

LEASE CONSTRUCTION – GROUND LEASE-LEASEBACK

Estimated Optimal Schedule

Contract Award: 2019

Full Occupancy: 2025

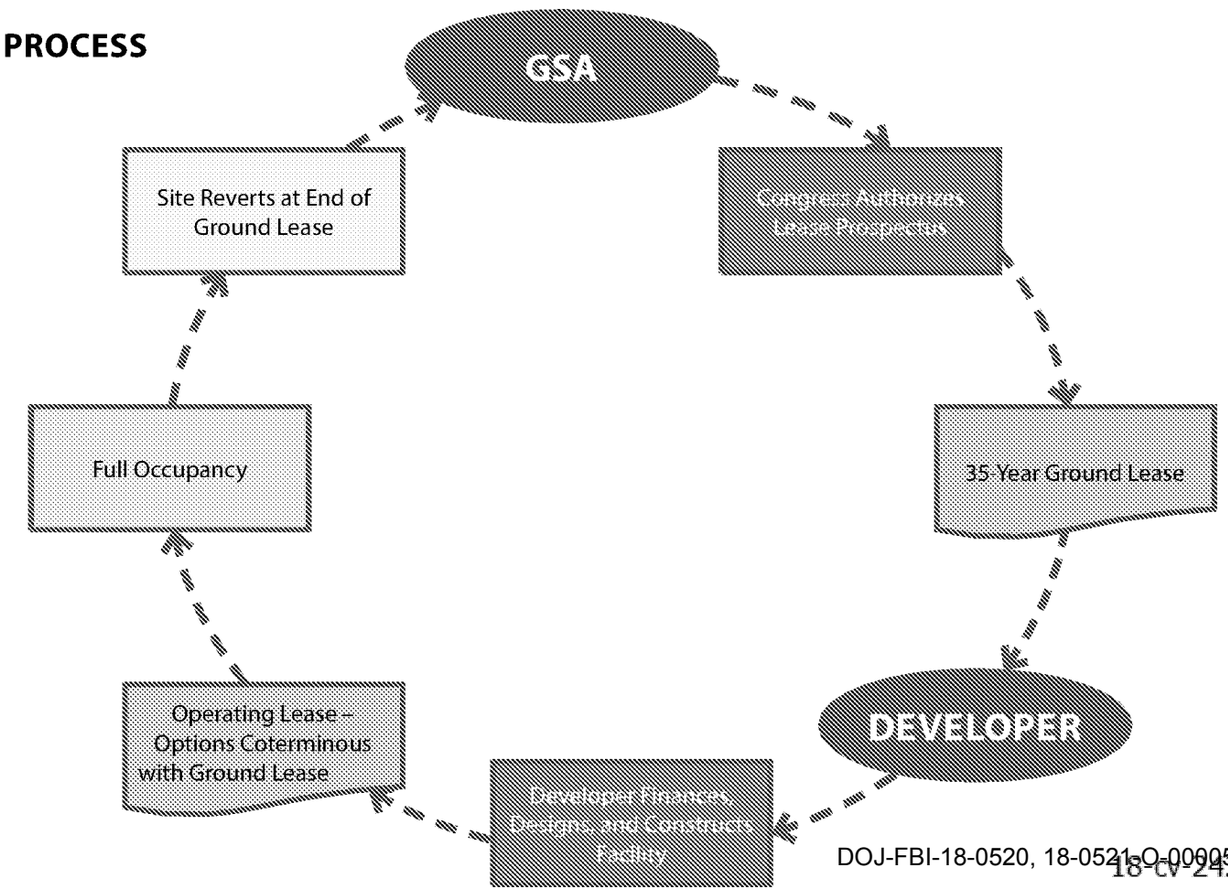
Net Present Cost: $3.83 B

Property is demolished then ground leased to developer for 35 years. Developer constructs new facility and leases back to GSA for 20 years with two renewal options, not to exceed a total of 30 years. Facility ownership reverts to US Government upon expiration of ground lease.

PROS
Timely Completion
Delivery Responsibilities Transferred to Private Industry
Provides the Taxpayer with Federal Ownership at the End of the Ground Lease at Year 30 (Max. Term)

CONS
Higher Cost of Capital
May Score as a Capital Lease

PROCESS



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DOJ-FBI-18-0520, 18-0521-O-000052
18-cv-2422(FBI)-4370
FBI HQ

Estimated Optimal Schedule

Contract Award:	2019
Full Occupancy:	2025

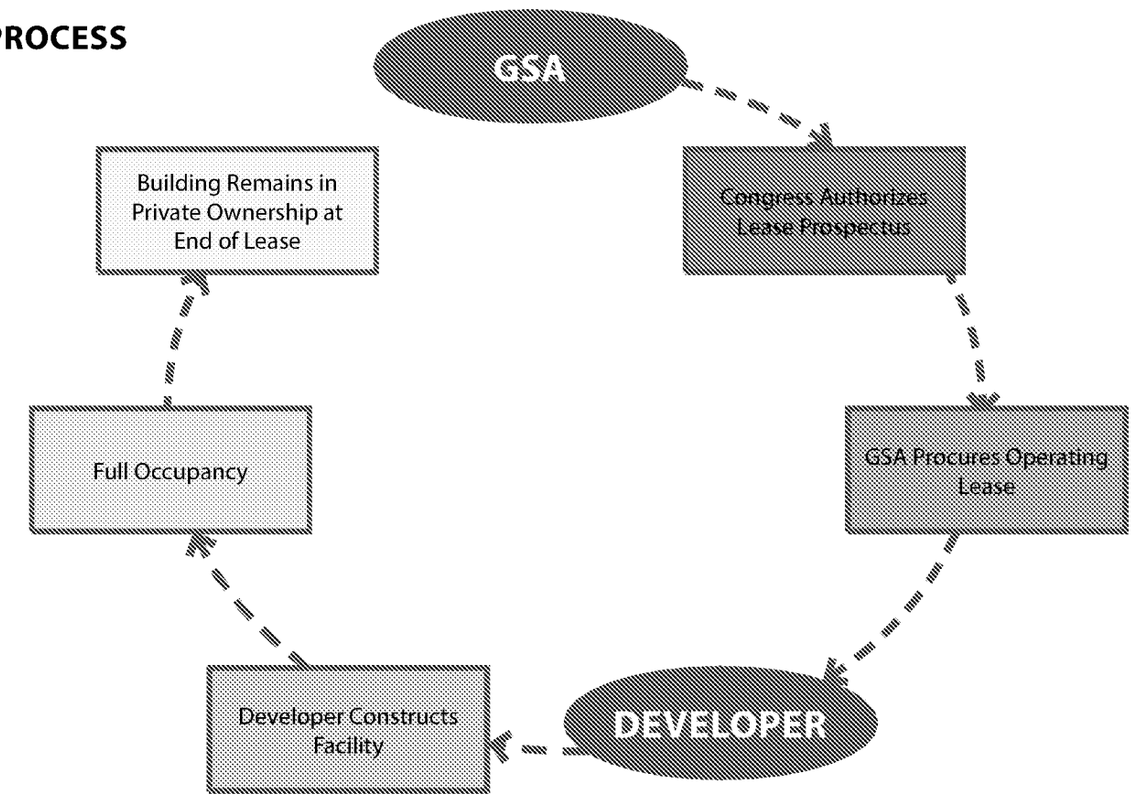
Net Present Cost: $4.57 B

PROS
Timely Completion
Move Forward Quickly
Transfers Funding + Delivery Risk to Private Sector

CONS
No Eventual Ownership
Higher Cost of Capital
May Score as a Capital Lease

GSA sells land to Developer. Developer builds facility. GSA enters into traditional operating lease from Developer. Developer retains ownership of land and facility.

PROCESS



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DOJ-FBI-18-0520, 18-0521-O-000053
18-cv-2422(FBI)-4371
FBI HQ

FEDERAL RENOVATION – PHASED

Estimated Optimal Schedule

Contract Award: 2019
Full Occupancy: 2035

Net Present Cost: $3.98 B

PROS

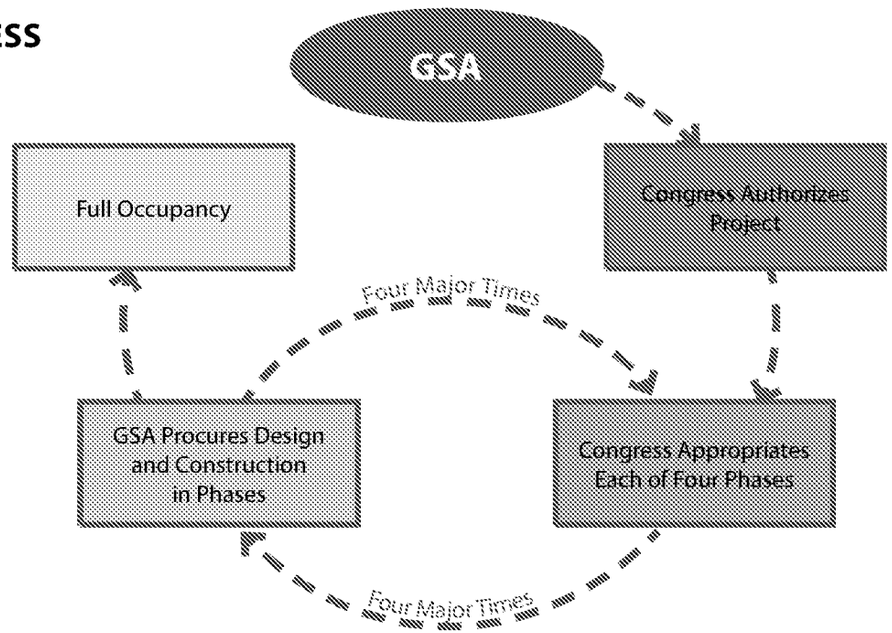
- Reduce Impact of Upfront Appropriations Required
- Provides for Immediate Long-Term Ownership
- Lower Cost of Capital

CONS

- 14 Years to Complete
- Delay Increases Project Costs
- Every Phase Runs Risk of Insufficient Funding and Delay
- Structural Renovation of an Occupied Facility
- Disruption to Ongoing Operations

Phased construction spreads funding and construction over 14 years in four major phases.

PROCESS



AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0528-C-00024(FBI)-4372
FBI HQ

Aaron Hassinger - WPIA

b6 -1 per FBI
b7C -1 per FBI

From: Aaron Hassinger - WPIA
Sent: Friday, February 9, 2018 3:41 PM
To: [redacted] Shannon.Roberts@jacobs.com; [redacted]
Subject: Fwd: FBI Project - Presentation Comments
Attachments: ATT00001.htm; Scanned from a Xerox Multifunction Printer.pdf

More edits.....

Aaron Hassinger
GSA
202-657-7239

Begin forwarded message:

From: Michael Gelber - PD <michael.gelber@gsa.gov>
Date: February 9, 2018 at 3:38:19 PM EST
To: Aaron Hassinger - WPCB <aaron.hassinger@gsa.gov>
Subject: FBI Project - Presentation Comments

As we discussed:

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AMERICAN OVERSIGHT

FBI HEADQUARTERS

REVISED NATIONALLY-FOCUSED CONSOLIDATION PLAN

2/9/2018

GSA

FBI HQ

AMERICAN OVERSIGHT

OVERVIEW

GSA and FBI are presenting a revised plan for the FBI Headquarters Consolidation project which remains a critical project and high priority.

In response to the Senate Committee on Environment and Public Works hearing on August 2, 2017 and letter from December 1, 2017, the following items are covered:

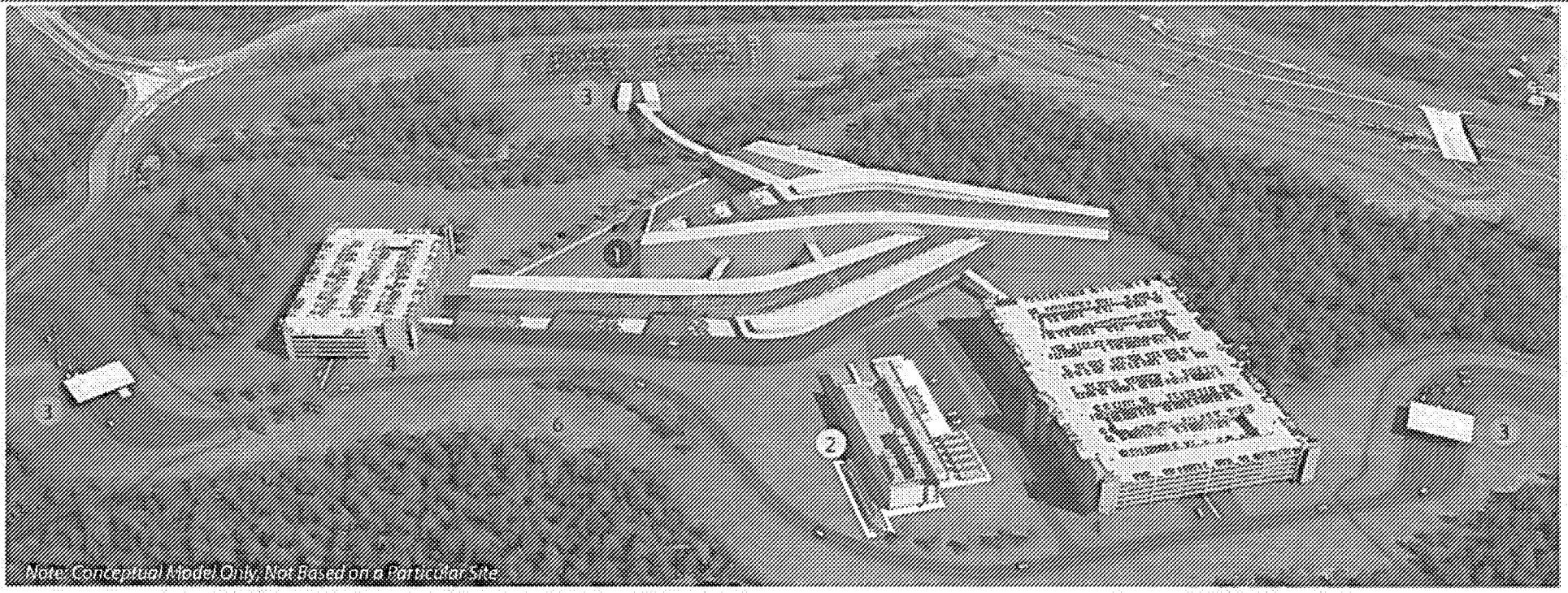
- **Project Urgency**
- **Revised Strategy**
- **Project Elements + Cost**
- **Recommendation**

GSA and FBI are committed to working closely with Congress to find a viable solution which:

- Meets FBI Critical National Security and Intelligence Operations
- Provides a Good Deal for the Taxpayer

AMERICAN OVERSIGHT

CANCELLED FULL CONSOLIDATION



Note: Conceptual Model Only, Not Based on a Particular Site

DESIGN + CONSTRUCTION: $2.65B

1 HQ Main Operations Building
- SCIF (Sensitive Compartmented Information Facility), RF (Radio Frequency) Shielding + Intrusion Detection Systems
- SIOC (Strategic Information + Operations Center)
- Mission Briefing Center
- Blast, Ballastic + CBR (Chemical/Biological/Radiological) Protection
- Health + Fitness
- Upgraded IT (Information Technology)

2 Central Utility Plant (CUP)
- Island Mode: 72-Hour Back-up Power and Redundant Utility Feeds

Visitor Center (VC)
- Remote Visitor Center + Upgraded Access Control Systems

Parking Garages

Truck Inspection Facility (TIF)
- Remote TIF + Perimeter Security

Site Work
- Perimeter Security

Design

Land + GSA + Contingency

Space Utilization:
220 USF (Usable Square Feet) per Person (Existing)
182 USF per Person (Planned)

FBI FIT-OUT: $915M

- Active IT
- Furniture, Fixtures and Equipment (FF&E)
- Security Equipment + Services
- Program Management Office
- Move
- Decommissioning / Dual Operations
- GSA Reimbursable Work Authorizations Fees

TOTAL COST: $3.57B

FBI HQ

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DOJ-FBI-18-0520, 18-0521-O-000058
18-cv-2422(FBI)-4377

CANCELLED FULL CONSOLIDATION: CAMPUS PROGRAM ELEMENTS

The full consolidation program funding strategy was a combination:

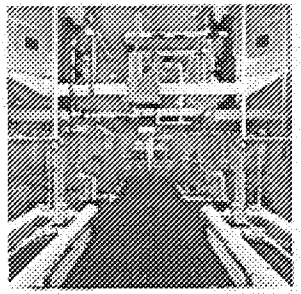
JEH Exchange Value

+

Federal Appropriations

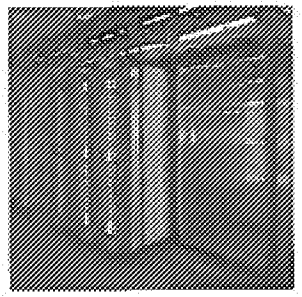
The Exchange Procurement was cancelled in July 2017. It was jointly determined by GSA and FBI that making a contract award without full funding put the Government at risk of cost escalations and the potential reduction in value of the JEH site.

72 Hour Back-up Power + Redundant Utility Feeds



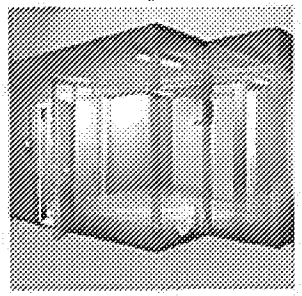
- In an attack against the U.S. Government, the initial national security operations will be hosted from the SIOC.
- Provides continuous operations capabilities until the mission can be moved to a more permanent, stable location if needed.

Upgraded IT (Information Technology)



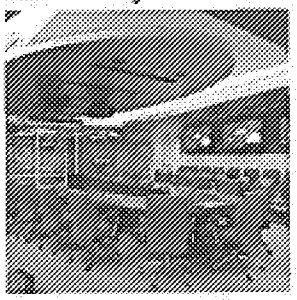
- FBI requires multiple operations networks at various classification levels and several monitoring networks for mission protection.
- These networks add considerable scope and complexity to the IT infrastructure versus a corporate facility of comparable size.

SCIF, RF Shielding + Intrusion Detection Systems



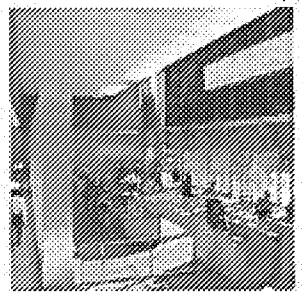
- A SCIF is a cube with protective layers on all six sides and outfitted with RF (Radio Frequency, electromagnetic radiation) shielding and intrusion detection systems to avert surveillance efforts.
- Home of all intelligence operations; prevents classified information from leaking out and stops outside threat from listening into sensitive conversations.

Mission Briefing Center



- Unclassified auditorium to brief non-FBI law enforcement partners on joint operations as well as a large SCIF to support high level SCI briefings between IC partners.
- Designed as dual purpose training and conference area amid operational use to maximize value.
- Unclassified briefing space has been a multi-decade inadequacy of the J. Edgar Hoover (JEH) Building.

Visitor Center, Perimeter Security + Upgraded Access Control Systems

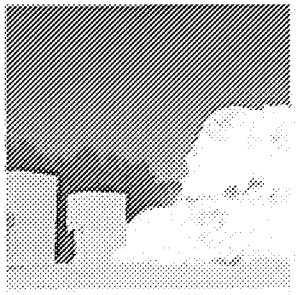


- Visitor Center and upgraded access control system prevents unauthorized personnel intrusion.
- Perimeter barriers protect against vehicle borne threats into the facility.

Strategic Information Operations Center (SIOC)

- Heart of the FBI's operational capability and the nerve-center for managing all operations at both global and national scale.
- Critical operation space with large square foot + technical requirements.
- Integrates cases with U.S. Department of Justice and other IC agencies and partners.
- May host the President and the Attorney General during critical operations.

Blast, Ballastic + CBR Protections



- FBI's symbolism and high security threats due to national security missions mandate enhanced protection.
- To ensure mission continuity, the headquarters must be built with blast and ballistic protection against a classified threat and some mission spaces have to be protected against CBR attacks.

Acronym List

CBR	Chemical Biological & Radiological
IC	Intelligence Community
RF	Radio Frequency (electromagnetic radiation)
SCI	Sensitive Compartmented Information
SCIF	Sensitive Compartmented Information Facility
SIOC	Strategic Information & Operations Center

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DOJ-FBI-18-0520, 18-0521-O-000059

18-cv-2422(FBI)-4378

URGENCY OF PROJECT

GSA

Cost of Inaction:

$84 M Annually

For Construction Escalation Using a Conservative 2% on $2.8 + JEH Sustainment Cost

Expensive Operations + Maintenance Cost

- **$142M** Annually for Leases (2.7M SF of Leased Space)
- **$42M** Annual Maintenance Costs for the J. Edgar Hoover Building (JEH)
- **$160M** Potential Emergency Repairs that put FBI Operations at Risk, Probability Increasing Exponentially Each Year of Delay

Delay = Increased Cost

Criteria for Success:

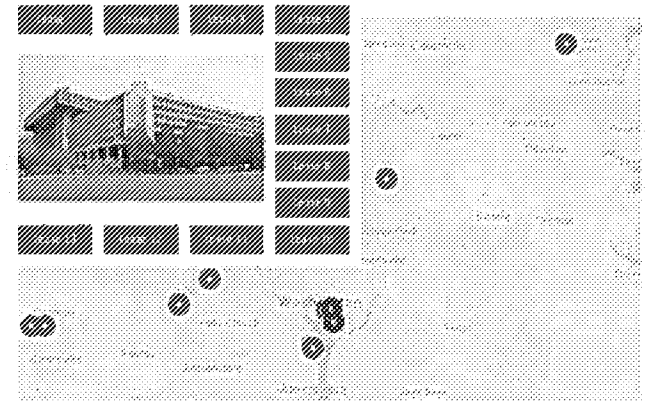
- ✓ **A Headquarters (HQ) Capable of Supporting the FBI National Security + Intelligence Operations**
- ✓ **A Good Deal for the Taxpayer**

Scattered Mission + Inadequate Capacity

- FBI Operations are Scattered Across JEH and 13 Leased Locations Causing Significant Challenges to Command and Control of Mission Elements
- JEH was Built in the 1960s as a Police Precinct Not Intended to House Operation Centers for 21st Century's Rapidly Changing, Asymmetrical National Security Missions (Intelligence, Terrorism, Cyber)
- The Current Infrastructure does not have Adequate Capacity to Support the Significant Demand of the Operations Space

Failing Infrastructure

- JEH Infrastructure is on a Path to Catastrophic Failure with Key Building Systems Past their Expected Service Lives
- Exterior and Interior Concrete Structure is Failing



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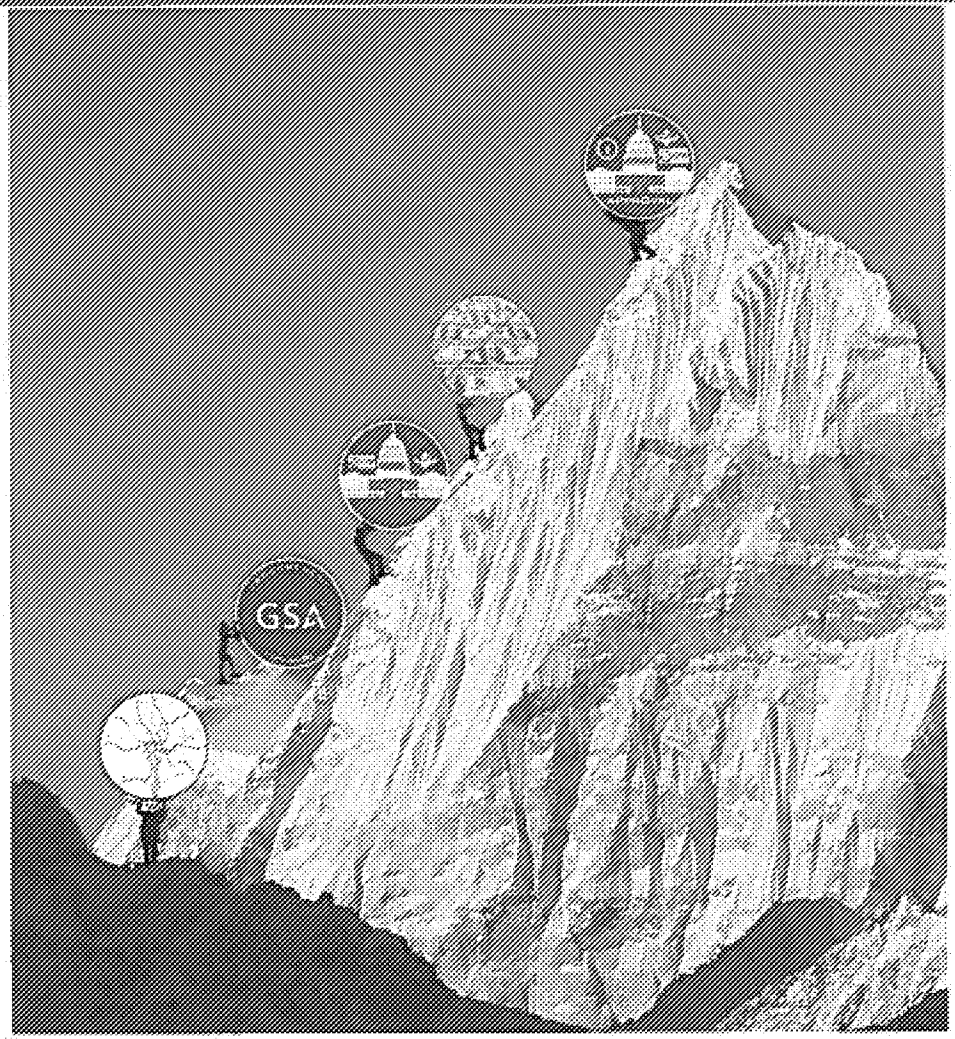
REVISED APPROACH TO ACHIEVE ESTABLISHED GOALS



The FBI HQ Program has undergone a number of starts and stops. After multiple years of unsuccessfully pursuing a Fully Consolidated HQ in the National Capital Region (NCR) – the FBI along with GSA took the latest restart as an opportunity to re-evaluate all project elements, including:

- Scope
- Location
- Cost
- Acquisition Strategy

This re-evaluation resulted in a revised approach which focused on achieving the following goals:

- Reduce Cost
- Explore Viable Acquisition Strategies
- Identify an Acceptable Funding Solution between All Stakeholders

Revised strategy presents an opportunity to resolve long term goal of delivering consolidated FBI Headquarters.

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FBI HEADQUARTERS – A REVISED, NATIONALLY-FOCUSED CONSOLIDATION

GSA

ORIGINAL HQ CONSOLIDATION PLAN
DC Region Focus
(2013-2017)

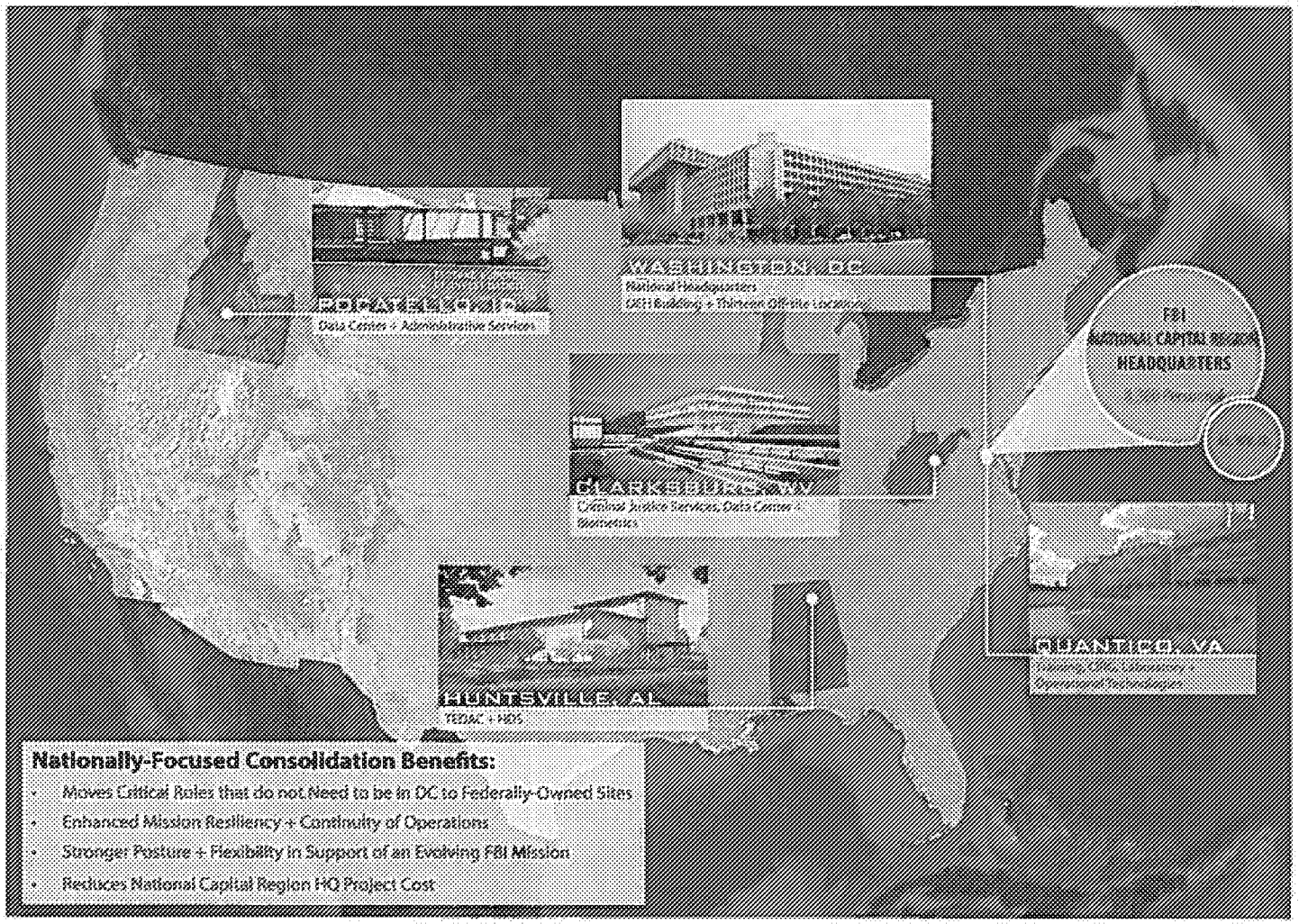
Govt Owned (J. Edgar Hoover)	5,692
DC Leases (x4)	2,115
VA Leases (x7)	2,413
MD Leases (x2)	188
Subtotal	10,408
Growth (0.2% annually over 10 years)	198
DC Region HQ Staff	**10,606**

REVISED, NATIONALLY-FOCUSED CONSOLIDATION PLAN
(2018)

DC Region HQ Staff	**8,300***
National HQ Staff: AL, WV, ID	**2,306***

FBI Reduced its DC Region HQ Program Significantly to Form a Nationally-Focused Portfolio Allowing Greater Mission Resiliency and Flexibility

*Preliminary Estimates - Subject to Revisions



Nationally-Focused Consolidation Benefits:

- Moves Critical Roles that do not Need to be in DC to Federally-Owned Sites
- Enhanced Mission Resiliency + Continuity of Operations
- Stronger Posture + Flexibility in Support of an Evolving FBI Mission
- Reduces National Capital Region HQ Project Cost

FBI HQ

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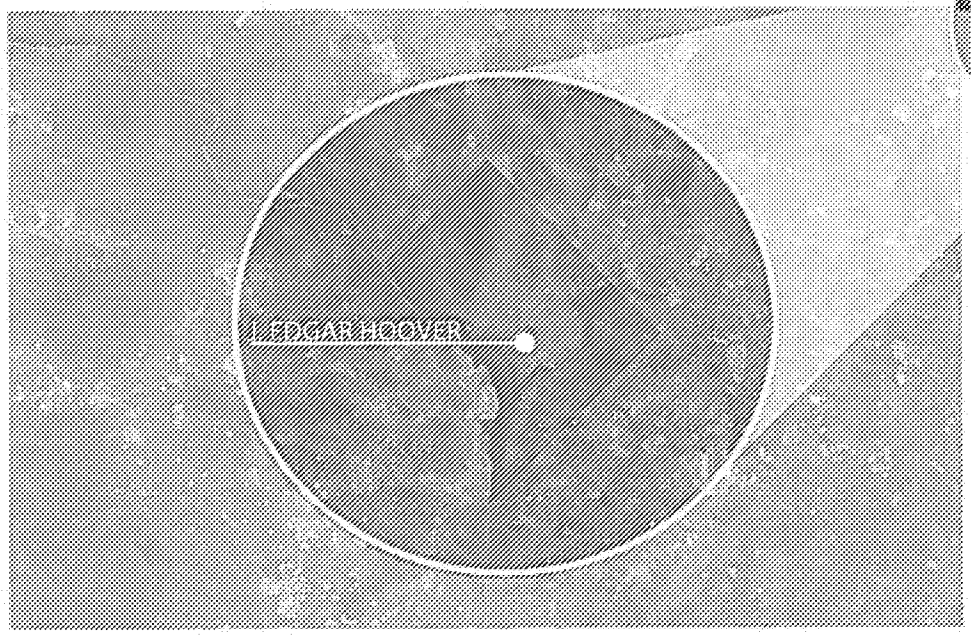
18-cv-2422(FBI)-4381

REVISED NATIONAL CAPITAL REGION STRATEGY

Reutilization of the *federally owned JEH site* will provide the FBI with a headquarters capable of supporting national security and intelligence operations while providing a *good deal for the taxpayer.*



FBI NATIONAL CAPITAL REGION HEADQUARTERS

Under a reduced program size, GSA and FBI also re-evaluated site alternatives; reutilization of the federally owned J. Edgar Hoover (JEH) site provides multiple benefits to the FBI and will save the Taxpayer $500M+. These benefits include:

- No Land Acquisition Cost
- Reduced Off-site Transportation Mitigation Cost
- Reduced Parking Needs and Cost
- Reduced Site Development Cost
- Maintains Established and Close Proximity to FBI Mission Partners
- Provides Multiple Points of Access for FBI Employees

Much of the prior work can be leveraged for this approach, including:

- **FBI Program of Requirements (POR):** Substantial Reuse
- **Environmental Impact Study (EIS):** Partial Reuse; data and analysis related to the JEH site
- **Request for Proposal (RFP):** Partial Reuse; Security (Process + Procedures), O&M, and Commissioning Content Remains Unchanged

FBI HQ

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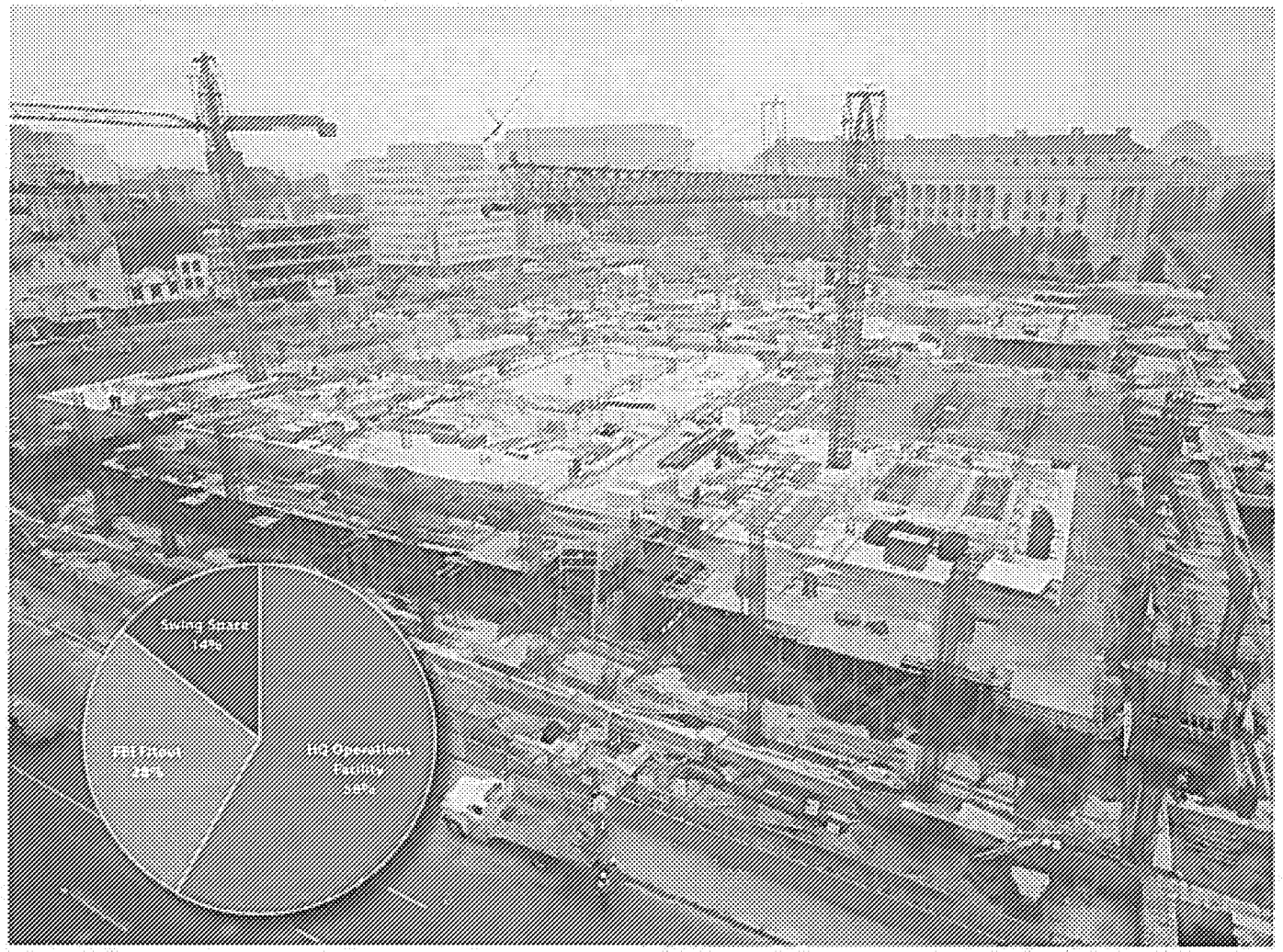
DEMOLISH + REBUILD: PROGRAM ELEMENTS + TOTAL COST



DESIGN + CONSTRUCTION: $1.93 B*

HQ Operations Building: 2.6M GSF

- SCIF (Sensitive Compartmented Information Facility), RF (Radio Frequency) Shielding + Intrusion Detection Systems
- SIOC (Strategic Information Operations Center)
- ESOC (Enterprise Security Operations Center)
- SOC (Security Operations Center)
- Mission Briefing Center
- Blast, Ballastic + CBR (Chemical/Biological/Radiological) Protection
- Health + Fitness
- Upgraded IT (Information Technology)
- Visitor Center (VC)
- Parking

FBI FIT-OUT: $923 M*

- Furniture, Fixture + Equipment
- Active IT/AV
- Security Equipment + Escorts
- Program Management
- Move
- Escalation

SWING SPACE**: $479 M*

- Design
- Tenant Improvements
- Furniture, Fixture + Equipment
- Active IT/AV
- Moves

3.28

TOTAL COST: $3.3 B*

Preliminary Estimates - Subject to Revisions

** Rent not included in this Estimate as the Differential with Current Rent Payments not Determined*

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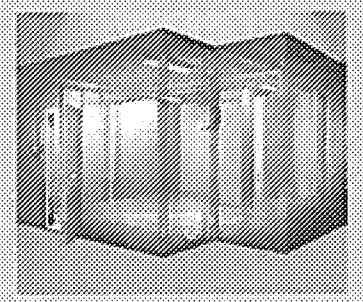
18-cv-2422(FBI)-4383

COMPARISON OF URBAN/SUBURBAN MISSION ELEMENTS

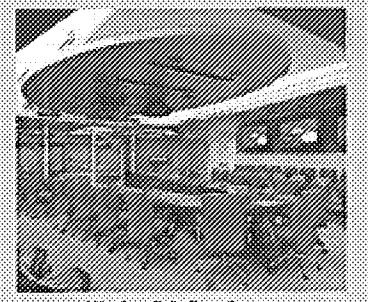
GSA

NO CHANGES TO MISSION ELEMENTS



SCIF, RF Shielding + Intrusion Detection Systems

Strategic Information Operations Center (SIOC)

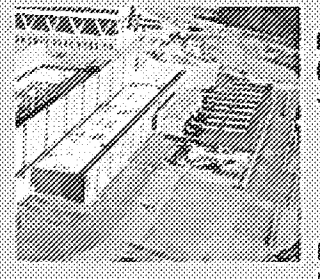


Mission Briefing Center

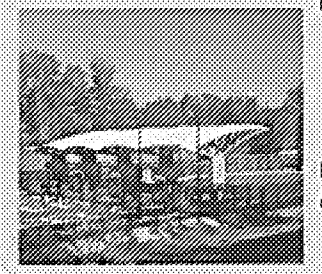
Blast, Ballastic + CBR Protections

Upgraded IT (Information Technology)

SUBURBAN MISSION REQUIREMENTS



Detached Central Utility Plant (CUP): 72 Hour Back-up Power + Redundant Utility Feeds

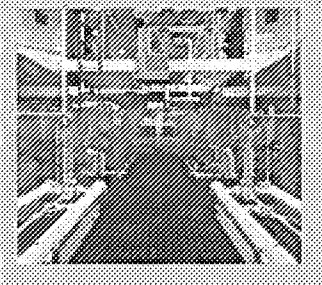


Remote Truck Inspection Facility (TIF)

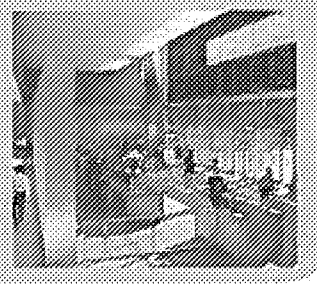
Detached Visitor Center (VC) + Access Control

URBAN MISSION REQUIREMENTS

No Separate Central Utility Plant (CUP) – All Functions Located within the Main Building



No Remote Truck Inspection Facility (TIF) – Continued Use of the Chewerly Facility



No Detached Visitor Center – All Functions Located within the Main Building

FBI HQ

2/9/2018

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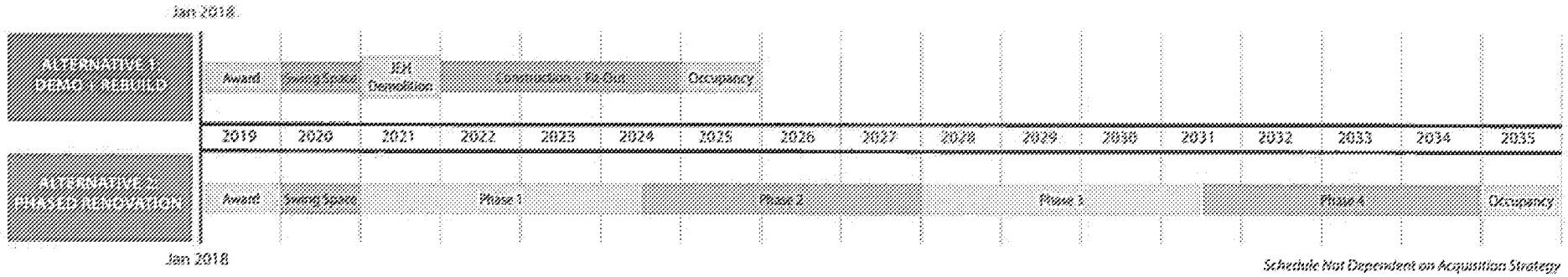
LEVERAGING THE JEH SITE: RENOVATE VS. DEMOLISH + REBUILD

ALTERNATIVE 1: DEMOLISH + REBUILD	CRITERIA COMPARISON	ALTERNATIVE 2: FOUR-PHASE RENOVATION
~~$3.3 B~~ 3.2B	PROGRAM COST	~~$3.8 B~~ 3.7B
2025	YEAR OF OCCUPANCY	2035
~4,000 Personnel	SWING SPACE NEEDS	~1,800 Personnel
Full Compliance	SECURITY	Progressive Collapse Compliance Concerns
Planned	MISSION DISRUPTIONS	Unplanned
8,300	CONSOLIDATION	7,750 Plus 550 in Leased Space
~182 USF Per Person	SPACE UTILIZATION + EFFICIENCY	~215 USF Per Person

RECOMMENDATION: DEMOLISH + REBUILD

Performs Better in Six of Seven Comparisons of Criteria:

- Cheaper Program Costs
- Faster Delivery
- Mitigates Security Concerns
- Less Mission Disruptions
- Improved Efficiency



Schedule Not Dependent on Acquisition Strategy

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FUNDING GAP ANALYSIS

GSA

FULL CONSOLIDATION				JEH REBUILD			
10,606			PERSONNEL	8,300			
2017			CONTRACT AWARD	2019			
$ 3,565	M		TOTAL	$ 3,225	M		Comments
$ 2,650	M		DESIGN + CONSTRUCTON	$ 1,926	M		Includes: Design, Construction, Developer Fees, Land, Contingency
$ (703)	M		FY16 + FY17 APPROPRIATIONS	$ (703)	M		GSA + FBI Construction Appropriations
$ (750)	M		ANTICIPATED JEH*				
$ (315)	M		DOJ WORKING CAPITAL FUND				Account requires contributions before withdrawals
$ 882	M		INCLUDING JEH CREDIT	$ 1,223	M		
$ 1,632	M		EXCLUDING JEH CREDIT	$ 1,223	M		
$ 915	M		FBI FIT-OUT	$ 923	M		Includes: IT, Security, FF&E, Move, Decommissioning, PMO
$ -	M		TEMPORARY SWING SPACE	$ 479	M		Design and construction excluding rent payments**
$ (135)	M		FY16 PRIOR YEAR AUTHORIZATION	$ (135)	M		
			DOJ WORKING CAPITAL FUND	$ (315)	M		Recommend DOJ WCF be applied to Fit-Out
$ 780	M		SUBTOTAL	$ 952	M		
$ 2,412	M		TOTAL SHORTFALL	$ 2,175	M		

*Presented value used for planning purposes. Actual bids procurement sensitive.

**Rent not included in this estimate as the differential with current rent payments not determined.

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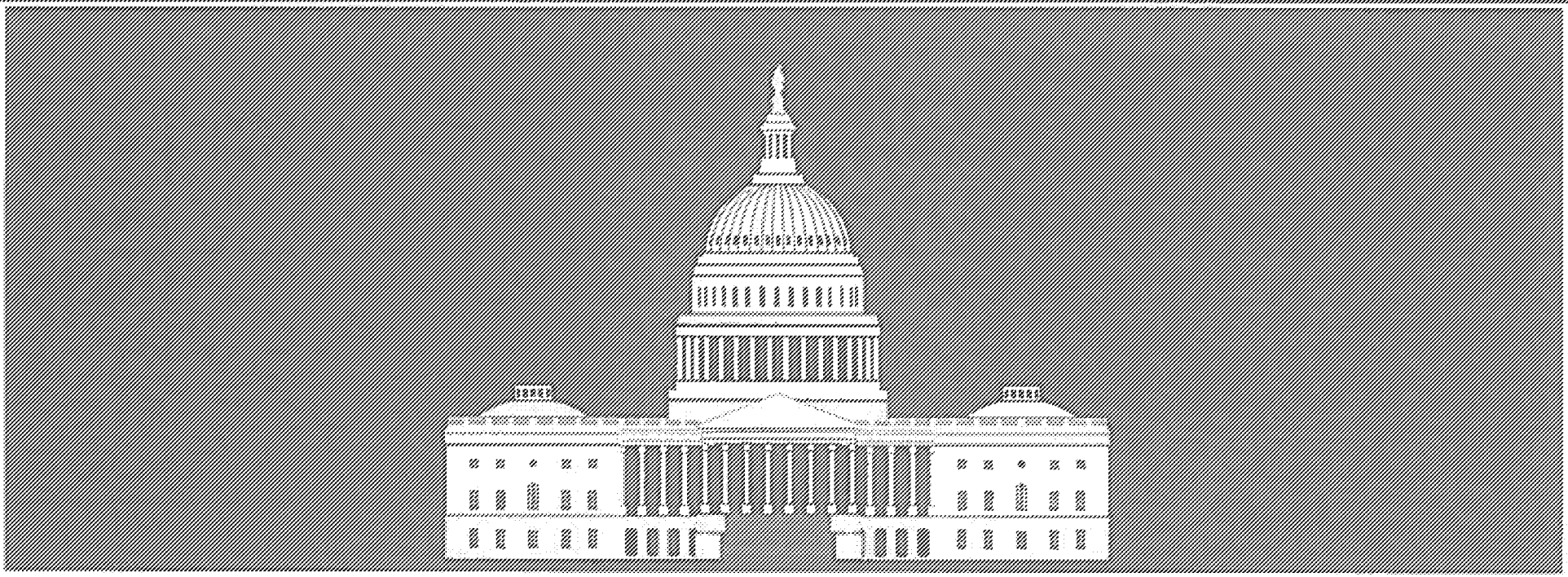
18-cv-2422(FBI)-4386

FUNDING OPPORTUNITY



- Two-Year Budget Cap Deal Provides a Unique Opportunity to Secure Appropriations for the FBI Headquarters
- The Administration is Seeking $2.175B in Appropriations to Fully Fund Federal Construction to Demolish and Rebuild JEH
- Congressional Support and Timely Funding will be Critical to Ensure a Successful Project

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DOJ-FBI-18-0520, 18-0521-Q-000068 18-cv-2422(FBI)-4387

IMPORTANCE OF TIMELY FUNDING

GSA

Federal Phased Appropriations - Actual Example

FDA WHITE OAK

Appropriations by Year in $Millions

FY1996	$55
FY2000	$35
FY2001	$92
FY2002	$19
FY2003	$38
FY2004	$42
FY2005	$89
FY2006	$128
FY2007	$178
FY2008	$58
FY2009	$163
FY2010	$140
FY2011	$43
FY2012	$10
Total Required for Phased Appropriations:	**$1,090**
Total Required for ~~Traditional~~ Appropriations:	**$584**
Completion Year:	**2014**

Delays Associated with Funding Increases Cost Substantially, with Each Phase Needing Re-Compete and Re-mobilization

Insufficient or Delayed Funding

Can Lead to Sub-Optimal Decisions

Operating Lease - Actual Example

DEPARTMENT OF TRANSPORTATION

Payment in $Millions

FY2007 – FY2037

15-Year Shell Rent + Purchase Option:	**$1,293**
Total Estimated Lease Payments (30 years):	**$1,445**
Completion Year	**2006**
Original Planned Duration:	**5**
Actual Years to Complete:	**5**

The Bush Administration sought funding to begin Federal construction of a new DOT headquarters, but Congress did not provide requested funds. Instead, in P.L. 105-277, GSA was directed to enter into an operating lease, provided that the lease met OMB A-11 Guidelines for Operating Leases as determined by the OMB Director.

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Where is slide 15?

PATH FORWARD

GSA

1. GSA submits additional Prospectus.
2. GSA proceeds with the planning and procurement consistent with the existing authorization and/or appropriations.
3. The Senate and House authorize ~~the required~~ a Prospectus and provide appropriations.

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APPENDIX

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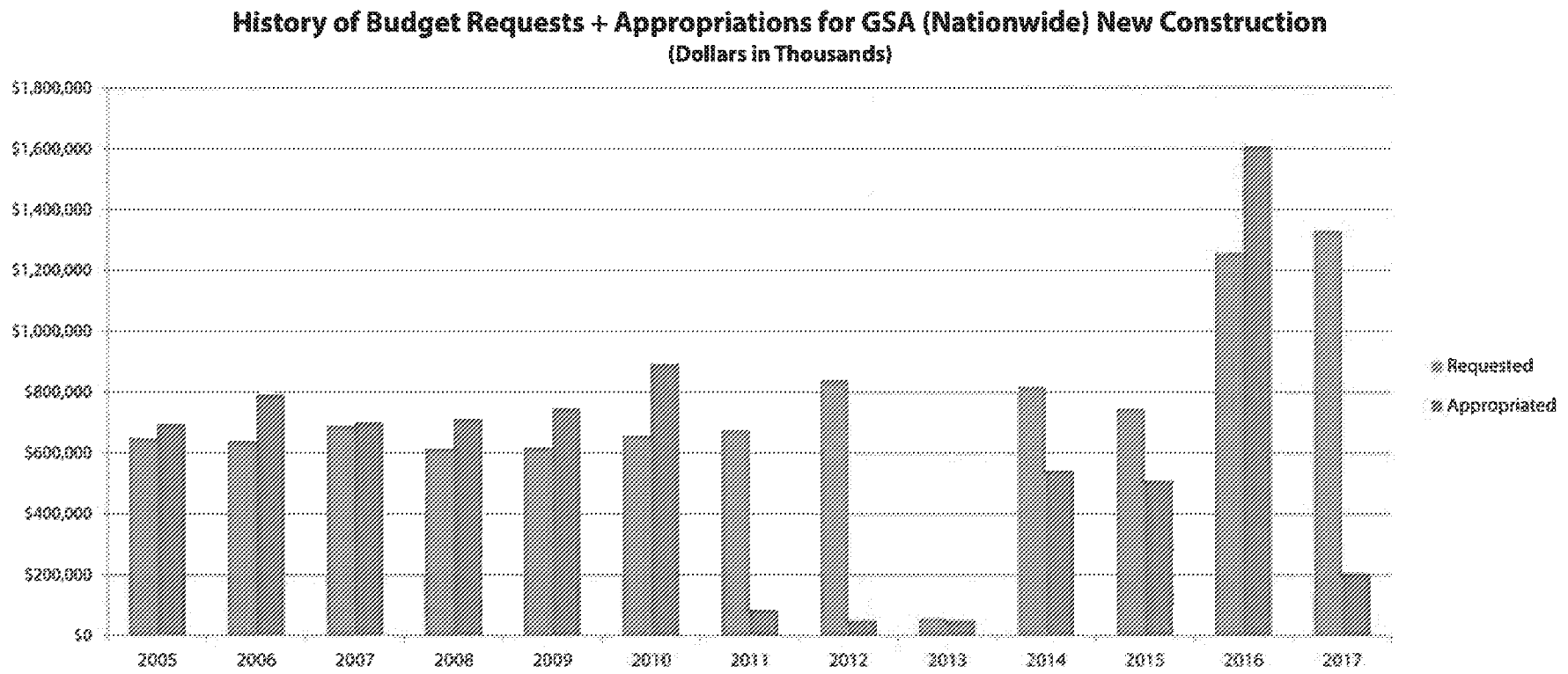
HISTORY OF BUDGET REQUESTS + APPROPRIATIONS



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18-cv-2422(FBI)-4391

GSA AUTHORITIES

FEDERAL CONSTRUCTION

- 40 U.S.C. § 3305: Construct a new public building to take the place of an existing building

Traditional	Full funding made available after authorization and constructed in a single phase.
Phased Renovation	Phased construction spreads funding and construction over 14 years in four major phases. Gaps in funding causes significant costs for re- procurements and re-mobilization (e.g. St. Elizabeths).
Hybrid: Federal + GL-LB	Half Federal Construction + half Lease Construction in a single phase. Full funding made immediately after authorization of Capital and Lease prospectuses. Expiration of the ground lease provides for Federal ownership.

LEASE CONSTRUCTION

- Pub. L. 108-447 § 412: "...may convey, by sale, lease, exchange or otherwise, including through leaseback arrangements, real and related property, or interest therein..."
- 40 U.S.C. § 585 (a): Enter into a lease agreement for the accommodation of a federal agency; terms not to exceed 20 years
- 40 U.S.C. § 585 (c): Execute a lease/leaseback arrangement for up to 30 years

Lease	Sale of JEH to selected developer. Traditional build-to-suit lease of new building. No Federal ownership (e.g. DOT HQ).
Lease with Purchase Option	Sale of JEH to selected developer. Traditional build-to-suit lease of new building. Purchase option provides possible Federal ownership.
Ground Lease - Leaseback	Property is demolished then ground leased to developer for 35 years. Developer constructs new facility and leases back to GSA for 20 years with two renewal options, not to exceed a total of 30 years. Facility ownership reverts to US Government upon expiration of ground lease.

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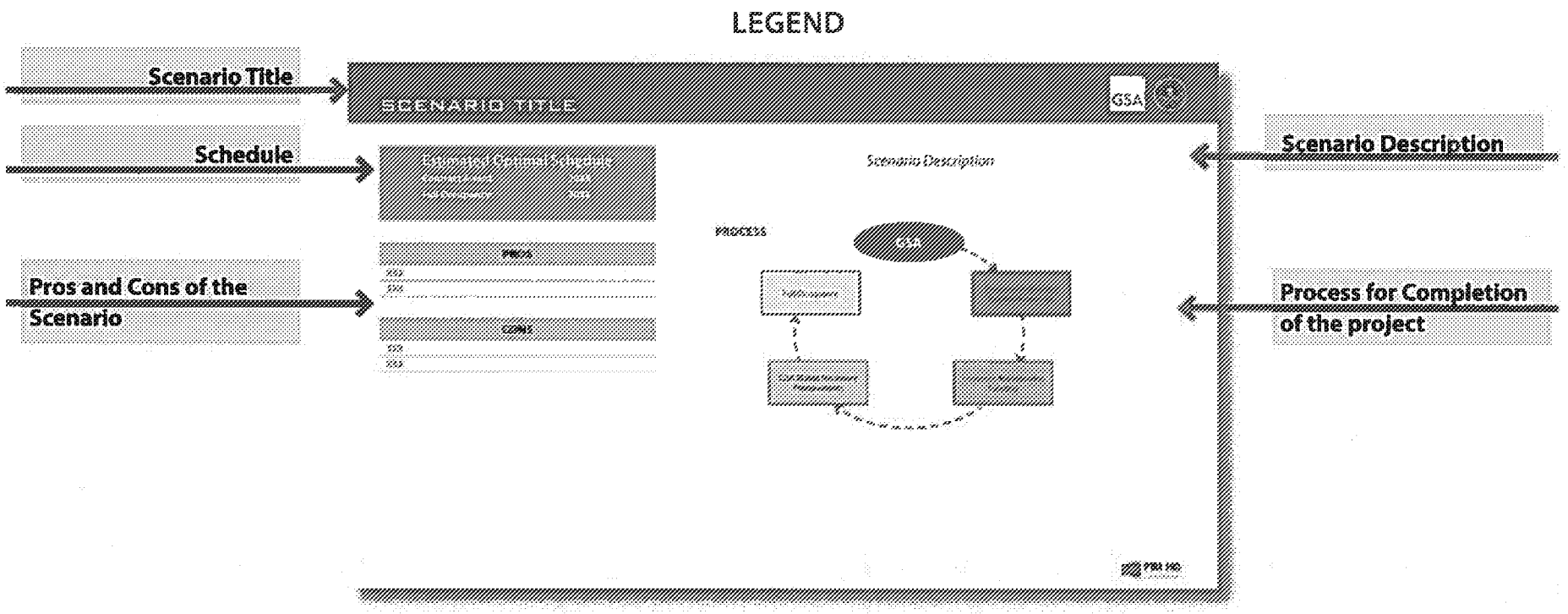
DOJ-FBI-18-0520, 18-0521-O-000073
18-cv-2422(FBI)-4392

SCENARIOS

The scenarios illustrate potential ways the two acquisition authorities might proceed. The following pages are snapshots of additional scenarios providing comparative information on key factors.



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DOJ-FBI-18-0520, 18-0521-O-000074
18-cv-2422(FBI)-4393

FEDERAL CONSTRUCTION – TRADITIONAL

Estimated Optimal Schedule

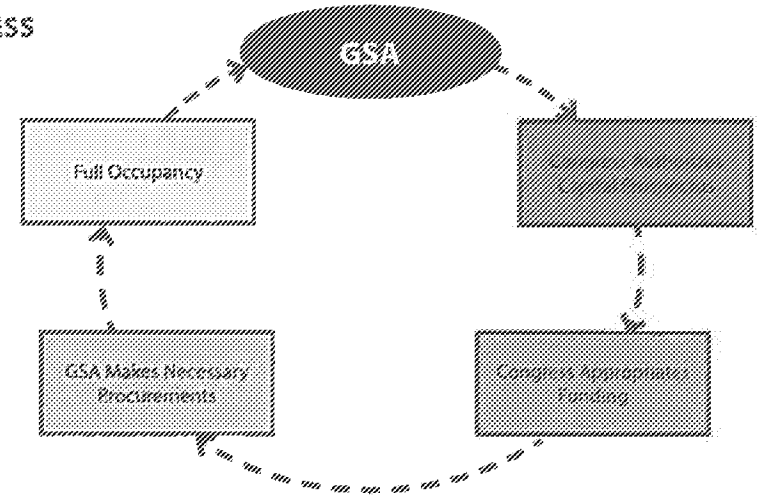
Contract Award: 2019
Full Occupancy: 2025

PROS
Provides for Immediate Long-Term Ownership
Lower Cost of Capital

CONS
Risk of Funding Delays + Cost Increases
Higher Risk of Change Orders

Full funding made available, constructed in a single phase after Congressional authorization.

PROCESS



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DOJ-FBI-18-0520, 18-0521-O-000675
18-cv-2432(FBI)-4394

LEASE CONSTRUCTION – GROUND LEASE-LEASEBACK

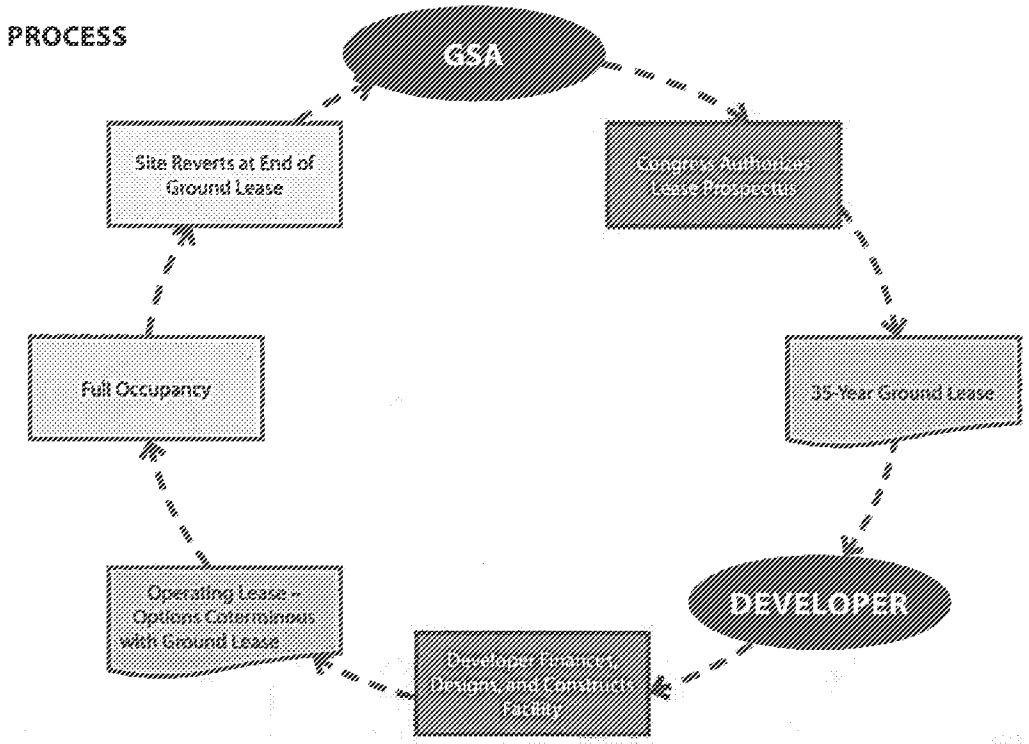
Estimated Optimal Schedule

Contract Award:	2019
Full Occupancy:	2025

PROS
Timely Completion
Delivery Responsibilities Transferred to Private Industry
Provides the Taxpayer with Federal Ownership at the End of the Ground Lease at Year 30 (Max. Term)

CONS
Higher Cost of Capital
May Score as a Capital Lease

Property is demolished then ground leased to developer for 35 years. Developer constructs new facility and leases back to GSA for 20 years with two renewal options, not to exceed a total of 30 years. Facility ownership reverts to US Government upon expiration of ground lease.



FBI HQ

AMERICAN OVERSIGHT

18-cv-2422(FBI)-4395
DOJ-FBI-18-0520, 18-0521-O-000076

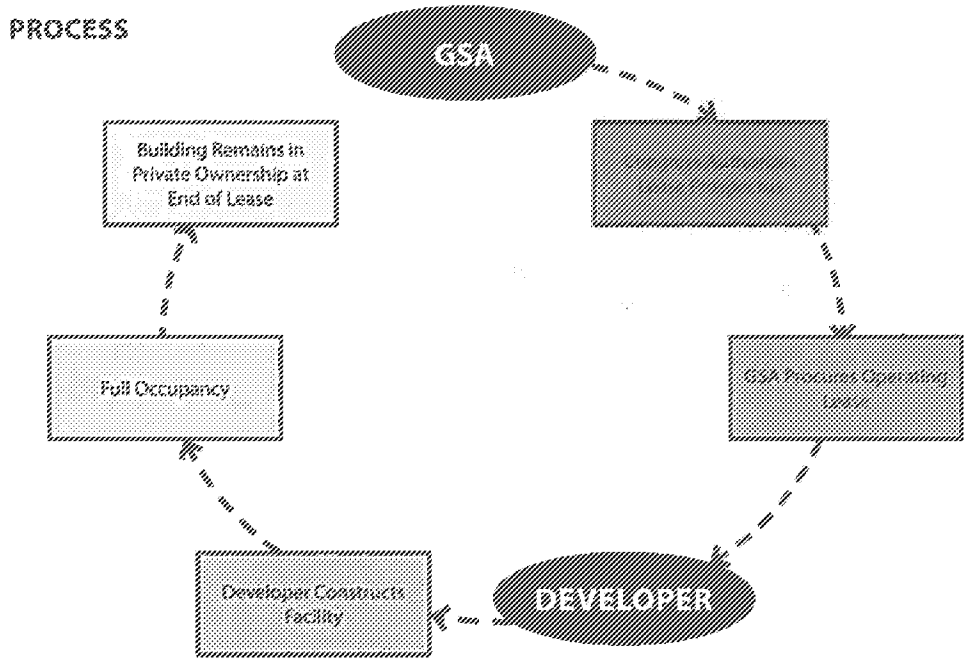
LEASE CONSTRUCTION – LEASE

Estimated Optimal Schedule	
Contract Award:	2019
Full Occupancy:	2025

PROS
Timely Completion
Move Forward Quickly
Transfers Funding + Delivery Risk to Private Sector

CONS
No Eventual Ownership
Higher Cost of Capital
May Score as a Capital Lease

GSA sells land to Developer. Developer builds facility. GSA enters into traditional operating lease from Developer. Developer retains ownership of land and facility.



FBI HQ

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-O-000077
18-cv-2422(FBI)-4396

FEDERAL RENOVATION – PHASED

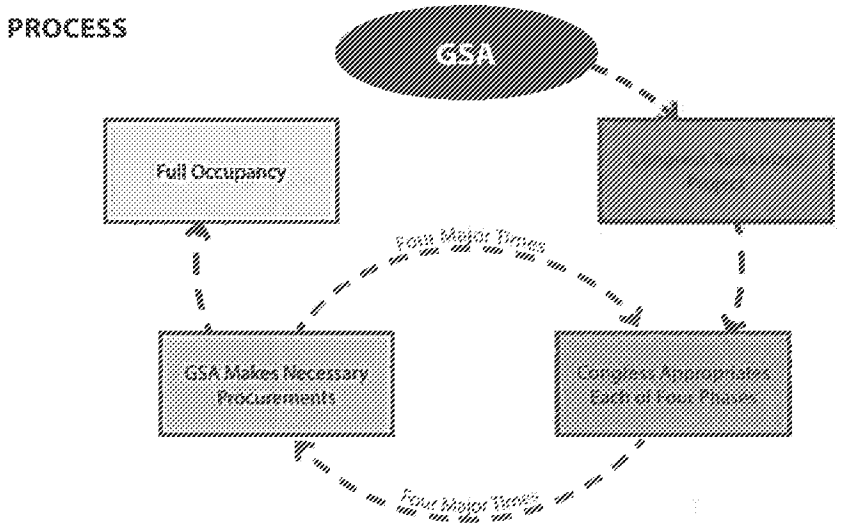
Estimated Optimal Schedule

Contract Award:	2019
Full Occupancy:	2035

PROS
Reduce Impact of Upfront Appropriations Required
Provides for Immediate Long-Term Ownership
Lower Cost of Capital

CONS
14 Years to Complete
Delay Increases Project Costs
Every Phase Runs Risk of Insufficient Funding and Delay
Structural Renovation of an Occupied Facility
Disruption to Ongoing Operations

Phased construction spreads funding and construction over 14 years in four major phases.



FBI HQ

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-O-000078
18-cv-2422(FBI)-4397

FBI Headquarters Project

Gap Analysis

$ in millions		
FBI NCR Headquarters	**Raze & Rebuild**	
Personnel	8,300	
Facility Footprint	2.6 million GSF	
Contract Award	2018	
Project Total	*$3,328*	
Design+Construction+10% Contingency		**$ 1,926**
FY 2016 Funding		($315)
- FBI Balances	$ 135	
- FBI Appropriations	$ 180	
FY 2017 Funding		($838)
- FBI Appropriations	$ 323	
- GSA Appropriations	$ 200	
- DOJ Working Capital Fund	$ 315	
Subtotal DCC Shortfall		**$ 773**
FBI Fit Out		**$ 923**
- FF&E	$ 139	
- Active IT	$ 400	
- Security	$ 192	
- Facility Impacts	$ 87	
- Deployment	$ 44	
- Program Management Office	$ 61	
Swing Space+Contingency		**$ 479**
Subtotal FitOut&Swing Space Shortfall		**$ 1,402**
Total Project Shortfall		**$ 2,175**

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[redacted]

b5 per GSA
b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

From: [redacted]
Sent: Friday, February 9, 2018 4:40 PM
To: Aaron Hassinger - WPIA
Cc: [redacted] Shannon.Roberts@jacobs.com; Mack Gaither; [redacted]
Subject: RE: FBI Project - Presentation Comments

Thanks Aaron for the call. I've talked with Shannon and she'll have an updated version to you all shortly.

Per our conversation [redacted]

Thanks and have a great weekend.

[redacted]

FBI Headquarters Consolidation-Program Management Office

[redacted]

b5 per GSA
b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

From: [redacted]
Sent: Friday, February 09, 2018 4:17 PM
To: 'Aaron Hassinger - WPIA' <aaron.hassinger@gsa.gov>
Cc: [redacted] Shannon.Roberts@jacobs.com; Mack Gaither <mack.gaither@gsa.gov>; [redacted]
Subject: RE: FBI Project - Presentation Comments

Ok. Well we can make all the requested changes but will need further direction on three items that were identified:

[redacted]

[redacted]

[redacted]

Any idea when they expect to have these edits back?

Thanks

[redacted]

FBI Headquarters Consolidation-Program Management Office

[redacted]

From: Aaron Hassinger - WPIA [mailto:aaron.hassinger@gsa.gov]
Sent: Friday, February 09, 2018 4:04 PM

AMERICAN OVERSIGHT

To: [redacted]
Cc: [redacted] Shannon.Roberts@jacobs.com; Mack Gaither <mack.gaither@gsa.gov> [redacted]
Subject: Re: FBI Project - Presentation Comments

b5 per GSA
b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Don't know.

[redacted]

Aaron Hassinger
GSA
202-657-7239

On Feb 9, 2018, at 3:46 PM, [redacted] wrote:

> Thanks Aaron – in order to [redacted] can you please [redacted]
>
> Also assume you have extra guidance on:
>
> [redacted]
>
> Thanks
>
> **FBI Headquarters Consolidation-Program Management Office**
> [redacted]
>
> **From:** Aaron Hassinger - WPIA [mailto:aaron.hassinger@gsa.gov]
> **Sent:** Friday, February 09, 2018 3:41 PM
> **To:** [redacted] Shannon.Roberts@jacobs.com; [redacted] Mack Gaither <mack.gaither@gsa.gov>
> **Subject:** Fwd: FBI Project - Presentation Comments
>
> More edits.....
>
> Aaron Hassinger
> GSA
> 202-657-7239
>
> Begin forwarded message:
>
> **From:** Michael Gelber - PD <michael.gelber@gsa.gov>
> **Date:** February 9, 2018 at 3:38:19 PM EST
> **To:** Aaron Hassinger - WPCB <aaron.hassinger@gsa.gov>

18-cv-2422(FBI)-4407
AMERICAN OVERSIGHT

Subject: FBI Project - Presentation Comments

As we discussed:

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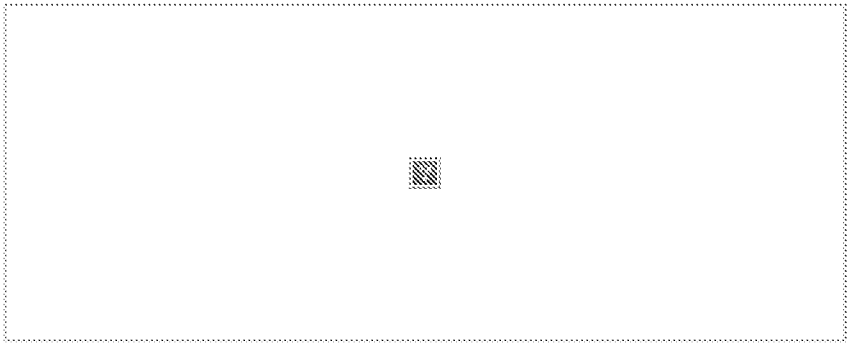

<539813375.jpg>

AMERICAN OVERSIGHT

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 18-cv-02422

Total Deleted Page(s) = 7
Page 23 ~ b5 - per GSA;
Page 24 ~ b5 - per GSA;
Page 25 ~ b5 - per GSA;
Page 26 ~ b5 - per GSA;
Page 27 ~ b5 - per GSA;
Page 28 ~ b5 - per GSA;
Page 30 ~ b5 - per GSA;

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AMERICAN OVERSIGHT

Senate Committee on Environment and Public Works
"Oversight: FBI Headquarters Consolidation Project."
February 28, 2018
Questions for the Record for Assistant Director Richard L. Haley II, FBI

Chairman Barrasso:

1. Since this project's inception, the goal has always been to consolidate FBI Headquarters staff. Yet, the revised plan would decrease the number of D.C. regional FBI employees from approximately 10,600 to 8,300 by dispersing remaining Headquarters staff to three separate national locations. Does FBI still consider this a true consolidation, or has the fundamental goal of this project changed?

FBI Draft Response:

b5 -1 per FBI

2. How is this revised plan an improvement over the flawed proposals previously brought before this Committee?

GSA Submitted Response:

FBI Draft Response:

b5 -1 per FBI, GSA

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DOJ-FBI-18-0520, 18-0521-O-000084
18-cv-2422(FBI)-6101

Senator Cardin:

3. Both the GSA and the FBI have consistently told Congress that the FBI must have a fully consolidated headquarters on a campus with ISC Level V security but the JEH site can provide neither full consolidation nor ISV Level V security. How did the "requirements" change so suddenly? Why have you changed the notion of consolidation?

GSA Submitted Response:

[redacted]

b5 -1 per FBI, GSA

FBI Draft Response:

[redacted]

4. GSA and FBI were consistent in their position that building a replacement FBI headquarters on the site of the current JEH building was not an option because it could not achieve ISC Level V security. Have the FBI's security needs changed? Has the threat level decreased?

GSA Submitted Response

[redacted]

b5 -1 per FBI, GSA

FBI Draft Response:

[redacted]

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000085
18-cv-2422(FBI)-6102

5. Who in the Executive Branch was involved in the July, 2017 decision to cancel the original procurement? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

b5 -1 per FBI, GSA

6. Who in the Executive Branch was involved in the development of the plan which was submitted to the Environment and Public Works Committee on February 12, 2018? Were there any conversations with anyone from the Executive Office of the President? If so, please state with whom, when and the reason for the conversation.

[redacted]

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

b5 -1 per FBI, GSA

7. According to GSA's site selection guide, site selections are made by balancing the initial cost of the real estate with the goals of the organization, the functioning of the organization, the overall cost of executing the project, security impacts to the organization, the cost of operating the facility, the benefit to the local community and the environment. Where is the analysis of the JEH site? Can you provide the Committee with a copy of that analysis?

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

b5 -1 per FBI, GSA

AMERICAN OVERSIGHT

8. How many of the 2,300 people whose jobs are being planned to relocate are expected to move to keep their jobs? Where do those 2,300 employees currently live (by State)?

GSA Submitted Response:
GSA respectfully requests this question be directed to FBI.

FBI Drafted Response:

b5 -1 per FBI

9. What percentage of the 2,300 employees whose jobs are being planned to relocate will be offered Relocation Incentives? Has the Uniform Relocation Assistance Act been applied to the estimated cost to relocate employees to other parts of the country?

GSA Submitted Response:
GSA respectfully requests this question be directed to FBI.

FBI Drafted Response:

10. How will the procurement for the design and construction be run? Will one company do both?

GSA Submitted Response:

b5 -1 per FBI, GSA

FBI Drafted Response:

11. Will GSA use the P-100 guide for federal construction? Does the FBI have a design guide, and if so, have the features of the guide been incorporated into the overall cost estimating for the new facility?

GSA Submitted Response:

b5 -1 per FBI, GSA

FBI Drafted Response:

12. Are you aware of any discussions about or with potential developers? How will you ensure competition? Were there any conversations with anyone from St. Elizabeths

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GSA Submitted Response:

b5 -1 per FBI, GSA

FBI Drafted Response:

13. How much money will it cost to expand existing facilities in Alabama to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

GSA Submitted Response:

b5 -1 per FBI, GSA

FBI Drafted Response:

14. How much money will it cost to expand existing facilities in West Virginia to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

GSA Submitted Response:
The facilities in question are not in GSA's custody or control nor is GSA performing the work for the FBI; therefore, GSA respectfully requests this question be directed to FBI.

FBI Drafted Response:

b5 -1 per FBI

15. How much money will it cost to expand existing facilities in Idaho to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

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GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

16. Will there be a separate request for funds to demolish JEH? How much money will it cost to demolish JEH? How will these costs be financed and what Congressional approval will be needed?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

17. The February 12th report says that the JEH rebuild is less expensive because it will cost $2.175 billion to house 8,300 staff while the original consolidation plan would cost $2.4 billion for 10,606 staff but the accurate comparison can only be found by looking at the same number of staff in both scenarios. So if the JEH rebuild costs $2.175 billion for 8,300 staff don't you need to subtract 20% of the staff count and 20% of the costs from the original plan? And wouldn't doing so brings that number down closer to $1.6 billion? So isn't the real comparison is $1.6 billion to build a building for 8,300 staff under the original campus-style plan and $2.175 to build a new building for 8,300 staff on the current Pennsylvania Avenue site?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

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b5 -1 per FBI

18. The timeline on page 10 claims occupancy in 2025 which seems extraordinarily optimistic for a demo-re-build scenario. Please provide details including the dates you anticipate to begin and conclude each of the following components: production of requirements for the swing space; production of the advertisement for swing space; publishing the advertisement for swing space; analyzing offers of swing space; securing Congressional authorizations and appropriations for swing space; signing leases for the swing space; fitting out the swing space; moving JEH employees into the swing space; the production of requirements for the HQ building; securing Congressional authorizations and appropriations for the JEH demolition; the EIS process on the JEH site; remediating the JEH site; demolishing JEH; designing the new building; advertising for developers; analyzing developers offers; securing Congressional authorizations and appropriations for construction of the new HQ; construction of the new building; fitting out the new building and moving employees into the new building.

GSA Submitted Response:

b5 -1 per FBI, GSA

FBI Drafted Response:

19. What will the swing space for current HQ staff cost per year? How many leases will be required and for how long?

GSA Submitted Response:

b5 per GSA

FBI Drafted Response:

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[redacted]

20. What is the extra cost of hardening the new building to meet the FBI's security needs?

b5 -1 per FBI, GSA

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

21. Is it correct that you will not start the process until the Environment and Public Works Committee and the Transportation and Infrastructure Committee have authorized the project?

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

b5 -1 per FBI, GSA

22. Is it correct that you will not award a bid until full funding for this project has been appropriated by Congress?

GSA Submitted Response:
Yes.

FBI Drafted Response:

[redacted]

23. How will the FBI's future space needs be addressed after 2025 when the new HQ is occupied? How is the FBI's post-2025 growth being factored into the design and construction of the new building?

GSA Submitted Response:
GSA respectfully requests this question be directed to the FBI.

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DOJ-FBI-18-0520, 18-0521-O-000091
18-cv-2422(FBI)-6108

FBI Drafted Response:

b5 -1 per FBI

24. GSA's Site Selection Guide notes that the Public Buildings Cooperative Use Act and the Federal Urban Land Use Act require GSA to consider local planning efforts in the project development and site selection process. Did GSA involve the National Capital Planning Commission (NCPC) in the production of the plan for the redevelopment of the JEH site? Is GSA aware that in January, 2017 the NCPC published commercial redevelopment plans for the JEH site?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

25. What conversations have taken place with the District of Columbia regarding the reuse of the JEH site? Did you seek the Mayor's input before recommending the rebuilding of the FBI HQ on the JEH site?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

Senator Gillibrand: not related to FBI HQ PMO efforts

26. How much of the FBI's budget is dedicated to investigating tips that the FBI receives related to potential threats to public safety?

27. How many tips does the FBI receive on average each year, and how many turn out to be credible?

28. How long does it take, on average, to investigate those tips?

29. How many agents follow-up on tips received by the FBI?

30. How many tips go unanswered by the FBI each year? Why?

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b5 per GSA

31. Would more money and resources help the FBI to be able to follow-up on every tip? Do you have an approximate amount of how much more funding Congress would need to provide?

32. Moving to the topic of sexual assault training, what courses are currently offered at the FBI Training Academy to teach agents how to deal with victims of sexual assault?

33. How often is the curriculum at the academy updated?

34. Who makes the decisions as to what courses should be offered?

35. Will the FBI work with me to offer a class on sexual assault?

Senator Van Hollen:

36. After the hearing on February 28, 2018, Mr. Mathews submitted a letter to the Chairman (and copied myself and Ranking Member Carper) clarifying his response to my question that was asked to him, "Have you ever had any conversations or communication with either the President of the United States or any senior White House staff about this FBI project?"

Mr. Mathews stated that he:

> Attended one meeting with a senior official at the White House where the primary topic of the meeting was the FBI headquarters project.
>
> Attended one meeting with a senior official at the White House where the FBI headquarters project was discussed briefly as a matter incidental to the subject of the meeting.
>
> Had several meetings with another senior White House official where the FBI headquarters was discussed, but only in the context of a broader discussion of Federal real property acquisition financing.

a. Have you ever had any conversations or communications, to include in-person conversations, phone calls and all forms of electronic communications, with either the President of the United States or any senior White House staff, including any one at OMB about this FBI project?

b. If so, with respect to those communications, please provide detailed information on the date, location, participants, topic, summary and decisions made.

c. With respect to each of the meetings, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

FBI Drafted Response:

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[redacted]

b5 -1 per FBI, GSA

[redacted]

37. On August 2, 2017 this Committee requested that GSA and FBI return to Congress in 120 days with a plan for the FBI headquarters with a deadline of November 30, 2017. On December 1, 2017 the Committee approved your request for a 60 day extension with a new deadline of January 29, 2018. This second deadline was missed and your revised proposal was submitted on February 12, 2018.

a. When did you start working on the revised proposal for the FBI headquarters?

GSA Submitted Response:

[redacted]

b5 per GSA

b. Did any senior White House official or the President provide input or make recommendations to GSA or the FBI prior to submission to the White House or OMB for approval?

GSA Submitted Response:

[redacted]

If so, what were those recommendations?

b5 per GSA

GSA Submitted Response:

[redacted]

c. When was the proposal sent to the White House and OMB for approval?

GSA Submitted Response:

[redacted]

b5 per GSA

d. Did the President or any senior White House official request or make any changes to the proposal after you submitted it for approval?

GSA Submitted Response:
As noted above, GSA did not submit the proposal, or any drafts, to the White House.

If so, what were those changes?

[redacted]

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GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

38. Your proposal states that the, "Two-year budget cap deal provides a unique opportunity to secure appropriations for the FBI headquarters" and in Mr. Mathews testimony he stated that the "final recommendation came forward at that same time (as the budget agreement.)" What was GSA and the FBI doing between August 2, 2017 and February 9, 2018 to respond to this committee's request?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

39. Prior to passage of the budget deal in the early morning hours of February 9, 2018, what was the Administration's plan for funding the project?

GSA Submitted Response:

FBI Drafted Response:

40. Putting the Hoover building transfer aside, the often stated reason for cancelling the original procurement was due to lack of funding. Now that potential funding is available as a result of the budget deal, did you consider reviving the framework of the original procurement minus the building swap?

GSA Submitted Response:

FBI Drafted Response:

41. Who specifically was involved in revising the FBI's mission requirements? Were any senior White House officials or the President involved in revising the mission requirements?

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a. When did you notify GSA of your mission requirements?

b. After you revised your mission requirements and informed the GSA, what options did you consider for possible locations for the headquarters building?

c. Did you consider any of the other surplus or excess facilities in the GSA portfolio and in the larger government wide portfolio in Washington, DC, Virginia, or Maryland as possible locations or facilities for the headquarters?

FBI Drafted Response:

b5 -1 per FBI, GSA

42. According to the Interagency Security Committee's document, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* published in November 2016, "For single-tenant facilities owned or leased by the government, a representative of the tenant agency will make the Facility Security Level (FSL) determination in consultation with the owning or leasing department or agency and the security organization responsible for the facility."

a. Who at the FBI is approved to make such determinations on behalf of the Bureau?

b. Did this person participate in the decision-making process that resulted in the current plan to build the new headquarters on the current Hoover site?

c. Did this person agree with the final decision to rebuild on the current site?

d. If the building cannot meet the Level of Protection (LOP) required for an ISC FSL V building, did this person follow the decision-making guidelines in the ISC document to determine what level of risk is acceptable?

FBI Drafted Response:

b5 -1 per FBI

43. I believe the safety and security of the men and women of the FBI is of utmost importance and I believe that a strong argument can be made that a campus like facility is more secure than the Hoover site in DC. I agree with the GSA Prospectus for Construction (PNCR-FBI-NCR17) that, "The building was designed at a time when FBI operated differently, and *it cannot be redeveloped* to provide the necessary space to

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consolidate the FBI Headquarters components or to meet the agency's physical security and current and projected operational requirements."

a. The 2016 Prospectus states that, "The new facility will be built to meet ISC Level V security specifications…" Is it possible to have the same level of security at the Hoover site that was intended for one of the three previously identified sites in MD or VA?

GSA Submitted Response:

b5 per GSA

b. Is it possible to achieve ISC Facility Security Level (FSL) V standards for a new building at the Hoover site?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

44. According to the Interagency Security Committee's document, The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard, "New construction, with few exceptions, is fully expected to meet the LOP." How much risk is the FBI willing to take in order to build the headquarters on the existing Hoover site?

GSA Submitted Response:

FBI Drafted Response:

b5 -1 per FBI, GSA

45. According to the FBI, in 1995 when Timothy McVeigh detonated a bomb at the Alfred P. Murrah Federal Building in downtown Oklahoma City, "In a matter of seconds, the blast

AMERICAN OVERSIGHT

destroyed most of the nine-story concrete and granite building, and the surrounding area looked like a war zone. Dozens of cars were incinerated, and more than 300 nearby buildings were damaged or destroyed."

Knowing this information, and knowing that the FBI headquarters building requires Level V security standards, does the current location of the Hoover building pose any security or other risks to surrounding buildings and structures?

GSA Submitted Response:

[redacted]

b5 -1 per FBI, GSA

FBI Drafted Response:

[redacted]

46. Has GSA or the FBI consulted with anyone representing Washington, DC Mayor Muriel Bowser or the City Council since the decision was made to cancel the original procurement and the issuance of your new proposal on February 12, 2018?

GSA Submitted Response:

[redacted]

b5 -1 per FBI, GSA

FBI Drafted Response:

[redacted]

47. Has the GSA or FBI consulted with the National Capital Planning Commission (NCPC) or reviewed and considered the new square guidelines established by the NCPC for the land currently occupied by the Hoover building?

GSA Submitted Response:

[redacted]

b5 -1 per FBI, GSA

FBI Drafted Response:

[redacted]

Senator Whitehouse:

AMERICAN OVERSIGHT

48. Have there been any communications between FBI and GSA and any representative of the Trump Organization about this project? If so, will you disclose them to the Committee?

GSA Submitted Response:
No, GSA is not aware of any such communications.

FBI Drafted Response:

[redacted]

49. Can you assure the committee that this change in approach has nothing do to who the President is and the Trump Organization's ownership of a nearby hotel?

GSA Submitted Response:
Yes.

FBI Drafted Response:

[redacted]

b5 -1 per FBI, GSA

[redacted]

50. Who directed the cancellation of the Acquisition by Exchange process?

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

51. Who decided to reconsider the demolish and rebuild strategy that was previously set aside by GSA as too expensive? How have the numbers changed to now make this not only a viable option, but the most cost effective option?

GSA Submitted Response:

[redacted]

b5 -1 per FBI, GSA

FBI Drafted Response:

[redacted]

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[redacted]

b5 -1 per FBI

52. Though the proposal from the FBI and GSA estimates the new demolish and rebuild plan will save around $200 million from the previous suburban consolidation plan, the new plan does not appear to include estimated costs for relocating the 2,300 staff currently in the DC area that will no longer fit in the new building. How much will it cost to move those people and renovate or build office space for their new assignments in Idaho, West Virginia, or Alabama? Will those costs be paid for by GSA or the FBI?

GSA Submitted Response:
GSA respectfully requests this question be directed to the FBI.

FBI Drafted Response:

[redacted]

b5 -1 per FBI

53. What security upgrades can be made to the current Hoover Building's location that would compare to what could be possible in a suburban campus which has more room for fencing, security checkpoints, and other protective features?

GSA Submitted Response:

[redacted]

FBI Drafted Response:

[redacted]

b5 -1 per FBI, GSA

AMERICAN OVERSIGHT

54. The Trump infrastructure plan reportedly includes a request for $2.2 billion for the FBI headquarters. The FBI has already set aside $1.125 billion for the project. Why is the FBI setting aside funding for the project if it is generally the GSA's role to own and build federal buildings?

FBI Drafted Response:

b5 -1 per FBI

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Senator Van Hollen:

29. Please provide a fully transparent comparison of the differences in total cost of the new proposed headquarters verses the total estimated cost of building a headquarters based on the February 2016 Prospectus PNCR-FBI-NCR17 submitted to this Committee. This information should include (but is not limited to): cost of demolition of the existing Hoover building, rent for the swing space, cost of continuation of lease payments for current non-Hoover building employees that have to be continued, and the cost per employee for each location.

GSA Submitted Response:

On page 11 of your proposal, you compare the cost to consolidate 11,000 employees into a campus setting and 8,300 employees into a Hoover Building rebuild. This is comparing apples and oranges. Did GSA and the FBI compare the cost of consolidating 8,300 employees in a Hoover rebuild to consolidating those 8,300 employees at a new location?

GSA Submitted Response:

b5 per GSA

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DOJ-FBI-18-0520, 18-0521-O-000102
18-cv-2422(FBI)-6119

From:
To: Aaron Hassinger - WPIA
Subject: RE: Article

"Earlier this summer, President Donald Trump contracted my architectural firm, Kushner + Medevenko Design, to propose possible remodels of the stylistic nightmare that is the J. Edgar Hoover F.B.I. building."

What??????

[redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

From: Aaron Hassinger - WPIA [mailto:aaron.hassinger@gsa.gov]
Sent: Wednesday, August 22, 2018 8:49 AM
To [redacted]
Subject: Re: Article

Thanks

Aaron Hassinger
GSA
[redacted]

b6 per GSA

On Aug 22, 2018, at 8:43 AM, [redacted] wrote:

https://www.newyorker.com/humor/daily-shouts/fbi-headquarters-remodelled-for-president-trump

[redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

AMERICAN OVERSIGHT

FBI HEADQUARTERS

STRATEGIC CONSOLIDATION PLAN

18-cv-2422(FBI)-6193

AMERICAN OVERSIGHT

FBI HQ Consolidation

DOJ-FBI-18-0520, 18-0521-D-000104

GSA

b5 per GSA

AMERICAN OVERSIGHT

SUMMARY OF AUTHORITIES – FEDERAL CONSTRUCTION

b5 per GSA

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-O-000106
18-cv-2422(FBI)-6201
FBI HQ

JAMESM3

From: JAMESM3
Sent: Tuesday, September 11, 2018 6:13 AM
To: 'Aaron Hassinger - WPIA'
Cc: [redacted](FD) (FBI)
Subject: RE: FBI HQ Project

b6 -1 per FBI
b7C -1 per FBI

Aaron [redacted] Thanks for sharing. There is a senior exec here at ODNI retired FBI that I guess has a network of retired FBI seniors and he was hearing that there were some meetings going on with the WH and GSA so I thought maybe things were starting up again perhaps. Without money can't do much. Which reminds me of a great architectural cartoon I have showing an architect and Dallas developer standing in a filed surrounded by dignitaries. The architect has his roll of drawings saying "we are going to build this design award winning 40 story building and plant lots of pretty flowers at the base…… now all we need is money…….

Thanks for sharing. I talked to Doug the other day. In October I complete my JDA here and return to DIA. I'll pass my contact info to you when I get to DIA. For sure one contact will be james.manzelmann@dodiis.mil which I have today. All the best! V/R Jim

From: Aaron Hassinger - WPIA <aaron.hassinger@gsa.gov>
Sent: Monday, September 10, 2018 7:37 AM
To: JAMESM3 <JAMESM3@dni.gov>
Cc: [redacted]
Subject: FBI HQ Project

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

Hi Jim,

Hope all is well. I hear you reached out to Dean Smith about the status of the FBI HQ project. I am attaching the presentation we provided our Senate committee in February. This presentation is the current status of the GSA/FBI collective position. Unfortunately, GSA/FBI did not receive the necessary funding in FY18 to move forward on the plan. There has been a lot of press recently about the HQ project and the decision making process including an IG investigation on it. Nonetheless, without a funding solution the project will remain in its current state. I am cc'ing [redacted] from FBI on this email for his awareness of your continued interest in the project. Please let me know if you have any questions.

Thanks,

-Aaron
--
Aaron D. Hassinger, LEED AP
Project Executive
Office of Design and Construction
Public Buildings Service
National Capital Region
U.S. General Services Administration
301 7th Street, SW, Room 7512
Washington, DC 20407

AMERICAN OVERSIGHT
18-cv-2422(FBI)-6233

aaron.hassinger@gsa.gov
[redacted]
202-208-0382 (office)

b6 per GSA

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

March 31, 2022

AUSTIN EVERS
AMERICAN OVERSIGHT SUITE B255
1030 15TH STREET, NW
WASHINGTON, D.C. 20005-1503

American Oversight v. Federal Bureau of Investigation
Civil Action No.: 18-cv-02422
FOIPA Request No.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

You were previously advised we were consulting with another agency concerning information related to your Freedom of Information/Privacy Acts (FOIPA) request.

A portion of that information has been returned to the FBI and is enclosed. The documents were reviewed under the FOIA/FOIPA, Title 5, United States Code, Sections (s) 552/552a. Below you will find check boxes under the appropriate statue headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. The checked exemptions used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

1 page was reviewed and 1 page is being released.

☑ The appropriate redactions were made by the Office of Management and Budget.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

AMERICAN OVERSIGHT

For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI’s FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of Bates stamped document 18-cv-2422(FBI)-461.

The enclosed document represents the nineteenth interim release of responsive information. This material is being provided to you at no charge.

AMERICAN OVERSIGHT

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

(iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

AMERICAN OVERSIGHT

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1

From: [redacted]
Sent: Friday, May 5, 2017 12:43 PM
To: Mccabe2, Andrew (DO) (FBI); Bowdich, David L. (DO) (FBI)
Subject: Fwd: FBI HQ

Dave Andy, We should rally early Monday morning to make sure we are on same page.

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 5/5/17 12:35 PM (GMT-05:00)
To: [redacted]
Subject: FBI HQ

b5 per OMB
b6 -1 per FBI, per OMB
b7C -1
b7E -1

[redacted]
Are you available to talk FBI HQ Monday morning? I'd like to talk to you [redacted] first, if that's OK -- and then Andrew would like to get your read on the FBI's thinking about where we are on the project and how you'd like to see things go from here. I want to give you a sense of what Andrew may [redacted] Make sense?

Thanks!
Kim

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President |
☎ [redacted]

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

June 30, 2022

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW
WASHINGTON, D.C. 20005-1503

American Oversight v. Federal Bureau of Investigation
Civil Action No.: 18-cv-02422
FOIPA Request No.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

You were previously advised we were consulting with another agency concerning information related to your Freedom of Information/Privacy Acts (FOIPA) request.

A portion of that information has been returned to the FBI and is enclosed. The documents were reviewed under the FOIA/FOIPA, Title 5, United States Code, Sections (s) 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. The checked exemptions used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

132 pages were reviewed and 132 pages are being released.

☑ The appropriate redactions were made by the General Service Administration.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us."

AMERICAN OVERSIGHT

The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosures

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of Bates stamped documents 18-cv-2422(FBI)-5247-18-cv-2422(FBI)-5270,18-cv-2422(FBI)-5295-18-cv-2422(FBI)-5301,18-cv-2422(FBI)-5317-18-cv-2422(FBI)-5322,18-cv-2422(FBI)-5365-18-cv-2422(FBI)-5375, 18-cv-2422(FBI)-5475-18-cv-2422(FBI)-5481, 18-cv-2422(FBI)-5020-18-cv-2422(FBI)-5022,18-cv-2422(FBI)-5035-18-cv-2422(FBI)-5037,18-cv-2422(FBI)-5064-18-cv-2422(FBI)-5067,18-cv-2422(FBI)-5076-18-cv-2422(FBI)-5080, 18-cv-2422(FBI)-5091-18-cv-2422(FBI)-5109,18-cv-2422(FBI)-5127-18-cv-2422(FBI),18-cv-2422(FBI)-5145, 18-cv-2422(FBI)-5169-5170, 18-cv-2422(FBI)-5189-18-cv-2422(FBI)-5191,18-cv-2422(FBI)-5199-18-cv-2422(FBI)-5218,18-cv-2422(FBI)-5697-18-cv-2422(FBI)-5699 and 18-cv-2422(FBI)-5985-18-cv-2422(FBI)-5997.

The enclosed documents represents the twentieth interim release of responsive information. This material is being provided to you at no charge.

AMERICAN OVERSIGHT

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.

a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

AMERICAN OVERSIGHT

EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

AMERICAN OVERSIGHT

[redacted]

From: [redacted]
Sent: Wednesday, April 11, 2018 1:56 PM
To: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

Many questions are repeats of what GSA was provided, but there are a number of new questions included as well.

Barasso: one new
Cardin: all identical
Gillibrand: all new (and not related to HQ)
Van Hollen: a mix; I count 4 new questions for the FBI
Whitehouse: 1 new question

These were due March 29th?

[redacted]

From [redacted]
Sent: Wednesday, April 11, 2018 1:41 PM
To [redacted]
Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

Please take a look…

From [redacted]
Sent: Tuesday, April 10, 2018 9:51 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

Hey [redacted]

Here are our QFRs from the EPW hearing. Are these the same as the GSA QFRs?

[redacted]

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1,3
b7C -1,3
b7E -1

From: [redacted]
Sent: Tuesday, April 10, 2018 9:30 AM
To: [redacted]
Cc: [redacted]

Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

Sunjeet,

In response to your email today I went back and located the below QFRs from the hearing. I am usually on top of this type of thing but it doesn't look like I forwarded this email previously. If no one has these this is my fault. I will contact committee staff and explain that we will need more time to respond.

[redacted]

If this is not already in TRIM please enter the attached QFRs into TRIM.

[redacted]

From: Olsen, Elizabeth (EPW) [mailto:Elizabeth_Olsen@epw.senate.gov]
Sent: Thursday, March 15, 2018 5:39 PM
To: [redacted]
Cc: Willson, James (EPW) <James_Willson@epw.senate.gov>
Subject: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

March 15, 2018

Richard L. Haley, II
Assistant Director, Finance Division
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington D.C. 20530

Dear Assistant Director Haley:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, February 28, 2018, at the hearing entitled, *"Oversight: FBI Headquarters Consolidation Project."* The Committee greatly appreciates your attendance and participation in this hearing.

AMERICAN OVERSIGHT

In order to maximize the opportunity for communication between you and the Committee, follow-up questions have been submitted by the members. To comply with Committee rules, please e-mail a copy of your responses to Elizabeth_Olsen@epw.senate.gov or deliver one hard copy by COB Thursday, March 29, 2018. Responses should be delivered to the EPW Committee at 410 Dirksen Senate Office Building, Washington, DC 20510.

If you have any questions about the requests or the hearing, please feel free to contact Staff Director, Richard Russell in the Majority Office at (202) 224-6176 or Staff Director, Gabrielle Batkin in the Minority Office at (202) 224-8832.

Sincerely,

John Barrasso, M.D.
Chairman

Thomas R. Carper
Ranking Member

Elizabeth "Lizzy" Olsen, J.D.
Majority Counsel & Director of Operations
Senate Committee on Environment and Public Works
C: (202) 407-3841
O: (202)224-6176

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, April 12, 2018 7:37 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

This is really great work – it would have taken me much longer to create this cross walk.

From [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, April 11, 2018 4:23 PM
To: [redacted]

Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

Here is a crosswalk of the QFRs GSA received compared with the QFRs we've received.

Highlighted questions are 'new' (not given to GSA); the other questions I've identified which GSA QFR# it matches.

Obviously we need to coordinate with GSA as I don't believe we've seen official draft responses for their QFRs and now that the committee has given the same exact question to both agencies we should work to make sure we are aligned.

There are also some QFRs given to GSA (e.g. transparent info on cost GSA #29) that I think we should see and help craft responses too even though it was not given to us.

r/
[redacted]

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, April 11, 2018 1:41 PM
To: [redacted]

Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

Please take a look…

From: [redacted]
Sent: Tuesday, April 10, 2018 9:51 AM
To: [redacted]

AMERICAN OVERSIGHT

Cc: [redacted]
Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

Hey [redacted]

Here are our QFRs from the EPW hearing. Are these the same as the GSA QFRs?

[redacted]

[redacted]

From: [redacted]
Sent: Tuesday, April 10, 2018 9:30 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1,3
b7C -1,3
b7E -1

[redacted]

In response to your email today I went back and located the below QFRs from the hearing. I am usually on top of this type of thing but it doesn't look like I forwarded this email previously. If no one has these this is my fault. I will contact committee staff and explain that we will need more time to respond.

[redacted]

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[redacted]

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Subject: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

March 15, 2018

AMERICAN OVERSIGHT

Richard L. Haley, II
Assistant Director, Finance Division
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington D.C. 20530

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Elizabeth "Lizzy" Olsen, J.D.
Majority Counsel & Director of Operations
Senate Committee on Environment and Public Works
C: (202) 407-3841
O: (202)224-6176

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, April 12, 2018 9:39 AM
To: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

Perfect!

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, April 12, 2018 9:38 AM
To: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

2:00 works, will come down.

From [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, April 12, 2018 9:35 AM
To: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

How about this afternoon? Adam is at QT this morning, so maybe 2pm?

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Thursday, April 12, 2018 9:05 AM
To: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

We'll work around your schedule. Pick a time for Tim and I to stop down and we can discuss the Meadow's questions.

BTW, on the radio they were around names to replace Ryan as Speaker and they mentioned Meadows...

AMERICAN OVERSIGHT

From: [redacted]
Sent: Thursday, April 12, 2018 9:00 AM
To: [redacted]
Subject: RE: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b5 -1
b6 -1
b7C -1
b7E -1

[redacted]

[redacted]

From: [redacted]
Sent: Thursday, April 12, 2018 7:41 AM
To: [redacted]
Subject: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

[redacted]

Attached is a crosswalk of the QFRs GSA received compared with the QFRs we've received. The highlighted questions are 'new' (not part of GSA QFRs); for the the other questions we've identified which GSA QFR number it matches.

We need to coordinate with GSA as I don't believe we've seen official draft responses for their QFRs and now that the committee has given the same exact question to both agencies we should work to make sure we are aligned.

[redacted]

From: [redacted]
Sent: Tuesday, April 10, 2018 9:51 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

Hey [redacted]

Here are our QFRs from the EPW hearing. Are these the same as the GSA QFRs?

[redacted]

[redacted]

AMERICAN OVERSIGHT

[redacted]

b6 -1,3
b7C -1,3
b7E -1

From: [redacted]
Sent: Tuesday, April 10, 2018 9:30 AM
To: [redacted]
Cc: [redacted]
Subject: FW: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

[redacted]

In response to your email today I went back and located the below QFRs from the hearing. I am usually on top of this type of thing but it doesn't look like I forwarded this email previously. If no one has these this is my fault. I will contact committee staff and explain that we will need more time to respond.

[redacted]

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[redacted]

From: Olsen, Elizabeth (EPW) [mailto:Elizabeth_Olsen@epw.senate.gov]
Sent: Thursday, March 15, 2018 5:39 PM
To: [redacted]
Cc: Willson, James (EPW) <James_Willson@epw.senate.gov>
Subject: Senate Committee on Environment and Public Works: Hearing Follow Up Questions, Assistant Director Haley

b6 -1
b7C -1
b7E -1

March 15, 2018

Richard L. Haley, II
Assistant Director, Finance Division
Federal Bureau of Investigation
935 Pennsylvania Avenue N.W.
Washington D.C. 20530

Dear Assistant Director Haley:

On behalf of the Senate Committee on Environment and Public Works, we would like to thank you for testifying before the Committee on Wednesday, February 28, 2018, at the hearing entitled, *"Oversight: FBI Headquarters Consolidation Project."* The Committee greatly appreciates your attendance and participation in this hearing.

AMERICAN OVERSIGHT

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Majority Counsel & Director of Operations
Senate Committee on Environment and Public Works
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O: (202)224-6176

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[redacted]

From: [redacted]
Sent: Thursday, April 12, 2018 3:43 PM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

b6 -1,2
b7C -1
b7E -1

Purpose is to learn unfettered details of what happened and expose opportunities for new direct engagement. Few people have more access than RD so I expect to have full picture.

[redacted]

Sent from my iPhone

On Apr 12, 2018, at 3:37 PM, [redacted] wrote:

**** EXTERNAL EMAIL ****

We have no additional update or material. I'm not sure if the timeline matches up for your POC but look forward to hearing your feedback.

Thanks
[redacted]

From: [redacted]
Sent: Thursday, April 12, 2018 3:15 PM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

b6 -1,2
b7C -1
b7E -1

Just update, I have a meeting Monday afternoon with Rick Dearborn on this issue. Is is "fresh" from his prior job as Deputy COS to POTUS.

Tell me if you have any updated thoughts, or am I using what I know as of our last meeting?

[redacted]

Sent from my iPad

On Mar 22, 2018, at 4:13 PM, [redacted]

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You will see from her bio that she came from DHS; so if you have some relationships their; you might get her "story".

She is personally aware of what the impacts are if "piece meal" funding of a HQ; but having said that; she is still a buerucrat. She is said to be one of 3 people Mick trusts..

[redacted] b6 -2

D E V E L O P. I N V E S T. M A N A G E. F I N A N C E.

From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 3:26 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

Not a name I've heard being involved.

[redacted] b6 -1,2 b7C -1 b7E -1

From: [redacted]
Sent: Thursday, March 22, 2018 3:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

Any Team Zombie engagement that either of you are aware of with Kathy Kranninger (Associate Director for General Government)? She is the second "door number 2"). I know her a bit.

[redacted]

D E V E L O P. I N V E S T. M A N A G E. F I N A N C E.

From: [redacted]
Sent: Thursday, March 22, 2018 2:33 PM
To: [redacted] b6 -1,2 b7C -1 b7E -1
Cc: [redacted]
Subject: RE: EPW Report

AMERICAN OVERSIGHT

That would appear to be a "no" to project Zombie…

I got an answer from OMB that I didn't like (more the person they wanted us to work with); working on next option…

[redacted] b6 -2

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 2:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

https://www.bizjournals.com/washington/news/2018/03/22/house-omnibus-presents-fresh-challenge-for-fbi-hq.html?ana=e_wash_brk&s=newsletter&ed=2018-03-22&u=CWitytehpYUKRxf%2BdgPpQ0598204c&t=1521735454&j=80634291

House omnibus presents fresh challenge for GSA's new FBI headquarters plan

By Daniel J. Sernovitz
March 22, 2018

House lawmakers have moved to block any funding for the FBI's new headquarters until the federal government's real estate arm provides more information on why it reversed course from a previous plan to move the agency to suburban Maryland or Northern Virginia.

Language included in the federal omnibus at the request of Maryland Democratic Rep. Steny Hoyer and the Maryland Congressional delegation withholds appropriations for the $3.3 billion project, which calls for building a consolidated FBI headquarters on the site of the agency's current one in downtown D.C.

Specifically, that section of the legislation said the act does not include funding "… because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity."

If approved, that would mean the next opportunity to fund the project would be in fiscal 2019.

In July, the FBI and the General Services Administration canceled a solicitation that would have consolidated the headquarters operations for the nation's chief law enforcement agency from multiple locations to a single campus in either Greenbelt, Landover or Springfield. Then, in February, the two agencies submitted new plans to demolish the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW and build a

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consolidated headquarters on that site instead. Lawmakers in the House and Senate have questioned key parts of the proposal, and the GSA's inspector general has also launched a review of the project's costs and revised security requirements.

Hoyer and the Maryland delegation sought to withhold funding because they still do not know why the GSA and FBI abruptly canceled the last solicitation after a decade and $20 million spent analyzing the prospect in favor of keeping the FBI in downtown D.C. instead, according to a Hoyer aide.

The omnibus also undoes a prior move to rescind $200 million in GSA funding for the FBI but with the restriction that the freed-up funds can only be used to pursue the previous prospectus, a consolidated FBI headquarters on a new campus to be built somewhere in the region.

From: [redacted]
Sent: Thursday, March 22, 2018 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

I read the Omni and didn't see anything for "Zombie"; but maybe it was coded and I missed it?

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Monday, March 19, 2018 1:31 PM
To: [redacted]
Cc: [redacted]
Subject: EPW Report

b6 -1,2
b7C -1
b7E -1

***** EXTERNAL EMAIL *****

[redacted] follow up from our conversation last week; please reference the following attachments:

b6 -1,2
b7C -1

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks
[redacted]

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: Please consider the environment before printing this e-mail

This e-mail, including all information contained therein and any attachments, is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not an intended recipient, or an agent responsible for delivering it to an intended recipient, you have received this email in error. In such event, please immediately (i) notify the sender by reply email, (ii) do not review, copy, save, forward or print this email or any of its attachments, and (iii) delete and/or destroy this email and its attachments and all copies thereof. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, any e-mail sent in error, including all information contained therein and any attachments, by persons or entities other than the intended recipient is prohibited. Please visit our website at www.huntcompanies.com for important information about our privacy policies. For your protection, please do not transmit account information or instructions by e-mail or include account numbers, Social Security numbers, credit card numbers, passwords or other personal information.

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, April 17, 2018 12:18 PM
To: [redacted]
Cc: [redacted]
Subject: EPW QFRs - New FBI HQ
Attachments: EPW QFRs_All Haley QFR's 02.28.2018_crosswalk to Matthews QFRs_v1.docx

[redacted] attached are PMO drafted answers to the EPW QFRs for AD Haley. [redacted] already coordinated with SecD for the security related answers.

As we discussed with [redacted] last week, many of these questions are identical to those questions given to GSA PBS Commissioner Matthews and therefore we suggest a high level of coordination between the agencies. The attached includes the GSA PMO drafted answers in red with FBI recommended answers in Blue.

Other comments:

1. Questions #26-35 from Senator Gillibrand are not related to the HQ Project and were not answered
2. Question #36 asks about specific communications had by AD Haley – suggest FFD Front Office drafts this answer
3. The last page includes questions and draft GSA answers which were NOT given to the FBI. We've included a few notes to include plans for the FBI PMO to provide a revised chart for #29 (cost comparison tables).

Please let me know if you have any questions or comments.

r/

[redacted] b6 -1 b7C -1 b7E -1

[redacted]

AMERICAN OVERSIGHT

Senate Committee on Environment and Public Works
"Oversight: FBI Headquarters Consolidation Project."
February 28, 2018
Questions for the Record for Assistant Director Richard L. Haley II, FBI

Highlight = unique to FBI **or** common question with GSA; but GSA wants FBI to take lead
Red Text = draft answer produced by GSA
Blue Text = draft answer produced by FBI HQ PMO
Highlight = questions given to GSA but not the FBI; coordination notes are provided
Highlight = questions directed to the FBI from Senator Gillibrand not related to the HQ project

Chairman Barrasso:

1. Since this project's inception, the goal has always been to consolidate FBI Headquarters staff. Yet, the revised plan would decrease the number of D.C. regional FBI employees from approximately 10,600 to 8,300 by dispersing remaining Headquarters staff to three separate national locations. Does FBI still consider this a true consolidation, or has the fundamental goal of this project changed?

b5 per GSA

2. How is this revised plan an improvement over the flawed proposals previously brought before this Committee?

GSA EPW QFR #4 Response:

b5 per GSA

Preferred FBI Response:
The revised plan to maintain the FBI's centralized location with close proximity to mission partners and visible presence to the American people as the nation's premier law enforcement agency, provides a number of improvements over previous plan:

- Removes the 'exchange' element along with its inherent complexity and challenging risk profile.
- Identifies a single site for the FBI HQ thereby reducing the burden on likely offerors and state/local officials.
- Leverages government owned land and investments made in utility and IT infrastructures; both at the JEH site and locations outside the NCR in Alabama, West Virginia, and Idaho.
- Avoids the need to invest in costly non-operational infrastructure such as onsite parking structures and offsite interstate/road improvements.

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Senator Cardin:

3. Both the GSA and the FBI have consistently told Congress that the FBI must have a fully consolidated headquarters on a campus with ISC Level V security but the JEH site can provide neither full consolidation nor ISV Level V security. How did the "requirements" change so suddenly? Why have you changed the notion of consolidation?

   GSA EPW QFR #5

   Preferred FBI Response:
   The plan to reutilize the government owned JEH parcel for the construction of a new FBI HQ will provide a consolidation for 8,300 National Capital Region (NCR) staff (representing a 50% increase in co-location of mission operations) and will meet ISC Level V security. The reduction in population size for NCR consolidation is connected to an evolution, where over the past 3 years the capabilities and capacities of non-NCR FBI owned assets has increased. The combination of increased capabilities/capacities with technology advancements now enables the FBI to reduce its NCR HQ population. The FBI believes this new HQ footprint will provide multiple strategic and operational benefits.

4. GSA and FBI were consistent in their position that building a replacement FBI headquarters on the site of the current JEH building was not an option because it could not achieve ISC Level V security. Have the FBI's security needs changed? Has the threat level decreased?

   GSA EPW QFR #6

   Preferred FBI Response:
   The JEH facility as currently constructed does not provide the appropriate security countermeasures required for a Level V facility as identified via the Risk Management Process for Federal Facilities per the Interagency Security Committee (ISC). The FBI Headquarters still faces significant threats and a new FBI Headquarters will still be built to an ISC Level V standard. GSA and FBI will utilize the ISC process to identify and implement security countermeasures that will allow the new facility to meet Level V requirements at the JEH site.

5. Who in the Executive Branch was involved in the July, 2017 decision to cancel the original procurement? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

   GSA EPW QFR #7
   GSA coordinated with FBI and the Office of Management and Budget throughout the implementation of the previous procurement, including its cancellation.

   Preferred FBI Response:
   The decision to cancel the original procurement in July 2017 was made collectively by GSA and FBI. As is standard practice; GSA and FBI have coordinated primarily with their respective Office of Management and Budget examiners throughout the course of the project.

6. Who in the Executive Branch was involved in the development of the plan which was submitted to the Environment and Public Works Committee on February 12, 2018? Were

AMERICAN OVERSIGHT

there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

GSA EPW QFR #8
Refer to Central Office

Preferred FBI Response:
GSA and FBI had conversations with OMB during the finalization of the plan to determine a recommended funding strategy. All decisions related to the size and reuse of the JEH site were jointly made by the FBI and GSA.

7. According to GSA's site selection guide, site selections are made by balancing the initial cost of the real estate with the goals of the organization, the functioning of the organization, the overall cost of executing the project, security impacts to the organization, the cost of operating the facility, the benefit to the local community and the environment. Where is the analysis of the JEH site? Can you provide the Committee with a copy of that analysis?

GSA EPW QFR #9

Preferred FBI Response: *(btw – this is not a direct excerpt from the GSA Site Selection Guide – but a grouping of themes by the questioner)*

The benefits for leveraging the already government owned J. Edgar Hoover (JEH) site are documented in part within the report presented to the committee on February 12, 2018 which include:

- No land acquisition cost
- Reduced off-site transportation mitigation cost
- Reduced parking needs and cost
- Reduced site development cost
- Maintains established and close proximity to FBI Mission Partners
- Provides multiple points of access for FBI employees

8. How many of the 2,300 people whose jobs are being planned to relocate are expected to move to keep their jobs? Where do those 2,300 employees currently live (by State)?

GSA EPW QFR #10

Preferred FBI Response:
The 2,300 represents a combined federal employee and contractor workforce. At this time it is not possible to estimate how many will relocate or which states they currently reside within.

9. What percentage of the 2,300 employees whose jobs are being planned to relocate will be offered Relocation Incentives? Has the Uniform Relocation Assistance Act been applied to the estimated cost to relocate employees to other parts of the country?

GSA EPW QFR #11

Preferred FBI Response:
The 2,300 represents a combined federal employee and contractor workforce. At this time it is not possible to determine how many will be offered relocation incentives.

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18-cv-2422(FBI)-5094

10. How will the procurement for the design and construction be run? Will one company do both?

GSA EPW QFR #12

Preferred FBI Response:
The precise contracting method is subject to the timing and availability of funding. GSA will look to leverage common federal construction procurement methods.

11. Will GSA use the P-100 guide for federal construction? Does the FBI have a design guide, and if so, have the features of the guide been incorporated into the overall cost estimating for the new facility?

GSA EPW QFR #13
Yes, the GSA P-100 will be used. No, FBI does not have a design guide.

Preferred FBI Response:
Yes, the GSA P-100 will be used. The FBI will provide a detailed Program of Requirements (POR), along with specific criteria related to operations and maintenance (O&M) and Construction Security requirements. All these factors have been considered in the development of the Independent Government Cost Estimate (IGCE).

12. Are you aware of any discussions about or with potential developers? How will you ensure competition? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

GSA EPW QFR #14

Preferred FBI Response:
There have not been any discussion with potential offerors regarding the revised plan. By removing the exchange component and identifying a single site, GSA and the FBI believe there will be sufficient competition within industry.

13. How much money will it cost to expand existing facilities in Alabama to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

GSA EPW QFR #15

Preferred FBI Response:
Relocating HQ functions while increasing capacity and capabilities in Alabama is part of a larger strategic master plan for the FBI. These facilities are owned by the FBI without GSA involvement.

14. How much money will it cost to expand existing facilities in West Virginia to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

GSA EPW QFR #16

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Preferred FBI Response:
Relocating HQ functions while increasing capacity and capabilities in West Virginia is part of a larger strategic master plan for the FBI. These facilities are owned by the FBI without GSA involvement.

15. How much money will it cost to expand existing facilities in Idaho to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

GSA EPW QFR #17

Preferred FBI Response:
Relocating HQ functions while increasing capacity and capabilities in Idaho is part of a larger strategic master plan for the FBI. These facilities are owned by the FBI without GSA involvement.

16. Will there be a separate request for funds to demolish JEH? How much money will it cost to demolish JEH? How will these costs be financed and what Congressional approval will be needed?

GSA EPW QFR #18
No, there will not be a separate request for demolishing JEH. Approximately $40M, funded via appropriated project funds. Requires same approval and funding as rest of project.

17. The February 12th report says that the JEH rebuild is less expensive because it will cost $2.175 billion to house 8,300 staff while the original consolidation plan would cost $2.4 billion for 10,606 staff but the accurate comparison can only be found by looking at the same number of staff in both scenarios. So if the JEH rebuild costs $2.175 billion for 8,300 staff don't you need to subtract 20% of the staff count and 20% of the costs from the original plan? And wouldn't doing so brings that number down closer to $1.6 billion? So isn't the real comparison is $1.6 billion to build a building for 8,300 staff under the original campus-style plan and $2.175 to build a new building for 8,300 staff on the current Pennsylvania Avenue site?

GSA EPW QFR #19

Preferred FBI Response:
The EPW report page 11, titled "Funding Gap Analysis" highlights the projected funding shortfalls. Outside of identifying the required amount of additional funding required, this was not meant to be a direct comparison given that the project size, schedule and delivery methods all differ.

18. The timeline on page 10 claims occupancy in 2025 which seems extraordinarily optimistic for a demo-re-build scenario. Please provide details including the dates you anticipate to begin and conclude each of the following components: production of requirements for the swing space; production of the advertisement for swing space; publishing the advertisement for swing space; analyzing offers of swing space; securing Congressional authorizations and appropriations for swing space; signing leases for the swing space; fitting out the swing space; moving JEH employees into the swing space; the production of requirements for the HQ building; securing Congressional authorizations and appropriations for the JEH demolition; the EIS process on the JEH site; remediating the JEH site; demolishing JEH; designing the new building; advertising

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18-cv-2422(FBI)-5096

for developers; analyzing developers offers; securing Congressional authorizations and appropriations for construction of the new HQ; construction of the new building; fitting out the new building and moving employees into the new building.

GSA EPW QFR #20

b5 per GSA

19. What will the swing space for current HQ staff cost per year? How many leases will be required and for how long?

GSA EPW QFR #21

Preferred FBI Response:
It is currently estimated that 730,000 Rentable Square Feet (RSF) will be required. At a rate of $50 per RSF, this would equate to $36.5M per year. It is estimated that this cost will be offset by the elimination of JEH operating expenses which are currently $42M per year.

The number of leases has not yet been determined and will be subject to the projects timing and current space availability. It is estimated that swing space will be required for 5 years. GSA is currently working to identify space that the FBI can use in GSA and other intelligence community inventories, including locations that already have space suitable for classified operations, which would reduce the cost of the build-out.

20. What is the extra cost of hardening the new building to meet the FBI's security needs?

GSA EPW QFR #22

Preferred FBI Response:
Additional cost of hardening are offset by reduced cost in land acquisition, parking garages and transportation improvements. It is estimated that an additional $52M will be required to increase the façade hardening.

21. Is it correct that you will not start the process until the Environment and Public Works Committee and the Transportation and Infrastructure Committee have authorized the project?

GSA EPW QFR #23
Yes, Correct.

Preferred FBI Response:
Correct, GSA does not intend to enter into an active procurement until the Committees with jurisdiction authorize such a project.

22. Is it correct that you will not award a bid until full funding for this project has been appropriated by Congress?

GSA EPW QFR #24
Yes, Correct.

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Preferred FBI Response:
Correct, GSA does not intend to enter into an active procurement until the necessary funding is in place.

23. How will the FBI's future space needs be addressed after 2025 when the new HQ is occupied? How is the FBI's post-2025 growth being factored into the design and construction of the new building?

GSA EPW QFR #25

Preferred FBI Response:
The plan is to design and construct the new FBI HQ with a 10% flexibility in occupancy. This is standard practice to accommodate small growth or internal swing space requirements due to future re-organizations. Major growth beyond 2025 would require a detailed assessment of facility requirements associated with the operational objectives. The increased capabilities and capacities at FBI facilities in Huntsville AL, Pocatello ID, and Clarksburg WV would provide additional flexibility if and when that growth were to occur.

24. GSA's Site Selection Guide notes that the Public Buildings Cooperative Use Act and the Federal Urban Land Use Act require GSA to consider local planning efforts in the project development and site selection process. Did GSA involve the National Capital Planning Commission (NCPC) in the production of the plan for the redevelopment of the JEH site? Is GSA aware that in January, 2017 the NCPC published commercial redevelopment plans for the JEH site?

GSA EPW QFR #26

[redacted] b5 per GSA

Preferred FBI Response:
GSA is aware of the Square Guidelines which anticipated the site's redevelopment for private use and will coordinate with NCPC under the revised plan to rebuild JEH for continued federal use.

25. What conversations have taken place with the District of Columbia regarding the reuse of the JEH site? Did you seek the Mayor's input before recommending the rebuilding of the FBI HQ on the JEH site?

GSA EPW QFR #27

[redacted] b5 per GSA

Senator Gillibrand: not related to FBI HQ PMO efforts

26. How much of the FBI's budget is dedicated to investigating tips that the FBI receives related to potential threats to public safety?

27. How many tips does the FBI receive on average each year, and how many turn out to be credible?

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28. How long does it take, on average, to investigate those tips?

29. How many agents follow-up on tips received by the FBI?

30. How many tips go unanswered by the FBI each year? Why?

31. Would more money and resources help the FBI to be able to follow-up on every tip? Do you have an approximate amount of how much more funding Congress would need to provide?

32. Moving to the topic of sexual assault training, what courses are currently offered at the FBI Training Academy to teach agents how to deal with victims of sexual assault?

33. How often is the curriculum at the academy updated?

34. Who makes the decisions as to what courses should be offered?

35. Will the FBI work with me to offer a class on sexual assault?

Senator Van Hollen:

36. After the hearing on February 28, 2018, Mr. Mathews submitted a letter to the Chairman (and copied myself and Ranking Member Carper), clarifying his response to my question that was asked to him, "Have you ever had any conversations or communication with either the President of the United States or any senior White House staff about this FBI project?"

    Mr. Mathews stated that he:

    > Attended one meeting with a senior official at the White House where the primary topic of the meeting was the FBI headquarters project.
    >
    > Attended one meeting with a senior official at the White House where the FBI headquarters project was discussed briefly as a matter incidental to the subject of the meeting.
    >
    > Had several meetings with another senior White House official where the FBI headquarters was discussed, but only in the context of a broader discussion of Federal real property acquisition financing.

    a. Have you ever had any conversations or communications, to include in-person conversations, phone calls and all forms of electronic communication, with either the President of the United States or any senior White House staff, including any one at OMB about this FBI project?

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18-cv-2422(FBI)-5099

b. If so, with respect to those communications, please provide detailed information on the date, location, participants, topic, summary and decisions made.

c. With respect to each of those meetings, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

GSA EPW QFR #28
Refer to Central Office

Preferred FBI Response:
You = Haley. Best answered by FFD Front Office

37. On August 2, 2017 this Committee requested that GSA and FBI return to Congress in 120 days with a plan for the FBI headquarters with a deadline of November 30, 2017. On December 1, 2017 the Committee approved your request for a 60 day extension with a new deadline of January 29, 2018. This second deadline was missed and your revised proposal was submitted on February 12, 2018.

GSA EPW QFR #30

Preferred FBI Response:
Delivering a new FBI headquarters remains a top priority for GSA and the FBI. Efforts to revise the proposal began immediately following the cancellation of the exchange procurement. The decision to reduce the program size and reuse JEH was a GSA and FBI decision. A revised plan with this proposal was submitted to OMB in January 2018 with a proposed funding strategy of Ground-Lease Lease-Back before being submitted to Congress on February 12, 2018 as direct Federal Appropriations request.

a. When did you start working on the revised proposal for the FBI headquarters?

August 2017

b. Did any senior White House official or the President provide input or make recommendations to GSA or the FBI prior to submission to the White House or OMB for approval? If so, what were those recommendations?

No.

c. When was the proposal sent to the White House and OMB for approval?

Refer to Central Office

d. Did the President or any senior White House official request or make any changes to the proposal after you submitted it for approval? If so, what were those changes?

Refer to Central Office

38. Your proposal states that the, "Two-year budget cap deal provides a unique opportunity to secure appropriations for the FBI headquarters" and in Mr. Mathews testimony he

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stated that the "final recommendation came forward at that same time (as the budget agreement.)" What was GSA and the FBI doing between August 2, 2017 and February 9, 2018 to respond to this committee's request?

GSA EPW QFR #31
Evaluating Scope, Locations, Funding and Procurement Strategies.

39. Prior to passage of the budget deal in the early morning hours of February 9, 2018, what was the Administration's plan for funding the project?

GSA EPW QFR #32
Refer to Central Office - Revolving Fund (?)

Preferred FBI Response:
Prior to February 9, 2018; GSA and the FBI were preparing to propose a Ground-Lease Lease-Back (GL-LB) funding strategy. OMB preference is federal appropriations.

40. Putting the Hoover building transfer aside, the often stated reason for cancelling the original procurement was due to lack of funding. Now that potential funding is available as a result of the budget deal, did you consider reviving the framework of the original procurement minus the building swap?

GSA EPW QFR #33
The previous procurement "framework" was developed for an exchange. In removing the exchange the previous "framework" is not viable.

41. Who specifically was involved in revising the FBI's mission requirements? Were any senior White House officials or the President involved in revising the mission requirements?

    a. When did you notify GSA of your mission requirements?

    b. After you revised your mission requirements and informed the GSA, what options did you consider for possible locations for the headquarters building?

    c. Did you consider any of the other surplus or excess facilities in the GSA portfolio and in the larger government wide portfolio in Washington, DC, Virginia, or Maryland as possible locations or facilities for the headquarters?

The decision to revise the size of the project and subsequently then revisit the reuse of the JEH parcel was driven by the FBI. No White House officials nor the President were involved in revising mission requirements. The FBI shared the concept of a reduced program size with GSA in October 2017 and held internal discussions about all sites previously identified during the initial GSA study from 2013/2014. The JEH site provides unique benefits to the FBI operations and its employees and therefore was discussed with GSA as being the preferred location.

42. According to the Interagency Security Committee's document, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* published in November 2016, "For single-tenant facilities owned or leased by the government, a representative of the tenant agency will make the Facility Security Level (FSL)

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determination in consultation with the owning or leasing department or agency and the security organization responsible for the facility."

a. Who at the FBI is approved to make such determinations on behalf of the Bureau?

b. Did this person participate in the decision-making process that resulted in the current plan to build the new headquarters on the current Hoover site?

c. Did this person agree with the final decision to rebuild on the current site?

d. If the building cannot meet the Level of Protection (LOP) required for an ISC FSL V building, did this person follow the decision-making guidelines in the ISC document to determine what level of risk is acceptable?

The plan to build a new FBI HQ will comply with the Interagency Security Committee Standards.

43. I believe the safety and security of the men and women of the FBI is of utmost importance and I believe that a strong argument can be made that a campus like facility is more secure than the Hoover site in DC. I agree with the GSA Prospectus for Construction (PNCR-FBI-NCR17) that, "The building was designed at a time when FBI operated differently, and *it cannot be redeveloped* to provide the necessary space to consolidate the FBI Headquarters components or to meet the agency's physical security and current and projected operational requirements."

a. The 2016 Prospectus states that, "The new facility will be built to meet ISC Level V security specifications…" Is it possible to have the same level of security at the Hoover site that was intended for one of the three previously identified sites in MD or VA?

b. Is it possible to achieve ISC Facility Security Level (FSL) V standards for a new building at the Hoover site?

GSA EPW QFR #38

Preferred FBI Response:
The need for a secured facility that meets the Interagency Security Committee (ISC) Level V standard for the FBI Headquarter still remains and is not specific to any location. Due to the urban characteristic of the JEH site, the level of security will differ from the original suburban option. The differences include but are not limited to construction methodologies, positioning of sensitive operations. The J. Edgar Hoover Building as currently constructed does not provide the security countermeasures required for a Level V facility per the Interagency Security Committee (ISC). However, these protections can be achieved at the current site with a new facility built with modern technology and appropriate mitigations measures. The ISC process will be utilized to identify and implement the countermeasures required to meet Level V requirements at the JEH Site.

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44. According to the Interagency Security Committee's document, The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard, "New construction, with few exceptions, is fully expected to meet the LOP."

    How much risk is the FBI willing to take in order to build the headquarters on the existing Hoover site?

    The plan to build a new FBI HQ will comply with the Interagency Security Committee Standards.

45. According to the FBI, in 1995 when Timothy McVeigh detonated a bomb at the Alfred P. Murrah Federal Building in downtown Oklahoma City, "In a matter of seconds, the blast destroyed most of the nine-story concrete and granite building, and the surrounding area looked like a war zone. Dozens of cars were incinerated, and more than 300 nearby buildings were damaged or destroyed."

    Knowing this information, and knowing that the FBI headquarters building requires Level V security standards, does the current location of the Hoover building pose any security or other risks to surrounding buildings and structures?

    GSA EPW QFR #40

    Preferred FBI Response:
    The current location of the FBI Headquarter is unique because Pennsylvania Avenue not only houses the FBI but also many of the other major US Government agencies. The Department of Justice and the National Archives are right across the street from the J. Edgar Hoover Building. An adversary with the intent to cause harm to US Government could target any of these agency' facilities. Keeping the FBI Headquarter at its current location does not create any additional risk to the surrounding buildings than what presently exists.

46. Has GSA or the FBI consulted with anyone representing Washington, DC Mayor Muriel Bowser or the City Council since the decision was made to cancel the original procurement and the issuance of your new proposal on February 12, 2018?

    GSA EPW QFR #41
    Yes.

47. Has the GSA or FBI consulted with the National Capital Planning Commission (NCPC) or reviewed and considered the new square guidelines established by the NCPC for the land currently occupied by the Hoover building?

    GSA EPW QFR #42

[redacted] b5 per GSA

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Senator Whitehouse:

48. Have there been any communications between FBI and GSA and any representative of the Trump Organization about this project? If so, will you disclose them to the Committee?

GSA EPW QFR #44
Refer to Central Office

Preferred FBI Response:
All GSA and FBI communications with the White House and/or OMB on this project have been with federal officials. Those conversations centered on viable funding strategies for the project.

49. Can you assure the committee that this change in approach has nothing do to who the President is and the Trump Organization's ownership of a nearby hotel?

GSA EPW QFR #45
Yes.

Preferred FBI Response:
Yes, GSA and FBI can assure the committee that a nearby hotel played no factor in the revised plan.

50. Who directed the cancellation of the Acquisition by Exchange process?

GSA EPW QFR #46
The GSA Contracting Officer made the decision to cancel this acquisition.

51. Who decided to reconsider the demolish and rebuild strategy that was previously set aside by GSA as too expensive? How have the numbers changed to now make this not only a viable option, but the most cost effective option?

GSA EPW QFR #47

b5 per GSA

Preferred FBI Response:
The last time, a renovation or redevelopment of JEH was studied was in 2006. That report did not conclude that a redevelopment scenario was too expensive. Given changes to the program size directed by the FBI; GSA and FBI performed professional due diligence to revisit the possible reuse of JEH and determined it to be a viable strategy that would meet the FBI current needs.

52. Though the proposal from the FBI and GSA estimates the new demolish and rebuild plan will save around $200 million from the previous suburban consolidation plan, the new plan does not appear to include estimated costs for relocating the 2,300 staff currently in the DC area that will no longer fit in the new building. How much will it cost to move those people and renovate or build office space for their new assignments in Idaho, West Virginia, or Alabama? Will those costs be paid for by GSA or the FBI?

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GSA EPW QFR #48

Preferred FBI Response:
The EPW report page 11, titled "Funding Gap Analysis" highlights the projected funding shortfalls. Outside of identifying the required amount of additional funding required, this was not meant to be a direct comparison given that the project size, schedule and delivery methods all differ. Relocating HQ functions while increasing capacity and capabilities in Alabama, Idaho and West Virginia is part of a larger strategic master plan for the FBI. These facilities are owned by the FBI without GSA involvement.

53. What security upgrades can be made to the current Hoover Building's location that would compare to what could be possible in a suburban campus which has more room for fencing, security checkpoints, and other protective features?

GSA EPW QFR #49

Preferred FBI Response:
The need for a secured facility that meets the Interagency Security Committee (ISC) Level V standard for the FBI Headquarter still remains and is not specific to any location. Due to the urban characteristic of the JEH site, the level of security will differ from the original suburban option. The differences include but are not limited to construction methodologies, positioning of sensitive operations. The J. Edgar Hoover Building as currently constructed does not provide the security countermeasures required for a Level V facility per the Interagency Security Committee (ISC). However, these protections can be achieved at the current site with a new facility built with modern technology and appropriate mitigations measures. The ISC process will be utilized to identify and implement the countermeasures required to meet Level V requirements at the JEH Site.

54. The Trump infrastructure plan reportedly includes a request for $2.2 billion for the FBI headquarters. The FBI has already set aside $1.125 billion for the project. Why is the FBI setting aside funding for the project if it is generally the GSA's role to own and build federal buildings?

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QUESTIONS GIVEN TO GSA BUT NOT FBI

Chairman Barrasso:

1. Last July, news of GSA's decision to cancel its procurement process first broke through various media outlets the day before the agency gave any official notice to Congressional staff. Likewise, GSA's new plan to keep FBI Headquarters at its current location found its way to reporters two whole weeks before Congress was notified. This is an unacceptable pattern of practice that undermines this Committee's oversight authority. What can GSA do to remedy this issue moving forward?

b5 per GSA

2. GSA is requesting $2.175 billion in additional appropriated funds for this project. This is the largest request throughout the course of this project. Does GSA expect all of this money to be appropriated at the start of the project? If so, what does GSA plan to do if Congress is unable to provide full funding at the start of the project?

b5 per GSA

3. This project has been ongoing since 2004, and it has been seven years since this Committee authorized GSA to act. Since that time, GSA has spent $20 million in taxpayer money on ideas and plans. It now appears these concepts have been scrapped. Will the taxpayer get any return for the $20 million spent to date?

b5 per GSA

Senator Van Hollen:

28. In the letter you sent, dated February 28, 2018, to the Chairman following the hearing (and copied myself and Ranking Member Carper), you clarified your response to my question, "Have you ever had any conversations or communications with the President or any senior White House staff about this FBI project?" In your clarification you stated that you:

    Attended one meeting with a senior official at the White House where the primary topic of the meeting was the FBI headquarters project.

    Attended one meeting with a senior official at the White House where the FBI headquarters project was discussed briefly as a matter incidental to the subject of the meeting.

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Had several meetings with another senior White House official where the FBI headquarters was discussed, but only in the context of a broader discussion of Federal real property acquisition financing.

a. With respect to meetings referenced in the letter above, please provide detailed information on the date, location, participants, topic, summary and decisions made.

b. With respect to each of those meetings, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

c. Were there any other communications with any other senior staff at the White House or OMB? If so, please provide detailed information for each communication, including the date, location, participants, topic, summary, and decisions made.

d. With respect to any communications with senior staff at the White House or OMB detailed in the response to the prior question, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

29. Please provide a fully transparent comparison of the differences in total cost of the new proposed headquarters verses the total estimated cost of building a headquarters based on the February 2016 Prospectus PNCR-FBI-NCR17 submitted to this Committee. This information should include (but is not limited to): cost of demolition of the existing Hoover building, rent for the swing space, cost of continuation of lease payments for current non-Hoover building employees that have to be continued, and the cost per employee for each location.

Note: FBI PMO will provide recommendations to the draft cost tables developed by GSA.

On page 11 of your proposal, you compare the cost to consolidate 11,000 employees into a campus setting and 8,300 employees into a Hoover Building rebuild. This is comparing apples and oranges. Did GSA and the FBI compare the cost of consolidating 8,300 employees in a Hoover rebuild to consolidating those 8,300 employees at a new location?

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[redacted] b5 per GSA

34. During the House Oversight and Government Reform Committee hearing on February 14, 2018 you stated that the FBI's role is in defining their mission requirements. When were you notified of the FBI's revised mission requirements?

[redacted]

35. After you were informed of the revised mission requirements for the FBI, did you consider any of the other surplus or excess facilities in the GSA portfolio and in the larger government wide portfolio in Washington, DC, Virginia, or Maryland as possible locations or facilities for the headquarters?

No.

36. If nothing in the GSA inventory or the government-wide inventory met the mission requirements, did GSA review private inventory before deciding on new construction?

No.

37. What were the steps that you went through before deciding that rebuilding on the Hoover site was the best option?

[redacted] b5 per GSA

39. According to the Interagency Security Committee's document, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* published in November 2016, "Each FSL corresponds to a level of risk that related directly to a Level of Protection (LOP) and associated set of baseline security measures." A level V Facility Security Level has a very high level of risk and required a very high baseline level of protection. Has the GSA ever supported a plan for new construction of a building that is deemed to require an ISC Level V Level of Protection but was built to a lower level of protection?

No.

43. Please clarify your answer to Ranking Member Carper's question, "When does the GSA anticipate transmitting a new prospectus?"

[redacted] b5 per GSA

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From:
To: [redacted] b6 -1 b7C -1
Cc: Grant, Douglas S. (FD) (FBI); [redacted]
Subject: EPW QFRs - New FBI HQ
Attachments: EPW QFRs_All Haley QFR's 02.28.2018_crosswalk to Matthews QFRs_v1.docx

[redacted]

As discussed last week, many of these questions are identical to those questions given to GSA PBS Commissioner Matthews and therefore we suggest a high level of coordination between the agencies. The attached includes the GSA PMO drafted answers in red with FBI recommended answers in Blue.

Other comments:

1. Questions #26-35 from Senator Gillibrand are not related to the HQ Project and were not answered
2. Question #36 asks about specific communications had by Rich – suggest FFD Front Office drafts this answer
3. The last page includes questions and draft GSA answers which were NOT given to the FBI. We've included a few notes to include plans for the FBI PMO to provide a revised chart for #29 (cost comparison tables).

Let me know if you have any questions or comments,

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Tuesday, April 17, 2018 1:04 PM
To: [redacted]
Cc: Grant, Douglas S. (FD) (FBI); [redacted]
Subject: EPW QFRs - New FBI HQ
Attachments: EPW QFRs_All Haley QFR's 02.28.2018_crosswalk to Matthews QFRs_v1.docx

[redacted]

As discussed last week, many of these questions are identical to those questions given to GSA PBS Commissioner Matthews and therefore we suggest a high level of coordination between the agencies. The attached files includes the GSA PMO drafted answers in red with the PMO team's recommended answers in Blue.

Other comments:

1. Questions #26-35 from Senator Gillibrand are not related to the HQ Project and were not answered
2. Question #36 asks about specific communications had by Rich – suggest FFD Front Office drafts this answer
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Let me know if you have any questions or comments,

[redacted]

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Thursday, April 26, 2018 4:58 PM
To: [redacted]
Subject: RE: Prep for Meeting with GSA IG
Attachments: EPW Presentation_Final_20180212.pdf; Project Milestones_3.1.2018.xlsx; EPW QFRs_All Haley QFR's 02.28.2018_crosswalk to Matthews QFRs_v1.docx; EPW Report Funding Gap Analysis Page.pdf; EPW QFR_29 - FBI Draft Response 20180424_v3a.pdf

I think these documents at a minimum should be reviewed:

- Our EPW report – knowing every details of it.
- The milestone of decision making/events
- Consolidated list of the EPW QFRs
- The cost comparison sheet between the previous and current programs.

I have attached them with this email. Will share more as I think of them.

[redacted] b6 -1 b7C -1 b7E -1

-----Original Appointment-----
From: [redacted]
Sent: Thursday, April 26, 2018 4:20 PM
To: [redacted]
Subject: Prep for Meeting with GSA IG
When: Monday, April 30, 2018 8:30 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: TBD

AMERICAN OVERSIGHT

FY2016 Prospectus Comparison vs. JEH Demolish and Rebuild

Suburban Campus 2016 Prospectus Exchange	Location Procurement Type	JEH Site 2018 Proposed Demolish & Rebuild	Non-NCR Sites [1] 2018 Federal Construction
10,606	Personnel	8,300	2,306
2023	Year of Occupancy	2025	2023
2,349,013	Main Building (GSF)	1,910,909	576,481
2,135,466	Main Building (RSF)	1,737,190	524,074
169,101	Ancillary Buildings (RSF)	-	-
2,641,461	Garages (GSF)	715,000	784,015
7,769	Garage (Spaces)	900	2,306
2017	Award Year	2019	2019
2% Compounded	Annual Construction Inflation	2% Compounded	2% Compounded
Major Cost Elements Included in EPW Report			
$2,650 M	**Design & Construction**	**$1,926 M**	**$432 M**
$1,848 M	Main Building Cost	$1,763 M	$372 M
$224 M	Ancillary Building Cost	-	-
$232 M	Garage Cost	$125 M	$45 M
$144 M	Site Work or Demolition Cost	$38 M	$15 M
$127 M	Exchange Developer Fee	-	-
$75 M	Site Acquisition Cost	-	-
$249,859	*Cost Per Seat*	*$232,048*	*$187,180*
$915 M	**Implementation Cost**	**$1,402 M**	**$65 M**
-	Temp Swing Space Move & Rep	$479 M	-
$915 M	FBI Fit-Out	$923 M	$65 M
$3,565 M	**Total Cost**	**$3,328 M**	**$496 M**
Additional Cost Element Considerations			
$776 M	**Additional Considerations**	**$639 M**	**$103 M**
$107 M	Esclation: D&C (2019 Award)	-	-
$37 M	Escalation: Move & Rep (2019 Award)	-	-
$75 M	GSA M&I	$75 M	-
-$363 M	JEH Exchange Proceeds [2]	-	-
$255 M	Off-Site Transportation Improvements	-	-
-	Temp Swing Space Rent	$172 M	-
$310 M	Interim Private Lease Payments	$310 M	-
$84 M	JEH Potential Captial Repairs [3]	$17 M	-
$271 M	JEH Operating Costs [4]	$65 M	-
-	Employee Relocation Cost	-	$103 M

[1] *Non-NCR cost are representative; efforts at Non-NCR locations are tied to mission and extend beyond the relocation of NCR HQ personnel*

[2] *Average JEH credit offered*

[3] *Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish and five years in the 2016 prospectus scenario.*

[4] *GSA provides FBI with full delegated authority for JEH; FBI contracts for and pays ~$42M/year in utility and maintenance cost and also transfers ~$43M/year (which is not shown) in rent payments to GSA*

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-000037 22(FBI)-5169

8,300 Seat
Suburban Campus vs. JEH Demolish and Rebuild

Suburban Campus [1] 2016 Prospectus Exchange	Location Procurement Type	JEH Site 2018 Proposed Demolish & Rebuild
8,300	Personnel	8,300
2025	Year of Occupancy	2025
1,910,909	Main Building (GSF)	1,910,909
1,737,190	Main Building (RSF)	1,737,190
138,000	Ancillary Buildings (RSF)	-
2,273,250	Garages (GSF)	715,000
6,495	Garage (Spaces)	900
2019	Award Year	2019
2% Compounded	Annual Construction Inflation	2% Compounded

Major Cost Element Included in EPW Report		
$2,152 M	**Design & Construction**	**$1,926 M**
$1,576 M	Main Building Cost	$1,763 M
$213 M	Ancillary Building Cost	-
$202 M	Spaces Garage Cost	$125 M
$87 M	Site Work or Demolition Cost	$38 M
$75 M	Site Acquisition Cost	-
$259,313	*Cost Per Seat*	*$232,048*
$923 M	**Implementation Cost**	**$1,402 M**
$0 M	Temp Swing Space Move & Rep	$479 M
$923 M	FBI Fit-Out	$923 M
$3,075 M	**Total Cost**	**$3,328 M**

Additional Cost Element Considerations		
$409 M	**Additional Considerations**	**$639 M**
$75 M	GSA M&I	$75 M
-$586 M	JEH Disposal Proceeds [1]	-
$255 M	Off-Site Transportation Improvements	-
-	Temp Swing Space Rent	$172 M
$310 M	Interim Private Lease Payments	$310 M
$84 M	JEH Potential Captial Repairs [2]	$17 M
$271 M	JEH Operating Costs [3]	$65 M

[1] *Estimated value in 2027; proceeds will not reduce the cost of the project*

[2] *Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish and five years in the 2016 prospectus scenario.*

[3] *GSA provides FBI with full delegated authority for JEH; FBI contracts for and pays ~$42M/year in operating costs (utility and maintenance) and also transfers ~$43M/year (which is not shown) in rent payments to GSA*

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-000038 2018

FBI HQ Consolidation

2018 Timeline From 8/2 EPW Hearing

Date	Event	Summary	Program Size	Sites Considered
8/2/2017	EPW Hearing - What Happened and What's Next (GSA & FBI)	Link		Greenbelt Landover Springfield
8/5/2017	GSA/FBI PMO planning efforts	~~Internal review of all project factors: size (5K up to 10.6K) + locations + cost/funding~~ Thought Process: possibly reduce cost with reduced project size and use of govt land		**FBI Adds:** Fort Belvoir Hill East (aka Res 13) JEH Reno
8/7/2017	FBI PMO discussion with DNI ADD for Facilities	At FBI request; DNI ADD Facilities outlines charrette plan for potential JEH renovation concept		
8/11/2017	FBI PMO meeting with DNI and NGA	At FBI request; DNI, NGA and FBI meet to discuss feasibility of Fort Belvoir		
8/24/2017	GSA PBS commissioner walks through initial plan proposal	Evaluation of Full Funding, Phased Funding, and P3. Discussion of rental rates and challenges with recommendation to target $72/RSF.		
8/29/2017	FBI PMO meeting with Security	JEH renovation discussion		
9/7/2017	DNI ADD Facilities meeting with Dept of Army IEE	Inquiring on availability of Fort Belvoir		
9/11/2017	FBI PMO JEH Analysis	JEH MEP analysis starts		
9/14/2017	PMO Strategy Session	Discussion of DC options, Res 13, St. E's, Ft Belvoir East/East, Poplar point		
9/18/2017	FBI PMO meeting with DC office of P3 (Public, Private, Partnerships)	Discussion about DC experience performing and executing P3 projects, non-site specific		**FBI Adds:** Popular Point St E's
10/4/2017	FBI PMO DC Site Tours	St. E's, Popular Point, Hill East	10,606 with ongoing analysis between 5K - 10.6K	**FBI Removes:** St E's
10/12/2017	AD and Director meeting at Alanta Field Office Ribbon Cutting Ceremony	Discussed HQ project and potential for DC		
10/18/2017	GSA/FBI PMO level meeting with DC Mayors Office	Project update: explaination of cancellation + communication that moving forward all options are being re-evaluated		
10/24/2017	GSA/FBI PMO level meeting with MD Governors Office (in Annapolis)	Project update: explaination of cancellation + communication that moving forward all options are being re-evaluated		**FBI Adds:** RFK (an original site)
10/25/2017	GSA Administrator tours JEH, & AD and GSA PBS Commissioner meeting	GSA shares draft EPW presentation comparing Federal Appropriations vs. P3; *identifies P3 as lowest risk and lowest cost option* FBI shares proposed briefing materials for ADD; *introduces to GSA concept of reduced program size*		**Suburban:** Landover Greenbelt Springfield Ft. Belvoir **DC:** Hill East Popular Point RFK JEH
10/26/2017	PMO meeting with FBI ADD	Briefing on HQ planning efforts: size, locations (including JEH phased reno), cost/funding		
10/26/2017	GSA/FBI PMO level meeting with VA Governors Office	Project update: explaination of cancellation + communication that moving forward all options are being re-evaluated		
~~10/27/2017~~	~~PMO briefs ADD Advisory Committee~~	~~Briefing on HQ planning efforts: size, locations, cost/funding, fADD Harrington introduces Citi renovation - **Focus of Advisory: JEH renovation**~~		
10/30/2017	Recap discussion with AD on Citi reno, introduce idea of annex location			
11/3/2017	Army response to inquiry on Fort Belvoir North Area	Informed site is not available for FBI use by HQDA ASA IEE		
11/6/2017	GSA/FBI PMO level call with PG county executives	Project update: explaination of cancellation + communication that moving forward all options are being re-evaluated		
11/13/2017	GSA PBS Commissioner & WH Staff Meeting (OMB & NEC)	**no FBI attendance** - Discussion of funding strategy and revolving fund		

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FBI HQ Consolidation

2018 Timeline From 8/2 EPW Hearing

Date	Event	Summary	Program Size	Sites Considered
11/13/2017	Call between AD and GSA PBS Commissioner	Prep for EPW call	10,606 with ongoing analysis between 5K - 10.6K	**Suburban:** Landover Greenbelt Springfield Ft. Belvoir **DC:** Hill East Popular Point RFK JEH
11/14/2017	Call between GSA/FBI with EPW staffers	Extension requested - introduce moves to WV, ID & AL. Committee asks if costs are reduced		
11/17/2017	ADD and GSA PBS Commissioner meeting	Discussion about political challenges with pursuing DC option, land feasbility and funding options **ADD top choice is DC**		
11/20/2017	PMO briefs the Director	HQ Briefing: review of planning efforts (size, location, cost/funding)		
12/1/2017	Extension on EPW Report	Memo providing 60 day extension to 1/29/2018 for delivery of report proposing a revised solution		
12/7/2017	AD and GSA PBS Commissioner	Follow-up meeting on status of report		
12/12/2017	First Draft: EPW Report	National HQ Strategy: 8,000 NCR HQ + 2,000 Non-NCR + 600 DC NCR Location: Suburban Campus + DC Touchdown Funding: Lease Construction w/ Purchase Option	8,000 NCR HQ 2,000 Non-NCR 600 DC	
12/14/2017	AD and GSA PBS Commissioner	Follow-up meeting on status of report		
12/15/2017	EPW Report Update	National HQ Strategy: 10,600 down to 8,000 NCR HQ + 2,600 Non-NCR (no DC touchdown) NCR Location: Suburban Campus Funding: Lease Construction w/ Purchase Option	8,000 NCR HQ 2,600 Non-NCR	
12/19/2017	PMO Site visit to Citi reno site in NYC			
12/19/2017	GSA / White House CoS Meeting	*Project was focus of meeting - FBI did not attend per engagement protocol - Director was out of town and unable to attend*		
12/20/2017	PMO meeting (+ DAD Dimos) with Director	HQ Briefing: review of planning efforts		
1/2/2018	FBI PMO produced draft JEH Renovation Study	Size, Phasing, Cost		
1/4/2018	Meeting between FBI Director and GSA Administrator	HQ Discussion (NPV discussion)		
1/8/2018	EPW Report Update	National HQ Strategy: 8,750 NCR HQ + 1,856 Non-NCR NCR Location: 2 Alternatives: Suburban or JEH Reno Funding: Lease Construction with Discounted Purchase Option	8,750 NCR HQ 1,856 Non-NCR	
1/16/2018	GSA/FBI PMO meeting	Discussion between JEH renovation vs. demo + rebuild; GSA recommends demo + rebuild	8,300 NCR HQ 2,300 Non-NCR	JEH
1/23/2018	**PMO Meeting with Director**	**Discussion: OMB has pulled out 2006 GSA report showing reno costs are lower** **Options discussed:** **1) Phased move-out with reno** **2) Full move-out abd tear down with rebuild**		
1/24/2018	**Principals Meeting**	**Demo + rebuild on JEH Site for 8,300 staff to be funded via GL-LB**		
1/26/2018	EPW Report Update / Preview	National HQ Strategy: 8,300 NCR HQ + 2,300 Non-NCR Recommendation: demo + rebuild JEH Funding: GL-LB		

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FBI HQ Consolidation

2018 Timeline From 8/2 EPW Hearing

Date	Event	Summary	Program Size	Sites Considered
1/30/2018	OMB/GSA/FBI Meeting	GSA/FBI presents EPW report to OMB; *OMB direction is to remove recommendation of GL-LB from report*	8,300 NCR HQ 2,300 Non-NCR	JEH
2/8/2018	OMB/GSA/FBI Discussion	Per OMB; revised funding plan will be Federal Appropriations		
2/9/2018	Bipartisan Budget Act of 2018	Signed into law; raising spending caps for FY18 + FY19		
2/9/2018	EPW Report Update	National HQ Strategy: 8,300 NCR HQ + 2,300 Non-NCR NCR Location: demolish and rebuild of the JEH site Funding: Federal Appropriations		
2/12/2018	GSA submits FINAL EPW Report	After minor edits to 2.9.2018 version		
2/15/2018	Govt Oversight Hearing (GSA)	Link		
2/21/2018	Briefing to EPW Committee Staffers	In advance of schedule 2.28.18 Hearing		
2/28/2018	EPW Hearing: Oversight: FBI HQ Consolidation Project	Link		
3/2/2018	Briefing to T&I Committee Staffers	*Planned*		

AMERICAN OVERSIGHT

[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Monday, April 30, 2018 8:16 AM
To: [redacted]
Subject: RE: Prep for Meeting with GSA IG

Meeting at 6047 Yosemite.

[redacted]

-----Original Appointment-----
From: [redacted] b6 -1 b7C -1
Sent: Thursday, April 26, 2018 4:20 PM
To: [redacted]
Subject: Prep for Meeting with GSA IG
When: Monday, April 30, 2018 8:30 AM-9:30 AM (UTC-05:00) Eastern Time (US & Canada).
Where: 6047

AMERICAN OVERSIGHT

[redacted]

From: [redacted]
Sent: Monday, April 30, 2018 12:14 PM
To: [redacted] b6 -1,2 b7C -1
Subject: RE: EPW Report

I am expecting a debriefing this week from Mulvany's #2. Question is directed at getting some re-boot without needing another Principals meeting (as should that we required, the answer will be different)

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Tuesday, April 17, 2018 8:16 AM
To: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

10-4, keep us posted and thanks!

From: [redacted]
Sent: Tuesday, April 17, 2018 7:42 AM
To: [redacted] b6 -1,2 b7C -1 b7E -1
Cc: [redacted]
Subject: Re: EPW Report

Very useful feedback from Dearborn, some of which require more direct communication. Going to get the OMB engagement I need now to get the full answer related to Zombie.

[redacted]

Sent from my iPad

On Apr 12, 2018, at 3:43 PM, [redacted] wrote:

> Purpose is to learn unfettered details of what happened and expose opportunities for new direct engagement. Few people have more access than RD so I expect to have full picture.

[redacted]

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[redacted]

Sent from my iPhone

On Apr 12, 2018, at 3:37 PM, [redacted] wrote:

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

We have no additional update or material. I'm not sure if the timeline matches up for your POC but look forward to hearing your feedback.

Thanks
[redacted]

From: [redacted]
Sent: Thursday, April 12, 2018 3:15 PM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

Just update, I have a meeting Monday afternoon with Rick Dearborn on this issue. Is is "fresh" from his prior job as Deputy COS to POTUS.

Tell me if you have any updated thoughts, or am I using what I know as of our last meeting?

[redacted]

Sent from my iPad

On Mar 22, 2018, at 4:13 PM, [redacted] wrote:

You will see from her bio that she came from DHS; so if you have some relationships their; you might get her "story".

She is personally aware of what the impacts are if "piece meal" funding of a HQ; but having said that; she is still a buerucrat. She is said to be one of 3 people Mick trusts..

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Thursday, March 22, 2018 3:26 PM

b6 -1,2
b7C -1
b7E -1

AMERICAN OVERSIGHT

To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

Not a name I've heard being involved.

[redacted]

From [redacted]
Sent: Thursday, March 22, 2018 3:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

Any Team Zombie engagement that either of you are aware of with Kathy Kranninger (Associate Director for General Government)? She is the second "door number 2"). I know her a bit.

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Thursday, March 22, 2018 2:33 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

That would appear to be a "no" to project Zombie…

I got an answer from OMB that I didn't like (more the person they wanted us to work with); working on next option…

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Thursday, March 22, 2018 2:00 PM
To: [redacted]

b6 -1,2
b7C -1
b7E -1

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Cc: [redacted]
Subject: RE: EPW Report

b6 -1
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

https://www.bizjournals.com/washington/news/2018/03/22/house-omnibus-presents-fresh-challenge-for-fbi-hq.html?ana=e_wash_brk&s=newsletter&ed=2018-03-22&u=CWitytehpYLIKRxf%2BdgPpO0598204c&t=1521735454&j=80634291

House omnibus presents fresh challenge for GSA's new FBI headquarters plan

By Daniel J. Sernovitz
March 22, 2018

House lawmakers have moved to block any funding for the FBI's new headquarters until the federal government's real estate arm provides more information on why it reversed course from a previous plan to move the agency to suburban Maryland or Northern Virginia.

Language included in the federal omnibus at the request of Maryland Democratic Rep. Steny Hoyer and the Maryland Congressional delegation withholds appropriations for the $3.3 billion project, which calls for building a consolidated FBI headquarters on the site of the agency's current one in downtown D.C.

Specifically, that section of the legislation said the act does not include funding "... because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity."

If approved, that would mean the next opportunity to fund the project would be in fiscal 2019.

In July, the FBI and the General Services Administration canceled a solicitation that would have consolidated the headquarters operations for the nation's chief law enforcement agency from multiple locations to a single campus in either Greenbelt, Landover or Springfield. Then, in February, the two agencies submitted new plans to demolish the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW and build a consolidated headquarters on that site instead. Lawmakers in the House and Senate have questioned key parts of the proposal, and the GSA's inspector general has also launched a review of the project's costs and revised security requirements.

Hoyer and the Maryland delegation sought to withhold funding because they still do not know why the GSA and FBI abruptly canceled the last solicitation after a decade and $20 million spent analyzing the prospect in favor of keeping the FBI in downtown D.C. instead, according to a Hoyer aide.

The omnibus also undoes a prior move to rescind $200 million

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in GSA funding for the FBI but with the restriction that the freed-up funds can only be used to pursue the previous prospectus, a consolidated FBI headquarters on a new campus to be built somewhere in the region.

From [redacted]
Sent: Thursday, March 22, 2018 1:58 PM
To: [redacted]
Cc [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

I read the Omni and didn't see anything for "Zombie"; but maybe it was coded and I missed it?

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Monday, March 19, 2018 1:31 PM
To: [redacted]
Cc: [redacted]
Subject: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

[redacted] - follow up from our conversation last week; please reference the following attachments:

b6 -1,2
b7C -1

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks
[redacted]

: Please consider the environment before printing this e-mail

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, April 30, 2018 3:40 PM
To: [redacted]
Subject: GSA QFRs
Attachments: Questions for the Record_GSA_430.docx

AMERICAN OVERSIGHT

Questions for the Record
Emily Murphy, Administrator, General Services Administration
Submitted by Rep. Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations

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1. What national security concerns did the General Services Administration (GSA) consider in the development of its proposal for a fully consolidated FBI headquarters? Were those concerns used to justify a fully consolidated headquarters? How are those concerns addressed in the new national consolidation plan?

b5 per GSA

2. In August 2017, the Government Accountability Office (GAO) issued a report entitled, "Federal Real Property: Status of FBI Headquarters Consolidation and Issues Related to Funding Other Future Projects." The report found that the FBI headquarters "did not fully support the FBI's long-term security, space, and building condition requirements." Has GSA conducted an analysis that contradicts GAO's conclusion? If so, please provide that analysis to the Committee.

b5 per GSA

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b5 per GSA

3. Has GSA developed estimates for the cost of rental payments for swing space in its latest proposal for an FBI headquarters? If so, how were those estimates derived and what are they?

b5 per GSA

4. Will forcing the FBI to move twice-out of the Hoover building into swing space, then moving back to the new Hoover site- impose an additional cost on taxpayers that are not included in GSA's estimates for rental costs?

b5 per GSA

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5. The FBI previously testified to Congress that a fully consolidated headquarters would result in a minimum of $44 million in savings for taxpayers. Did GSA conduct an estimate of the annual cost savings of a fully consolidated FBI headquarters and convey those potential savings to Members of Congress? If so, what was GSA's estimate and how do the annual savings for the new national consolidation plan compare?

b5 per GSA

6. In developing the latest headquarters proposal, did anyone at GSA have communications with anyone from outside GSA regarding the project, including but not limited to the White House, the Executive Office of the President, the Office of Management and Budget, state or local officials, or private sector entities? If so, with whom were these discussions, when did they occur, and what was their substance?

b5 per GSA

7. Is the GSA Administrator or Public Buildings Service Commissioner aware of any conversations that members of the Administration had with the President of the United States or senior White House officials about the FBI headquarters consolidation project ? What was the nature of those conversations?

b5 per GSA

8. Commissioner Mathews testified that the FBI "changed their program requirements" and GSA "can meet the security requirements of the FBI." When and how was GSA informed that the FBI changed their program requirements in a manner that would allow the FBI to remain at the Hoover site? How were the FBI's program requirements altered from the original full consolidation project?

b5 per GSA

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Question for the Record
Alan Thomas, Commissioner, General Services Administration, Federal Acquisition Service
Submitted by Rep. Carolyn Maloney
Subcommittee on Government Operations

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1. A provision of the National Defense Authorization Act for Fiscal Year 2018 required the Administrator of GSA to establish a program for the procurement of commercial goods through online marketplaces. As GSA moves from the implementation phase to market research, what steps is GSA taking to ensure that there will be competition between the portal providers for these contracts?

The Section 846 legislation specifically calls on GSA to implement a program made up of "multiple contracts with multiple commercial e-commerce portal providers." In support of this, GSA has been actively meeting with stakeholders for the last several months to solicit feedback, understand their perspectives, and learn from industry best practices. This included a public meeting/listening session on January 9, 2018 with over 500 participants (in person and online) and over 250 pages of submitted comments. A unanimous theme was the need for a competitive, level playing field in the end solution.

GSA intends to make robust competition a key tenet of our commercial e-commerce program. To that end, GSA has been actively engaging both portal providers and suppliers to gain a deeper understanding of the varied e-commerce business models that exist, including an 'e-procurement model' that has an integrator layer on top of multiple portal providers (akin to an aggregator model for travel websites) and will continue its market analysis in Phase II of this process. As part of our recommendations in an Implementation Plan to the Office of Management and Budget (OMB) in Phase I, we seek to expand the definition of 'commercial e-commerce portals' to include the potential for this type of integrator model which would allow for - and encourage - competition among multiple portal providers.

Additionally, GSA is seeking legislative changes that will allow us to take a more modernized approach to existing competition requirements, as outlined in the required 90-day implementation report to Congress that GSA and OMB recently submitted. The requested statutory change would reflect that end users, for the first time, will be able to engage effectively in comparative shopping across a number of different sites. Equally important, this authority would allow GSA to create certainty and consistency in the application of streamlined procedures for the commercial e-commerce program, making it easier for the Government to create a more attractive market for sellers.

AMERICAN OVERSIGHT

[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Monday, April 30, 2018 4:01 PM
To: [redacted]
Subject: RE: GSA QFRs
Attachments: Questions for the Record_GSA_43018_FBI.docx

Only inaccuracy we found was in question number 8: we are moving roughly 2300 staff to non-NCR, not 2500, to stay consistent with the EPW report. Everything else looks okay.

I updated it with track changes if you want to accept the change..

[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, April 30, 2018 3:45 PM
To: [redacted]
Subject: FW: GSA QFRs

b6 -1
b7C -1
b7E -1

Please review ASAP and let me know if there are any inaccuracies.

[redacted]

-----Original Message-----
From: [redacted]
Sent: Monday, April 30, 2018 3:40 PM
To: [redacted]
Subject: GSA QFRs

b6 -1
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AMERICAN OVERSIGHT

Questions for the Record
Emily Murphy, Administrator, General Services Administration
Submitted by Rep. Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations

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1. What national security concerns did the General Services Administration (GSA) consider in the development of its proposal for a fully consolidated FBI headquarters? Were those concerns used to justify a fully consolidated headquarters? How are those concerns addressed in the new national consolidation plan?

b5 per GSA

2. In August 2017, the Government Accountability Office (GAO) issued a report entitled, "Federal Real Property: Status of FBI Headquarters Consolidation and Issues Related to Funding Other Future Projects." The report found that the FBI headquarters "did not fully support the FBI's long-term security, space, and building condition requirements." Has GSA conducted an analysis that contradicts GAO's conclusion? If so, please provide that analysis to the Committee.

b5 per GSA

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[redacted]

b5 per GSA

3. Has GSA developed estimates for the cost of rental payments for swing space in its latest proposal for an FBI headquarters? If so, how were those estimates derived and what are they?

[redacted]

4. Will forcing the FBI to move twice-out of the Hoover building into swing space, then moving back to the new Hoover site- impose an additional cost on taxpayers that are not included in GSA's estimates for rental costs?

[redacted]

b5 per GSA

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5. The FBI previously testified to Congress that a fully consolidated headquarters would result in a minimum of $44 million in savings for taxpayers. Did GSA conduct an estimate of the annual cost savings of a fully consolidated FBI headquarters and convey those potential savings to Members of Congress? If so, what was GSA's estimate and how do the annual savings for the new national consolidation plan compare?

b5 per GSA

6. In developing the latest headquarters proposal, did anyone at GSA have communications with anyone from outside GSA regarding the project, including but not limited to the White House, the Executive Office of the President, the Office of Management and Budget, state or local officials, or private sector entities? If so, with whom were these discussions, when did they occur, and what was their substance?

7. Is the GSA Administrator or Public Buildings Service Commissioner aware of any conversations that members of the Administration had with the President of the United States or senior White House officials about the FBI headquarters consolidation project ? What was the nature of those conversations?

b5 per GSA

8. Commissioner Mathews testified that the FBI "changed their program requirements" and GSA "can meet the security requirements of the FBI." When and how was GSA informed that the FBI changed their program requirements in a manner that would allow the FBI to remain at the Hoover site? How were the FBI's program requirements altered from the original full consolidation project?

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b5 per GSA

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Question for the Record
Alan Thomas, Commissioner, General Services Administration, Federal Acquisition Service
Submitted by Rep. Carolyn Maloney
Subcommittee on Government Operations

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1. A provision of the National Defense Authorization Act for Fiscal Year 2018 required the Administrator of GSA to establish a program for the procurement of commercial goods through online marketplaces. As GSA moves from the implementation phase to market research, what steps is GSA taking to ensure that there will be competition between the portal providers for these contracts?

The Section 846 legislation specifically calls on GSA to implement a program made up of "multiple contracts with multiple commercial e-commerce portal providers." In support of this, GSA has been actively meeting with stakeholders for the last several months to solicit feedback, understand their perspectives, and learn from industry best practices. This included a public meeting/listening session on January 9, 2018 with over 500 participants (in person and online) and over 250 pages of submitted comments. A unanimous theme was the need for a competitive, level playing field in the end solution.

GSA intends to make robust competition a key tenet of our commercial e-commerce program. To that end, GSA has been actively engaging both portal providers and suppliers to gain a deeper understanding of the varied e-commerce business models that exist, including an 'e-procurement model' that has an integrator layer on top of multiple portal providers (akin to an aggregator model for travel websites) and will continue its market analysis in Phase II of this process. As part of our recommendations in an Implementation Plan to the Office of Management and Budget (OMB) in Phase I, we seek to expand the definition of 'commercial e-commerce portals' to include the potential for this type of integrator model which would allow for - and encourage - competition among multiple portal providers.

Additionally, GSA is seeking legislative changes that will allow us to take a more modernized approach to existing competition requirements, as outlined in the required 90-day implementation report to Congress that GSA and OMB recently submitted. The requested statutory change would reflect that end users, for the first time, will be able to engage effectively in comparative shopping across a number of different sites. Equally important, this authority would allow GSA to create certainty and consistency in the application of streamlined procedures for the commercial e-commerce program, making it easier for the Government to create a more attractive market for sellers.

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[redacted] b6 -1 b7C -1

From: [redacted]
Sent: Monday, April 30, 2018 3:45 PM
To: [redacted]
(CON)
Subject: FW: GSA QFRs
Attachments: Questions for the Record_GSA_430.docx

Please review ASAP and let me know if there are any inaccuracies.

[redacted]

-----Original Message-----
From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Monday, April 30, 2018 3:40 PM
To: [redacted]
Subject: GSA QFRs

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[redacted]

b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, June 20, 2018 2:21 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Swing Space $479M Substantiation

Perfect – thanks.

[redacted]

From: [redacted]
Sent: Wednesday, June 20, 2018 9:45 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Swing Space $479M Substantiation

b5 -1
b6 -1
b7C -1
b7E -1

Here is the summary:

[redacted]

[redacted]

From: [redacted]
Sent: Wednesday, June 20, 2018 9:23 AM
To: [redacted]
Cc: [redacted]
Subject: Swing Space $479M Substantiation

b5 -1
b6 -1
b7C -1
b7E -1

Different idea… In studying the spreadsheet put together by [redacted]

[redacted]

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[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

Let me know and we can talk as group as needed.

[redacted]

[redacted]

b5 -1
b6 -1
b7C -1
b7E -1

From: [redacted]
Sent: Wednesday, June 20, 2018 9:00 AM
To: [redacted]
Cc: [redacted]
Subject: FW: FBI Project - Presentation Comments

[redacted]

Hope this helps.

Thanks

[redacted]

[redacted]

From: [redacted]
Sent: Friday, February 09, 2018 3:47 PM

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To: 'Aaron Hassinger - WPIA' <aaron.hassinger@gsa.gov>; [redacted]
Shannon.Roberts@jacobs.com; Mack Gaither <mack.gaither@gsa.gov> [redacted]
Subject: RE: FBI Project - Presentation Comments

b6 -1
b7C -1
b7E -1
b5 -1

Thanks Aaron - [redacted]

[redacted]

Thanks
[redacted]

[redacted]

From: Aaron Hassinger - WPIA [mailto:aaron.hassinger@gsa.gov]
Sent: Friday, February 09, 2018 3:41 PM
To: [redacted] Shannon.Roberts@jacobs.com; [redacted]
[redacted] Mack Gaither <mack.gaither@gsa.gov>
Subject: Fwd: FBI Project - Presentation Comments

b6 -1
b7C -1
b7E -1

More edits.....

Aaron Hassinger
GSA
202-657-7239

Begin forwarded message:

> **From:** Michael Gelber - PD <michael.gelber@gsa.gov>
> **Date:** February 9, 2018 at 3:38:19 PM EST
> **To:** Aaron Hassinger - WPCB <aaron.hassinger@gsa.gov>
> **Subject: FBI Project - Presentation Comments**
>
> As we discussed:
>
> --
> << OLE Object: Picture (Device Independent Bitmap) >>

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[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Friday, May 4, 2018 11:25 AM
To: [redacted]
Subject: FW: GSA Questions for the Record on Government's Acquisition and Property Manager 117376
Attachments: CC038268 GSA QFRs House Oversight for OMB review.docx

Hi guys! Are these the same as what we have seen before?

Thanks!

[redacted]

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Friday, May 04, 2018 9:43 AM
To: [redacted]
Subject: GSA Questions for the Record on Government's Acquisition and Property Manager 117376

All:

Please see the attached QFRs from GSA involving the JEH Building (see page6 and pages 20-23). Please advise by 2pm today, if you have any edits or comments.

Thanks

[redacted]

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Questions for the Record
Submitted by Rep. Mark Meadows, Chairman
Subcommittee on Government Operations

Federal Real Property:

Questions for Administrator Emily Murphy and Commissioner Dan Mathews:

1. Please provide the Committee with the definitions of the following words as they relate to GSA real property management:

    a. Excess:

The statutory definition for the term "excess property" can be found at 40 USC § 102(3). The Guidance for Real Property Inventory Reporting, known as the Federal Real Property Profile (FRPP) Data Dictionary, lists and defines the data elements agencies report to the FRPP. The status data element categories of report of excess (ROE) submitted, ROE accepted, determination to dispose, and cannot currently be disposed are all considered excess, as each category is an indication that the agency no longer needs the asset to support its mission. The definitions for Fiscal Year (FY) 2017 are listed below.

Report of Excess Submitted: Agency has submitted a ROE to GSA and the ROE is pending acceptance by GSA. For this category, the agency must submit the date the ROE was submitted to GSA in 6B. The universe of these assets will be reviewed in subsequent reporting periods.

Report of Excess Accepted: Agency has received an acceptance of the ROE from the GSA Public Building Service (PBS) Disposal Office. For this category, the agency must submit the date the ROE was accepted by GSA in 6C. The universe of these assets will be reviewed in subsequent reporting periods.

Determination to Dispose: Agency has made the final determination to remove the asset from the inventory pursuant to independent statutory authorities. This status category includes demolitions, regardless of authority; instances where the
agency chooses to use its own statutory authority; or instances where the agency has not yet submitted a ROE to GSA. For this category, the agency must submit the date the agency made the determination to dispose in 6D. The universe of these assets will be reviewed in subsequent reporting periods.

Cannot Currently be Disposed: Asset for which an agency has no long term need, but the asset "cannot currently be disposed" because of certain circumstances. See data element 6H. Agencies must pick one specific circumstance from among the following options in the drop down list (valid codes are in parentheses):

- Environmental Remediation – Asset requires environmental remediation such as removal of pollution or contaminants from soil, groundwater, sediment, or surface water.
- Diplomatic Restrictions – Host government does not provide its consent for the disposal of a property, as is usually required under diplomatic law or via direct treaty between the U.S. and the host country.
- Title/Legal Disputes – Agency has to resolve disputes involving encumbrances such as liens, deed restrictions, encroachments, or licenses that restrict the ability to transfer title of the property.
- Campus Location – Asset is located on a campus and/or behind a secure

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fence line that limits the ability to access or separate the asset from the rest of the entire installation.
- Easements – Another entity has a nonpossessory legal right to use the asset for a specified purpose.
- Protective Structures – Includes levies, breakwaters, or berms.
- Other
- Statutory/Regulatory Process – Agency has not yet completed processes resulting from a statutory/regulatory requirement and therefore cannot dispose of the asset.

b. Surplus:

Consistent with the statutory definition found at 40 USC § 102(10) ; accord 41 CFR § 102-75.1160; 45 CFR § 12a.1; 24 CFR § 581.1., surplus property means any excess real property not required by any federal landholding agency for its needs or the discharge of its responsibilities, as determined by the Administrator of GSA. Agencies with independent authority to dispose of assets may also declare assets as "surplus," depending on the processes prescribed in their statutory authorities.

c. Underutilized:

Underutilized means an entire property or portion thereof, with or without improvements, which is used only at irregular periods or intermittently by the accountable landholding agency for current program purposes of that agency, or which is used for current program purposes that can be satisfied with only a portion of the property (41 CFR § 102-75.50; accord 41 CFR § 102-75.1160; 45 CFR § 12a.1; 24 CFR § 581.1.).

d. Unutilized:

Unutilized property means an entire property or portion thereof, with or without improvements, not occupied for current program purposes for the accountable executive agency or occupied in caretaker status only (41 CFR § 102-75.45; accord 41 CFR § 102-75.1160; 45 CFR § 12a.1; 24 CFR § 581.1.).

2. Please provide the total number of GSA-owned buildings and government-wide owned buildings that fall into the following categories:

a. Excess

For FY 2017, GSA reported 84 excess Federally-owned buildings to the FRPP. The government-wide total was 4,998 excess Federally-owned buildings.

However, please be aware that agencies also report land and structure assets as excess. For FY 2017, GSA reported 90 excess Federally-owned land, building, and structure assets to the FRPP. The government-wide total was 7,101 excess Federally-owned land, building, and structure assets.

b. Surplus

For FY 2017, GSA reported zero surplus buildings to the FRPP. The government-wide total was 405 surplus buildings.

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However, please be aware that agencies also report land and structure assets as surplus. For FY 2017, GSA reported zero surplus land, building, and structure assets to the FRPP. The government-wide total was 693 surplus land, building, and structure assets.

c. Underutilized

For FY 2017 GSA reported 5 underutilized Federally-owned buildings to the FRPP. The government-wide total was 22,875 underutilized Federally-owned buildings.

However, please be aware that agencies also report underutilized buildings that are leased and otherwise managed[1]. For FY 2017, GSA reported 5 underutilized owned, leased, and otherwise managed assets to the FRPP. The government-wide total was 25,902 underutilized owned, leased, and otherwise managed assets.

d. Unutilized

For FY 2017, GSA reported 69 unutilized Federally-owned buildings to the FRPP. The government-wide total was 2,922 unutilized Federally-owned buildings.

Please be aware that agencies also report unutilized buildings that are leased and otherwise managed. For FY 2017, GSA reported 69 unutilized owned, leased, and otherwise managed assets to the FRPP. The government-wide total was 3,048 unutilized owned, leased, and otherwise managed assets.

3. If the definitions of excess, surplus, underutilized, and unutilized have changed in the past eight years, please provide:
   a. An analysis of the differences between the current definitions and the previous definitions.
   b. An explanation for the policy reasons for changing the definition.

Changes in FY 2011 FRPP Data Dictionary

The data element "Percent of Space Utilization," was added, which was defined as:

> Provide the percentage of the space utilized in a building asset. Each building asset will report the whole digit percentage from 0% to 100%. Decimal points will NOT be reported for this data element. For example, if the percent of space utilized in an asset is 94.76%, the user will report 95 as the percent of space utilized. This data element is REQUIRED for the following Building Predominant Use categories: Offices, Hospitals, Family Housing, Dormitories and Barracks, Warehouses and Laboratories. It is NOT to be reported for any structure assets, land assets, or remaining building uses.

The data element was added in attempt to provide a numerical representation of the utilization of certain building assets.

[1] Otherwise managed properties are state or foreign government-owned properties where a U.S. state or foreign government holds title to the real property, but rights for use have been granted to a Federal Government entity in an arrangement other than a leasehold. Otherwise managed properties also include those properties under Withdrawn Land or Museum Trust.

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Changes in FY 2012 FRPP Data Dictionary

The data element "Status," replaced the category "Excess" with multiple categories to show each of the steps in the disposal process. This change was made to accurately identify where the asset was in the disposal process.

Report of Excess Submitted: Agency has submitted a report of excess (ROE) to GSA and is pending acceptance by GSA. For this category, the agency must submit the date the ROE was submitted to GSA in 4b. The universe of these assets will be reviewed in subsequent reporting periods.

Report of Excess Accepted: Agency has received an acceptance of the ROE from GSA Disposal Office. For this category, the agency must submit the date the ROE was accepted by GSA in 4c. The universe of these assets will be reviewed in subsequent reporting periods.

Determination to Dispose: Agency with independent statutory authority to dispose of assets (and therefore will not submit a ROE to GSA) has made the final determination to remove the asset from the inventory. For this category, the agency must submit the date the agency made the determination to dispose in 4d. The universe of these assets will be reviewed in subsequent reporting periods.

Cannot Currently be Disposed: Asset that has no long term need however it "cannot currently be disposed" due to certain circumstances, such as environmental remediation, historical status, etc.

Changes in FY 2013 FRPP Data Dictionary

The data element "Utilization," replaced the "Percent of Space Utilization" data element in an effort to align with existing statutory definitions. The "Percent of Space Utilization" data element resulted in inconsistent data due to the various methods agencies used to measure the utilization of space. GSA and FRPC aligned the "Utilization" data element with the existing definitions contained in the McKinney Vento Act.

Unutilized property means an entire property or portion thereof, with or without improvements, not occupied for current program purposes for the accountable Executive agency or occupied in caretaker status only." 41 C.F.R. § 102-75.1160; accord 45 C.F.R. § 12a.1; 24 C.F.R. § 581.1.

Underutilized means an entire property or portion thereof, with or without improvements, which is used only at irregular periods or intermittently by the accountable landholding agency for current program purposes of that agency, or which is used for current program purposes that can be satisfied with only a portion of the property." 41 C.F.R. § 102-75.1160; accord 45 C.F.R. § 12a.1; 24 C.F.R. § 581.1.

Utilized means anything that is not defined as "unutilized" or "underutilized."

Changes in FY 2014 FRPP Data Dictionary

There were no changes in the definition of excess, surplus, underutilized, or unutilized in the FY 2014 FRPP Data Dictionary.

Changes in FY 2015 FRPP Data Dictionary

While the definitions of certain categories remained the same, GSA changed the category names to minimize confusion among stakeholders. The category "Active" was changed to "Current Mission Need," while the "Inactive" category was changed to "Future Consistent Need." The names align with

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the definitions for each category. GSA changed certain FRPP status data element category names to "Current and Future Mission Need" to minimize confusion among stakeholders. There was a misconception that inactive was an unneeded property, despite the definition stating that it had a planned future need.

GSA added a new status date element category titled "Surplus" for the FRPP. In previous reporting, assets were not identified as surplus. Since it was added, the definition for "Surplus" has remained constant. GSA added the "Surplus" category to the status FRPP data element to further differentiate the steps that a property takes during the disposal process.

Changes in FY 2016 FRPP Data Dictionary

Removed "ROE Submitted," "ROE Accepted," "Determination to Dispose," "Cannot Currently be Disposed," or "Surplus" as allowed status categories for land assets with a legal interest of "Withdrawn Land," which is a category of the "Legal Interest" data element which represents land withdrawn from public domain for another federal entity's specific use. At the end of the period, for which the land was withdrawn from the public domain, it reverts back to its original purpose of public domain land. Therefore, it cannot be declared excess or surplus.

Changes in FY 2017 FRPP Data Dictionary

The "Status" category of "Determination to Dispose" definition was edited to insert the following sentence. This status category includes demolitions, regardless of authority; instances where the agency chooses to use its own statutory authority; or instances where the agency has not yet submitted a ROE to GSA. The full definition is shown below:

> Agency has made the final determination to remove the asset from the inventory pursuant to independent statutory authorities. This status category includes demolitions, regardless of authority; instances where the agency chooses to use its own statutory authority; or instances where the agency has not yet submitted a ROE to GSA. For this category, the agency must submit the date the agency made the determination to dispose in 6D. The universe of these assets will be reviewed in subsequent reporting periods.

The sentence was inserted to create consistent reporting of assets in which the agency intended to demolish the asset, whether under its own authority or by using GSA disposal authority.

Definitions to explain the various reasons why an asset cannot currently be disposed were added to the "Status" data element "Cannot Currently be Disposed" category. The definitions provided further clarity to agencies:

> **Environmental Remediation** – Asset requires environmental remediation such as removal of pollution or contaminants from soil, groundwater, sediment, or surface water.
> **Diplomatic Restrictions** – Host government does not provide its consent for the disposal of a property, as is usually required under diplomatic law or via direct treaty between the U.S. and the host country.
> **Title/ Legal Disputes** – Agency has to resolve disputes involving encumbrances such as liens, deed restrictions, encroachments, or licenses that restrict the ability to transfer title of the property.
> **Campus Location** – Asset is located on a campus and/or behind a secure fence

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line that limits the ability to access or separate the asset from the rest of the entire installation.
Easements – Another entity has a nonpossessory legal right to use the asset for a specified purpose.
Protective Structures – Includes levies, breakwaters, or berms.
Other – Statutory/regulatory process – Agency has not yet completed processes resulting from a statutory/regulatory requirement and therefore cannot dispose of the asset.

4. Are the definitions of excess, surplus, underutilized and unutilized standard definitions across all government agencies?
    a. If not, please provide an analysis of the differences between GSA definition and the definition used by every agency.

GSA annually publishes the Guidance for Real Property Inventory Reporting[2], known as the FRPP Data Dictionary. GSA has aligned the definitions for data elements to existing statutes or accepted industry standard in an effort to achieve consistency in reporting among agencies. Agencies are to use the definitions and reporting requirements contained in the document to report real property data to FRPP.

It is the responsibility of each landholding agency to follow the requirements and definitions contained in the FRPP Data Dictionary. GSA annually conducts training and emphasizes the need for agencies to follow these reporting requirements.

5. GSA assumptions about the value of the J. Edgar Hoover building and the land on which it sits were out of line with market reality. Given the complexities of a swap-exchange deal on a project as large as a new FBI headquarters building, what lessons has PBS learned that can be applied to future swap-exchanges?

On December 7, 2017, GSA issued amended procedural guidance for real property exchanges, including "swap-construct" transactions. This amended guidance requires financial and business case analyses that fully quantify risk when contemplating an exchange transaction, and continuing to quantify risk throughout the life of the exchange transaction, if it is determined as a result of the aforementioned analyses to pursue an exchange.

6. The Administration's Infrastructure Plan, released on February 12, 2018, seeks greater authority for the disposal of federal real property. As outlined, the request seems nearly identical to the authority Congress already granted in Federal Assets Sale and Transfer Act (FASTA). What is the difference between FASTA and what the Administration is requesting in the infrastructure plan?

While FASTA has provided GSA with some important tools to help drive the disposal of unneeded Federal real property, the President's 'American Infrastructure Initiative' adds several additional provisions and incentives.

[2] FRPP data dictionary can be accessed at gsa.gov/datadictionary

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FASTA and the infrastructure proposal are similar in that they are both focused on streamlining the process to bring unneeded assets directly to market. Both initiatives authorize some agencies to retain sales proceeds. GSA believes this is an important incentive to stimulate an increase in the divestiture of underutilized real property. It is important to note, FASTA delays proceeds retention for the six-year period of the pilot. The President's infrastructure proposal contemplates full retention upon enactment. The two differ on the treatment of the proceeds received. Under FASTA, net sales proceeds received by agencies are subject to annual authorization and appropriation. The infrastructure plan proposes that the net proceeds from sales be available to agencies immediately, without being subject to future authorization or appropriation. This would allow agencies to direct the equity from their unneeded assets toward mission critical facilities.

An essential part of both FASTA and the President's infrastructure plan is the provision for funding efforts to identify, prepare, and divest of unneeded real property. FASTA authorized $42M to implement and execute disposals. To date, there have been no funds appropriated. The President's plan proposes expanding the allowable uses of an existing GSA disposal account. The proposal would expand the authority to allow GSA to provide the services necessary for identifying, preparing, and divesting federal properties. This amendment requires no appropriation. Further, the provision would allow GSA to recover costs from the gross proceeds prior to agency retention, thereby maintaining the corpus of the fund for continued divestitures.

7. With FASTA authority already in place, the Administration can begin the "Disposition of Federal Real Property" portion by nominating Public Buildings Reform Board members. When will Public Buildings Reform Board nominees be submitted to Congress?

The Administration is actively vetting candidates for the Public Buildings Reform Board and hopes to nominate members shortly.

8. The Federal Real Property Management Reform Act of 2016 (P.L. 114-318) codified the Federal Real Property Council. This law required the Federal Real Property Council to submit to Congress a real property management plan. This submission was required one year after enactment--which was December 16, 2017--and annually thereafter. When will the real property management plan be submitted to Congress?

Section 623(e)(1) of the Federal Property Management Reform Act of 2016 states:

> not later than 1 year after the date of enactment of this subchapter, establish a real property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management.

The FRPC prepared a real property management plan template, which was sent to agencies by the December 16, 2017 deadline. The agencies are using the template to prepare their annual real property management plans.

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9. Notwithstanding GSA validation and verification requests to agencies, what other steps does GSA take to ensure data quality in the FRPP Public Data Set?

GSA has taken aggressive steps to implement the Government Accountability Office's (GAO) recent recommendations to improve the quality and transparency of data submitted to the FRPP. GSA has not only made substantial technical enhancements to the FRPP system but has also created guidance, tools, and other resources to aid agencies in their use of FRPP data to identify opportunities to reduce the government's footprint. As detailed below, these accomplishments mark significant progress toward addressing FRPP data quality and making FRPP data more transparent.

Between 2014 and 2017, GSA

- automated data validation and verification tools within the FRPP;
- migrated the FRPP to a new Information Technology (IT) platform;
- required agency chief financial officers to submit a letter certifying the accuracy and completion of their agency's annual FRPP submissions;
- launched two analytic tools that utilize FRPP data and advanced business visualization;
- improved and clarified specific data element definitions in the annual Guidance for Real Property Inventory Reporting;
- surveyed Federal agencies on the methods they use to collect and report select data elements in order to identify best practices for data reporting;
- developed data validation and verification guidance and associated tools; and
- established statistically significant variance thresholds in the FRPP system to assist agencies in identifying possible errors in their data.

Each of these actions is described in more detail below.

Automated Data Validation and Verification Tools in the FRPP

Building on the data validation and verification tools added to the FRPP in 2014, GSA enhanced the FRPP in 2015 to notify an agency when the values of specific data elements in its submission are outside of specified numeric ranges. The notice alerts the agency of possible errors, giving the agency an opportunity to re-examine and correct the data before the December 15 deadline for FRPP submissions.

Migration of the FRPP to a New IT Platform

In September 2015, GSA successfully migrated the FRPP to a new IT platform, replacing a legacy system that had been in place since 2004. The new system, known as FRPP MS, has been integrated with GSA's Data-to-Decisions (D2D.gov) enterprise data warehouse, which includes a robust suite of business intelligence tools and provides analytic capabilities specifically designed to support the analysis of large data sets. Agencies have had the ability to access tools in D2D to analyze their data since April 2016.

FRPP Certification by Agency Chief Financial Officers

In 2015, GSA, in collaboration with the Office of Management and Budget (OMB), began requiring Chief Financial Officers (CFO) Act agencies to submit to GSA and OMB each March a letter signed by their chief financial officer. The letter must state that the agency's submission to the FRPP is accurate and complete and outline the agency's data quality improvement processes. By requiring the letter, GSA and OMB have increased agencies' accountability for the accuracy of their data.

Real Property Management Tool and the Asset Consolidation Tool

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GSA believes that visualized data, as provided by the Real Property Management Tool (RPMT) and the Asset Consolidation Tool (ACT), will force improvements in FRPP data quality. Both tools were developed for use by the Federal real property community and can be accessed from GSA's D2D.gov. As agencies recognize that FRPP data is being used to inform management analysis and decision-making, they will have greater incentive to improve the quality of their data. Improved data quality supports progress on real property initiatives to reduce the Federal Government's inventory.

Launched by GSA on January 15, 2016, the RPMT combines FRPP and GSA occupancy agreement data to provide individualized analytic reports on each agency's portfolio. The RPMT provides analyses of expiring leases and GSA occupancy agreements (OAs) as well as potential cost avoidance opportunities from the disposal of underutilized and inactive assets. Agencies are also able to see Presidential Management Agenda (PMA) benchmarks such as rent per square foot, operating and maintenance costs per square foot, and square feet per person.

The ACT, launched in June 2016, serves a similar function as the RMPT by combining FRPP, OA, and PMA data for an analysis of utilization rates. The ACT also allows agencies to make targeted searches for space that other agencies occupy in a given geographic radius.

GSA released the latest versions of RPMT and ACT tools in May 2017. Both tools now include FY 2016 FRPP data and additional information that agencies can utilize to analyze their portfolios and find opportunities for consolidation, co-location and disposals. Improvements to the RPMT include easier navigation, a new page to help agencies see the anomalies present in their data, and additional dashboards for agencies that have OAs with GSA. Improvements to the ACT include a streamlined page showing opportunities for cost avoidance, operations and maintenance cost dashboards, and the ability to search Metropolitan Statistical Areas. Both tools also include tenant satisfaction scores for applicable buildings, and Smart Location Calculator scores for GSA-managed buildings and occupancy agreements. The Smart Location Calculator is a simple tool agencies can use to explore how workplace location affects worker commute travel. Indicators include worker commute mode-share, vehicle miles traveled, and workplace accessibility via public transit.

Improvements and Clarifications to Data Elements

The GAO, in its report titled *Improving Data Transparency and Expanding the National Strategy Could Help Address Long-standing Challenges* (GAO-16-275, April 2016), highlighted inconsistencies in the methods agencies use to calculate and submit certain data elements to the FRPP. In December 2016, GSA, in collaboration with OMB and the Federal Real Property Council (FRPC), issued a memorandum that revised certain data elements to promote more accurate and consistent reporting by agencies. The revised data elements were "Repair Needs," "Replacement Value," and "Operations and Maintenance." Agencies are required to ensure that their annual FRPP reporting conforms to the new definitions no later than the FY 2018 reporting cycle.

FRPP Data Element Survey

On March 31, 2016, GAO Audit 16-275 recommended that GSA assess FRPP data reliability by determining how individual Federal agencies collect and report their data.

In response, GSA surveyed agencies' methods for collecting and reporting data on select data elements: "Replacement Value," "Repair Needs," "Owned and/or Managed Operating and Maintenance Costs," "Lease Costs" (i.e., annual rent and operating and maintenance costs), "Status," and "Utilization". GSA received survey responses from 18 CFO agencies, and 6 non-CFO Act agencies, and convened an

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interagency working group to assess the survey results. In November 2017, GSA provided GAO a report summarizing the results. GSA's report also detailed recommendations for modifying certain FRPP reporting requirements, best practices agencies have used to report data, and limitations on the use of FRPP data due to known inconsistencies in agencies' reporting methods.

Recommendations from the working group include:

- Sharing the best practice from the Department of Energy's Condition Assessment Information System tool to determine the repair needs of an asset based on condition assessment.
- Alerting agencies when the "Repair Needs" or "Replacement Value" data elements are the same from one reporting period to the next. Cost escalations would normally result in a change in these data elements from one year to the next.
- Informing stakeholders that the "Replacement Value" data element has no correlation to an assets appraised or fair market value.

GSA will collaborate with the FRPC to incorporate the working group's recommendations in upcoming FRPP submission guidance to agencies.

Federal Real Property Profile Management System Data Validation and Verification Guidance

In May 2016, GSA, in collaboration with OMB and the FRPC, issued *Federal Real Property Profile Management System Data Validation and Verification Guidance*, which established a mandatory data validation and verification (V&V) process for all executive branch agencies that submit FRPP data. The guidance sets forth additional requirements for agencies to follow as they review and resolve anomalies detected in their data before they submit it to the FRPP. GSA also developed an automated process to measure the improvement in data quality resulting from the guidance and its accompanying tools. OMB issued a Management Procedures Memorandum on January 28, 2016, that required agencies to implement the GSA guidance for FY 2016 FRPP reporting.

The first round of the new V&V process concluded in October 2017. CFO Act agencies submitted a total of 332,438 real property assets in FY 2016. There were a total of 13,257 anomalies. Of those anomalies 1,004, or 7.57%, were errors that were corrected in the agencies' internal financial and asset management systems.

On November 1, 2017, GSA, in collaboration with OMB, issued a new resource titled *Agency-Level Federal Real Property Profile Data Quality Improvement Program: Guidance for Establishment and Maintenance*. The guidance provides recommendations to agencies on how to develop and implement processes to assess the quality of their FRPP data, improve the quality of the data, and track the improvement of data quality over time. The steps outlined enable each agency to create or customize a data quality program appropriate to its operating environment.

Statistically Significant Variance Thresholds

As an additional measure to improve FRPP data quality, GSA implemented for the FY 2017 reporting cycle an FRPP business validation rule that looks at differences between current year and prior year data for the following data elements:

- Square Feet
- Acres
- Lease Annual Rent

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- Lease Annual Operations and Maintenance (O&M) costs
- Owned and/otherwise managed O&M costs
- Repair Needs
- Replacement Value

If there is a statistically significant variance in any of these figures (increase or decrease by two standard deviations from the mean), the FRPP will generate a warning that requires the agency to confirm data accuracy for that asset. For example, if an owned office building is reported as 750,000 square feet (SF) in the prior year and 100,000 SF in the current year, there is a statistically significant variance of 650,000 SF. The agency will be prompted to confirm 100,000 SF in the FRPP. Data cannot be fully uploaded until the agency indicates that the current year figure is correct.

In 2018, GSA will baseline the quality of FY 2017 FRPP data in order to monitor and assess improvements in data quality, and focus on improving data elements as needed over time. This will enable GSA to demonstrate that FRPP data quality is improving from year to year.

While GSA has established this process for agencies to help identify potential errors, the ultimate responsibility for the accuracy of FRPP data rests with the agency that has custody and control of the asset. GSA has no method to determine where the error in the data resides. The landholding agency must make that determination using the process GSA has established.

10. Our own internal analysis of FRPP shows some latitude and longitude coordinates don't match the address reported. Does GSA conduct any data sampling to check submissions for accuracy?

GSA has geospatially analyzed the agency-reported latitude and longitude values. The GSA Geographic Information Systems (GIS) Center of Excellence (COE) has identified those coordinate latitude and longitude points reported to the FRPP for FY 2017 that are not located within the boundaries of a country, such as those that are in a body of water.

The GIS COE has also used the latitude and longitude points to identify mismatches between the agency submitted data elements for "Country," "State," "County," "City," "Zip code," and "Congressional District" and those values identified through the geospatial analysis. As an example, the agency reports an asset in Jamaica, but the latitude and longitude point shows the location to be in the Bahamas.

The first corrective action is that, GSA will send the results of these mismatches to the agencies to correct errors. The agencies will be required to respond to GSA with the correct value or indicate that the latitude and longitude is correct, despite the real property asset being located in a body of water, such as a lighthouse or a navigational beacon. The agencies will also need to indicate which value is correct when a reported geographic data element differs from what the geospatial analysis determines the data element to be (i.e., the Jamaica Bahamas example described above).

Starting with FY 2018 FRPP data, the process of agencies responding to GSA on these geospatial mismatches will be automated in the FRPP. GSA will add the results of the GSA GIS COE geospatial analysis as additional FRPP data anomaly categories. Agencies will be required to resolve these anomalies within the FRPP by indicating that the anomaly contains correct data or incorrect data, which has been fixed in the agencies' internal systems.

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While GSA has established this process for agencies to help identify potential errors, the ultimate responsibility for the accuracy of FRPP data rests with the agency that has custody and control of the asset. GSA has no method to determine where the error in the data resides. The landholding agency must make that determination using the process GSA has established.

While implementing corrective actions in the FRPP, using FY2017 data as baseline, GSA will develop a matrix to monitor, measure, and report progress in the data quality of the property address/latitude and longitude.

11. What, if any, is the difference in total square footage of buildings between the FRPP Management System and the FRPP Public Data Set?

For a building in the FRPP Public Data Set, there is no difference in the total square footage compared to its entry in the FRPP.

Consistent with the requirements stated in the Federal Asset Sales and Transfer Act (FASTA), GSA surveyed agencies to identify assets in the FRPP that should be:

- Removed entirely for reasons of national security
- Redacted per the Freedom of Information Act (FOIA) exemptions

The agency with control and custody of each asset determined whether that asset would be removed for national security or redacted for a FOIA exemption. GSA did not withhold or redact any assets in its control or custody.

Federal Acquisition Service:

Questions for Administrator Murphy and Commissioner Thomas:

12. On December 12, 2017, the Modernizing Government Technology Act was enacted. GSA has a critical role to play in administering the centralized Technology Modernization Fund (TMF) to support IT modernization.

    a. What is GSA doing today in preparation for administering the centralized TMF?

Effective March 5, 2018, GSA issued GSA Order #ADM 5440.717 establishing a TMF Program Management Office (PMO), which became operational upon receipt of funding for the Technology Modernization Fund as a result of the Consolidated Appropriations Act, 2018 (P.L. 115-141). The order is publicly available online at: https://www.gsa.gov/directives-library/changes-in-the-general-services-administration-5440717-adm.

    b. Has OMB developed guidance to inform the decision-making process of the Board that is to consider and oversee the IT modernization projects supported by the TMF?

On February 27, 2018, OMB issued guidance M-18-12 on "Implementation of the Modernizing

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Government Technology Act," including the TMF. That guidance and other resources are publicly available online at: https://policy.cio.gov/modernizing-government-technology/.

c. What activities do you see GSA performing to support the TMF and the Board?

In accordance with the Modernizing Technology Act, GSA plays a vital role in the administration of the Technology Modernization Fund. As mentioned above, GSA has already established a PMO to ensure the Technology Modernization Fund and Board are able to carry out their activities effectively. GSA will assist the Board with the evaluation, prioritization, development and if necessary, further refinement of select modernization proposals. After the Board recommends projects to be funded, GSA establishes a written agreement with the agency that includes the purpose for which the funds will be used, cost reimbursement and repayment terms, and an incremental funding transfer schedule that is tied to metric-based development milestones. GSA continues its support to the TMF and Board after the transfer by performing regular project oversight and monitoring of approved projects. GSA will also provide ongoing monitoring and support to agencies that receive transfers from the Fund to increase the likelihood of successful implementation and reduce waste.

d. What types of IT modernization projects do you see obtaining approval for seed money from the TMF?

As outlined in the authorizing statute, IT Modernization proposals are to be evaluated by an independent seven-member board made up of Government experts that will recommend funding to the GSA Administrator with consultation from the Federal CIO Council and OMB Director. The Technology Modernization Board also establishes the criteria by which those proposals are evaluated. The types of IT modernization projects agencies submit should align with the spirit of independent evaluation envisioned by the statute. That said, GSA would anticipate projects that meet OMB Guidance and the underlying statutory authority such as technology-related activities, to improve information technology, and to enhance cybersecurity across the Federal Government.

e. How do we ensure the requested $210 million in seed money for the TMF is put to good use?

First, agencies must provide a sponsor from both the offices of the Chief Financial Officer (CFO) and Chief Information Officer (CIO) in their applications, meaning that the proposal will be thoroughly vetted at the agency level before reaching the Board. Second, the members of the Technology Modernization Board, as announced by OMB, possess impressive backgrounds and experience in the area of IT modernization at a variety of agencies, large and small. They are wholly qualified and prepared to make decisions on which projects to recommend for funding under the parameters of the law. Finally, as the MGT Act states, funding will be transferred to agencies "only on an incremental basis, tied to metric-based development milestones achieved by the agency through the use of rapid, iterative, development processes." The GSA PMO will provide support and assistance to the Board in tracking project progress.

f. What aspects of the TMF make it different from other working capital funds?

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As outlined in H. Report 115-129, the TMF is viewed "as seed money to kick start modernization efforts at agencies." (H.Rept. 115-129, pg. 8). In accordance with authorizing language and OMB Guidance, the TMF has no year appropriations that makes distributions to agencies for selected projects but agencies are required to repay the distributed amount. The TMF provides a new funding model for Federal technology modernization projects. Agencies submit project proposals for technology modernization projects to the Technology Modernization Board. The Board will evaluate and recommend for funding the proposals that show the strongest case for delivering on agency mission objectives and a strong likelihood of success. Approved projects will receive funds in an incremental manner, tied to specific project milestones and objectives, and will be regularly monitored by the Board for success. Agencies must reimburse TMF for any transfer of TMF funds in accordance with the terms of a written agreement. This is a unique fund structure compared with standard working capital funds.

The funds in the TMF will be used to provide upfront funding for modernization projects through incremental transfers to recipient agencies tied to the completion of project milestones. The balance of the fund will be replenished by payments from recipient agencies, and the payment amount will be based on the incremental transfer amounts and the costs of administering and managing the fund that are allocated to the recipient agency. In a more traditional working capital fund, the balance is replenished through payments for services rendered from customers entities and the payment amount is designed to align to the cost of providing the services to each customer entity. The payment amount also includes the cost of administering and managing the fund.

In addition to these key differences, the TMF will also have governance controls that do not apply to standard working capital funds, specifically the TMF Board, which consists of experts from across Government to vet and make recommendations on proposals, as well as monitor the progress of approved projects. The reporting requirement for project information is also a unique feature of this fund.

13. There has been a lot of change at GSA in terms of the organizations providing technology services. In 2014, GSA established 18F to provide IT consulting to agencies and then in 2016 GSA consolidated several technology-related entities, including 18F under an organization called Technology Transformation Service. Now we hear the Administration is going to establish Centers of Excellence to support IT modernization activities government-wide.

    a. What is the current role of the 18F organization at GSA?

18F is an office within the General Services Administration that collaborates with other agencies to fix technical problems, build products, and improve how Government serves the public through technology. 18F is part of the Technology Transformation Services portfolio that was brought into the Federal Acquisition Service (FAS) as of June 28, 2017.

    i. How many staff work for 18F?

As of April 11, 2018, 18F staff level is 116 full time equivalents (FTE).

    ii. Were most of these individuals hired under the two year Schedule A authority?

As of April 11, 2018, approximately 90 percent of current hires were brought on board under the Schedule A authority.

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iii. If they were hired under the temporary hiring authority, how many of these individuals ' terms will expire in 2018?

For the remainder of FY18 there are 16 employees who will max-out their terms (i.e. complete 4 years). Also, for the remainder of FY18 there are 23 employees who are eligible to extend their terms for another 1 to 2 years.

b. What specifically will the Centers of Excellence be doing?

The Centers of Excellence (CoEs) will provide agencies with consulting and engineering services to radically improve the way they design services and interact with the customers they serve. Beginning with the first lighthouse agency, the U.S. Department of Agriculture (USDA), each CoE will tackle distinct tasks (outlined in (i) below). Each CoE will begin with a planning phase, developing a roadmap to successfully implement centralized, function-specific talent, solutions, and acquisition vehicles management. They will also provide for documented and scalable best-practices that can be rapidly spread to, and adopted by, other agencies throughout the Government.

i. Could you provide examples of the types of projects where the Centers of Excellence will be involved?

IT Infrastructure Optimization - Assisting agencies with the assessment, development and implementation of computing infrastructure (i.e. network, storage, data center) optimization plans.

Cloud Adoption - Performing application/system portfolio analysis, developing cloud migration recommendations, planning and managing the migration execution. The goal is to assist agencies to accelerate cloud adoption.

Customer Experience - Assisting agencies with the development and implementation of an optimal end to end experience for the customer. Implementation will include human-centered design and utilization of service design practices.

Service Delivery Analytics - Providing the expertise and tools to define, instrument and analyze ultimate program outcomes, customer experiences and operational effectiveness. The aim is to ensure programs and services are designed and delivered in a way that optimizes impact while building trust and confidence in the public implementation, and includes a continuous improvement feedback cycle built into services delivered.

Contact Center - Providing a suite of offerings to help agencies manage and enhance their customer contacts where they need assistance the most, be it with managing their contact center operations; building self-service tools; leveraging Robotic Process Automation (RPA) and emerging technologies; building internal business processes and systems to manage day-to-day performance; navigating available acquisition solutions; and/or learning contact center best practices.

c. And what is the relationship between 18F and the Centers of Excellence?

The purpose of the Centers of Excellence is to build a more modern and secure architecture for Federal IT systems by encouraging cross-agency collaboration, following industry best practices, and adopting the

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latest technologies. 18F is an integral part of this strategy, and will help support the CoE effort.

i. How are their missions distinct?

18F collaborates with other agencies to fix technical problems, build products, and improve how Government serves the public through technology. The Centers of Excellence are focused on accelerating the modernization of IT infrastructure across Government through cloud adoption, IT infrastructure optimization, customer experience, service delivery analytics, and contact center support.

ii. Are we duplicating activities with these two organizations?

18F, and the larger Technology Transformation Services portfolio of which it is a part, is a significant talent pool for the Centers of Excellence. The Centers of Excellence are designed to rapidly scale expertise and lessons learned across agencies for assessment, strategy, planning, and acquisition. Over time as we work with additional agencies, we will continue to identify avenues that allow GSA to better leverage our assets and expertise in support of large-scale, transformative, Government-wide efforts like IT modernization. In that vein, GSA recently issued a Request for Quotation (RFQ) for organizational design consulting services to help most effectively streamline the two organizations and their missions as GSA continues to make TTS more agile and cost effective, and to ensure it is able to provide better service for our agency partners and the American people.

d. What is GSA doing to recruit and retain technology experts to staff these organizations?

- Employer Branding: 18F has developed a strong brand via channels such as the 18F blog, 18F Newsletter and 18F Twitter Account. Because of this, there is a high level of awareness among technology professionals in the private sector of the work and impact of 18F.
- Talent Pipelines: Pipelines are created by TTS recruiters specifically sourcing candidates, as well as having TTS employees spread the word about TTS within their own personal networks. The TTS Talent Team then has informational conversations with potential candidates who are notified when positions are publicly posted.
- Candidate Experience: The Talent Team provides simplified details about the Government hiring process, which is very different from the private sector. Expectations are set early on with candidates on how the process differs. Candidates are kept consistently up to date on their status throughout the hiring process.
- Beyond TTS-specific outreach, we're leveraging the larger GSA brand to reach technology experts in a broader setting. For instance, GSA is able to leverage the wider support of its Office of Human Resource Management (OHRM) in bringing the TTS message to a more diverse and skilled group of potential applicants. GSA OHRM is working closely with TTS to tailor recruiting efforts to reach the types of technology specialists that GSA requires to carry out these critical initiatives.

14. Regarding Multiple Award Schedules, what is the cost, inclusive of personnel , systems, etc., to GSA to award and maintain a Multiple Award Schedule contract on an annual basis?

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The total cost of a MAS contract averages $16,420 per year. This number reflects the 14,768 MAS contracts and the $242.5 million in total MAS operating costs. Importantly, the total cost is not just reflective of the cost of bringing a vendor onto or maintaining a vendor on a Schedule, it also includes all of the direct program costs incurred by the MAS program (salaries, benefits, contractual services, travel, training, etc.) as well as management, IT systems, and overhead (HR, Finance, Legal, etc.) costs that are allocated to the Multiple Award Schedules program.

a. What is the total cost inclusive of personnel, systems, etc., to GSA to run the Multiple Award Schedules program on an annual basis?

For Fiscal Year 2017, the total cost of operations was $242.5 million. This includes all of the costs that are allocated to the Multiple Award Schedules program such as direct program costs incurred by the MAS program (salaries, benefits, contractual services, travel, training, etc) as well as management, IT systems, and overhead (HR, Finance, Legal, etc) costs that are allocated to the Multiple Award Schedules program.

b. What percentage of total sales under the Multiple Award Schedules run through GSA Advantage?

In Fiscal Year (FY) 2017, $663,012,955 or 2% of MAS sales were comprised of orders placed directly through GSA Advantage. However, agencies commonly review GSA Advantage for market research purposes prior to placing a MAS order.

c. What is the total cost inclusive of personnel , systems, etc., to date to develop and maintain GSA Advantage?

As of March 12, 2018, the total cost to date of GSA Advantage since 2008 is approximately $214,770,000. This includes the contract IT support, software license and maintenance agreements, and other IT costs that were directly coded to GSA Advantage as well as the GSA IT support personnel costs that manage GSA Advantage.

d. What is the total cost inclusive of personnel systems, etc. to date, to develop and maintain GSA Global Supply?

As of January 31, 2018, the total cost to date of GSA Global Supply since 2007 is approximately $11,004,603,000. This number represents the total cost of operations for GSA Supply Chain Management. Included in total cost of operations is cost of goods and services sold, total operating expenses (all direct and indirect costs allocated to Supply Chain Management), and total provisions/reserves allocated to Supply Chain Management.

e. How many IT systems does GSA currently use to support the multiple award schedules program? What are the total costs inclusive of personnel, systems, etc., to date to develop and maintain those systems?

There are 13 core systems supporting the MAS program. Most have evolved as the MAS program has evolved; therefore individual costs vary per application. Providing a current perspective of application spend, the current (planned) and previous two fiscal years data follow:

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Fiscal Year	Support – Contractor Operation & Maintenance	Support – Contractor Development, Modernization, & Enhancements	FTEs
FY18 (planned)	$21.2M	$8.2M	~3 million
FY17	$20.5M	$11.8M	~3 million
FY16	$28.4M	$11.7M	~2.8 million

Questions for Administrator Murphy:

15. A January 2018 Report of the Section 809 Panel, created by the 2016 NDAA found commercial buying terms are confusing, poorly defined, or undefined altogether. The Panel recommended Congress and the FAR Council "revise definitions related to commercial buying to simplify their application and eliminate consistency."[3] Do you support this recommendation?

GSA plays a key role in promoting commercial item contracting across the Government and supports efforts to simplify, streamline, reduce duplication and increase competition in commercial item contracting. GSA supports the Section 809 Panel's recommendation to have consistent statutory definitions of commercial items and commercial-off-the-shelf items. GSA welcomes the opportunity to work with Congress and the FAR Council to ensure those consistent definitions allow the Government to take full advantage of the commercial market.

16. The 809 panel also found the number of government-unique contract clauses that may be applicable to commercial contracts has expanded from 57 in 1995 to 165 today- threatening the simplicity and commercial-like terms and practices that were supposed to be a cornerstone of the federal government's commercial buying. The panel recommended Congress and the FAR Council "minimize government-unique terms applicable to commercial buying."[4] Do you support this recommendation?

GSA supports efforts to minimize Government-unique terms and conditions that serve as barriers to promoting and expanding the use of commercial item contracting. GSA believes in adopting more commercial terms and commercial-like procurement practices to attract cutting-edge companies in the rapidly evolving commercial marketplace in order that the Government may function at the speed of business. GSA also recognizes that, as stewards of taxpayer dollars, we must strive to ensure the effective and efficient use of Federal funds. GSA is already examining opportunities to eliminate Government-unique terms and welcomes the opportunity to work with Congress and the FAR Council on this recommendation.

[3] Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulation s, Vol I of 3, January 201 8, at 18 (809 Panel Report).#

[4] 809 Panel Report, at p. 32.

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Questions for the Record
Emily Murphy, Administrator, General Services Administration
Submitted by Rep. Gerald E. Connolly, Ranking Member
Subcommittee on Government Operations

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1. What national security concerns did the General Services Administration (GSA) consider in the development of its proposal for a fully consolidated FBI headquarters? Were those concerns used to justify a fully consolidated headquarters? How are those concerns addressed in the new national consolidation plan?

In compliance with the Interagency Security Committee (ISC), the FBI followed the Risk Management Process for Federal Facilities to identify and establish security standards for the FBI Headquarters Consolidation project. Security of the J. Edgar Hoover (JEH) facility as currently constructed, was and remains a concern that when combined with other operational factors justifies the need for a new FBI headquarters. For both the original consolidation plan and the revised national consolidation plan, GSA and FBI will comply with the ISC process for selecting and implementing appropriate and achievable security countermeasures. The countermeasures employed under the revised national consolidation plan with an urban-based headquarters will differ for certain threats when compared against the original suburban headquarters plan. The differences include but are not limited to: construction systems; positioning of sensitive operations; and balancing risk probability with FBI operational benefits gained from the urban location.

2. In August 2017, the Government Accountability Office (GAO) issued a report entitled, "Federal Real Property: Status of FBI Headquarters Consolidation and Issues Related to Funding Other Future Projects." The report found that the FBI headquarters "did not fully support the FBI's long-term security, space, and building condition requirements." Has GSA conducted an analysis that contradicts GAO's conclusion? If so, please provide that analysis to the Committee.

GSA and the FBI reviewed the 2011 and 2017 GAO reports and assert that our analysis, as detailed below, does not contradict GAO's conclusion.

Details for each requirement are addressed as follows:

Long-term security: The GAO report noted the "dispersion of staff in annexes created security challenges, particularly for at least nine annexes that were located in multi tenant buildings, where some space was leased by the FBI and other space was leased by nonfederal tenants." These security challenges would be reduced/mitigated/eliminated by the revised approach because the staff currently located in these annexes would be relocated to either the new headquarters building or one of the FBI-owned facilities in Quantico, VA; Clarksburg, WV; Pocatello, ID; and Huntsville, AL. FBI believes the new strategy consists of different sets of security risks that will require a revised approach. FBI requires a solution that is compatible with its mission and affords operational resiliency to keep pace with the evolving threats and changing technologies.

Space: As noted in the GAO report, the current building does not meet FBI's space needs. The revised approach to demolish and redevelop the HQ offers an opportunity to design a new facility/building that would meet FBI's current and projected security, operational, and logistical requirements.

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Building Condition: In order to implement the new strategy, FBI will have to temporarily move into either Federally-owned or leased swing space for the duration of the construction. While the swing space has not been identified, the goal is to minimize FBI's tenancy in the existing building. However, until personnel can be relocated into swing space, GSA will continue to perform the necessary investments to building systems to protect the health and safety of its occupants.

3. Has GSA developed estimates for the cost of rental payments for swing space in its latest proposal for an FBI headquarters? If so, how were those estimates derived and what are they?

Yes, GSA has estimated those costs for rental payments for swing space and has determined that they are offset by the elimination of operating expenses for the current FBI headquarters at JEH. The following is how the estimate was derived and how it is offset by JEH operating expenses:

- 5,600 current JEH personnel less 1,300 moving into existing vacancies or out of state, leaves 4,300 personnel to be housed in swing space.
- 730,000 rentable square feet (RSF)/635,000 usable square feet (USF) swing space needed, calculated at 170 RSF (148 USF) overall per person. The overall utilization rate is reduced because many special spaces, such as a cafeteria, firing range, and health center (campus plan was for HC at 6,619 USF) will not be built.
- $36.5 million annual swing space rent calculated at 730,000 RSF X $50.00 per RSF (Washington, DC full service program rate). Actual cost could be reduced by utilizing vacancies in GSA and other intelligence community leases at lower suburban rents.
- $42 million current annual JEH delegated operating cost, paid by FBI, is $5.5 million more than the estimated annual cost of swing space.

This calculation does not include the cost of swing space build out, which is reflected in the $479 million 'Temporary Swing Space-Design & Construction' cost in the FBI/GSA proposal. Swing space build out would include the construction of Sensitive Compartmented Information Facilities (SCIF) and other specialized components required by the FBI's mission needs. This option represents the most costly scenario of bringing unclassified space up to standards necessary for FBI operations. As stated above, GSA is working to identify space that the FBI can use in GSA and other intelligence community inventories, including locations that already have space suitable for classified operations, which would reduce the cost of build out.

4. Will forcing the FBI to move twice-out of the Hoover building into swing space, then moving back to the new Hoover site- impose an additional cost on taxpayers that are not included in GSA's estimates for rental costs?

GSA's estimated cost of $479 million for fitting out and moving into swing space are shown on pages 8 and 11 and described as "Swing Space" and "Temporary Swing Space," respectively, in the FBI Headquarters Revised Nationally-Focused Consolidation Plan. Moving out of the swing space and into the new facility is contained within the $923 million estimate on those same pages under "FBI Fit-Out."

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5. The FBI previously testified to Congress that a fully consolidated headquarters would result in a minimum of $44 million in savings for taxpayers. Did GSA conduct an estimate of the annual cost savings of a fully consolidated FBI headquarters and convey those potential savings to Members of Congress? If so, what was GSA's estimate and how do the annual savings for the new national consolidation plan compare?

While GSA has not conducted separate analysis from the FBI relative to the project, studies consistently point to savings to taxpayers through consolidations versus remaining in leased space.

6. In developing the latest headquarters proposal, did anyone at GSA have communications with anyone from outside GSA regarding the project, including but not limited to the White House, the Executive Office of the President, the Office of Management and Budget, state or local officials, or private sector entities? If so, with whom were these discussions, when did they occur, and what was their substance?

As part of the budget process, the Administration prepares the President's budget submission in consultation with agencies. It is GSA's practice to discuss its anticipated budget requests with the Office of Management and Budget. Given the profile of this project and scope of the request, it would be customary for GSA to have communications with Administration officials on project decisions.

7. Is the GSA Administrator or Public Buildings Service Commissioner aware of any conversations that members of the Administration had with the President of the United States or senior White House officials about the FBI headquarters consolidation project ? What was the nature of those conversations?

As noted above, it is customary for GSA to have engaged in discussion with members of the Administration.

8. Commissioner Mathews testified that the FBI "changed their program requirements" and GSA "can meet the security requirements of the FBI." When and how was GSA informed that the FBI changed their program requirements in a manner that would allow the FBI to remain at the Hoover site? How were the FBI's program requirements altered from the original full consolidation project?

In devising the 120-day report, the GSA/FBI team worked to evaluate the feasibility of all options, including the option to remain at JEH. As part of the process, the FBI assessed work functions that need to be in the National Capital Region, as well as those functions that could be relocated to other parts of the country in consolidated regional hubs. As a result of that process, during a meeting on October 25, 2017, the concept of a reduced headcount was communicated by the FBI to Commissioner Mathews. In the late Fall/early Winter of 2017, it became clearer that remaining at the JEH site was a feasible solution, given the reduced headcount requirement.

By remaining on the JEH site, roughly 2,500 FBI staff currently assigned to headquarters operations will transition to other FBI-owned properties in Alabama, West Virginia, Idaho, and Virginia. This revised strategy will provide enhanced mission resiliency and continuity of operations. It also strengthens the FBI's national posture and adds flexibility to support the evolving FBI mission. Additionally, the FBI is preparing a human capital management strategy that will help inform the relocation process, identify the actual staff numbers, and operational divisions.

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By reutilizing the JEH parcel, several program requirements change -- access to public transportation eliminates the need for large parking garages, the central utility plant and visitor center operations can continue to be located within the main operations building footprint, and the truck inspection facility operations could be maintained at its existing Cheverly location.

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Question for the Record
Alan Thomas, Commissioner, General Services Administration, Federal Acquisition Service
Submitted by Rep. Carolyn Maloney
Subcommittee on Government Operations

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1. A provision of the National Defense Authorization Act for Fiscal Year 2018 required the Administrator of GSA to establish a program for the procurement of commercial goods through online marketplaces. As GSA moves from the implementation phase to market research, what steps is GSA taking to ensure that there will be competition between the portal providers for these contracts?

The Section 846 legislation specifically calls on GSA to implement a program made up of "multiple contracts with multiple commercial e-commerce portal providers." In support of this, GSA has been actively meeting with stakeholders for the last several months to solicit feedback, understand their perspectives, and learn from industry best practices. This included a public meeting/listening session on January 9, 2018 with over 500 participants (in person and online) and over 250 pages of submitted comments. A unanimous theme was the need for a competitive, level playing field in the end solution.

GSA intends to make robust competition a key tenet of our commercial e-commerce program. To that end, GSA has been actively engaging both portal providers and suppliers to gain a deeper understanding of the varied e-commerce business models that exist, including an 'e-procurement model' that has an integrator layer on top of multiple portal providers (akin to an aggregator model for travel websites) and will continue its market analysis in Phase II of this process. As part of our recommendations in an Implementation Plan to the Office of Management and Budget (OMB) in Phase I, we seek to expand the definition of 'commercial e-commerce portals' to include the potential for this type of integrator model which would allow for - and encourage - competition among multiple portal providers.

Additionally, GSA is seeking legislative changes that will allow us to take a more modernized approach to existing competition requirements, as outlined in the required 90-day implementation report to Congress that GSA and OMB recently submitted. The requested statutory change would reflect that end users, for the first time, will be able to engage effectively in comparative shopping across a number of different sites. Equally important, this authority would allow GSA to create certainty and consistency in the application of streamlined procedures for the commercial e-commerce program, making it easier for the Government to create a more attractive market for sellers.

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[redacted] b6 -1,2 b7C -1 b7E -1

From: [redacted]
Sent: Friday, May 4, 2018 2:52 PM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

I would suggest Monday or Tuesday

[redacted]

Sent from my iPhone

On May 4, 2018, at 2:51 PM, [redacted] wrote:

**** EXTERNAL EMAIL ****

Since I have training next week let's shoot for the lunch hour, any day works.

From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Friday, May 04, 2018 2:31 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

Great -- lets schedule a time for next week to tag up. [redacted] you want to throw out a time or two that works for you?

[redacted]

From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Friday, May 04, 2018 1:40 PM
To: [redacted]
Subject: RE: EPW Report

To clarify, I have an update from Kathy Kraninger (Associate Director for General Government @ OMB) regarding FY19 and Project Zombie..

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[redacted] b6 -2

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Friday, May 04, 2018 1:28 PM
To: [redacted]
Subject: RE: EPW Report

I have a FY19 update when you have time

[redacted]

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Monday, April 30, 2018 12:14 PM
To: [redacted]
Subject: RE: EPW Report

I am expecting a debriefing this week from Mulvany's #2. Question is directed at getting some re-boot without needing another Principals meeting (as should that we required, the answer will be different)

[redacted]

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Tuesday, April 17, 2018 8:16 AM
To: [redacted]
Subject: RE: EPW Report

***** EXTERNAL EMAIL *****

10-4, keep us posted and thanks!

From: [redacted] b6 -1,2 b7C -1 b7E -1

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Sent: Tuesday, April 17, 2018 7:42 AM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

b6 -1,2
b7C -1
b7E -1

Very useful feedback from Dearborn, some of which require more direct communication. Going to get the OMB engagement I need now to get the full answer related to Zombie.

[redacted]

Sent from my iPad

On Apr 12, 2018, at 3:43 PM, [redacted] wrote:

b6 -1,2
b7C -1
b7E -1

Purpose is to learn unfettered details of what happened and expose opportunities for new direct engagement. Few people have more access than RD so I expect to have full picture.

[redacted]

Sent from my iPhone

On Apr 12, 2018, at 3:37 PM, [redacted]

**** EXTERNAL EMAIL ****

We have no additional update or material. I'm not sure if the timeline matches up for your POC but look forward to hearing your feedback.

Thanks
[redacted]

From: [redacted]
Sent: Thursday, April 12, 2018 3:15 PM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

b6 -1,2
b7C -1
b7E -1

Just update, I have a meeting Monday afternoon with Rick Dearborn on this issue. Is is "fresh" from his prior job as Deputy COS to POTUS.

Tell me if you have any updated thoughts, or am I using what I know as of our last meeting?

[redacted]

Sent from my iPad

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On Mar 22, 2018, at 4:13 PM, [redacted] wrote:

b6 -1,2
b7C -1
b7E -1

You will see from her bio that she came from DHS; so if you have some relationships their; you might get her "story".

She is personally aware of what the impacts are if "piece meal" funding of a HQ; but having said that; she is still a buerucrat. She is said to be one of 3 people Mick trusts..

[redacted]

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From: [redacted]
Sent: Thursday, March 22, 2018 3:26 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

Not a name I've heard being involved.

[redacted]

From: [redacted]
[redacted]
Sent: Thursday, March 22, 2018 3:19 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

Any Team Zombie engagement that either of you are aware of with Kathy Kranninger (Associate Director for General Government)? She is the second "door number 2"). I know her a bit.

[redacted]

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From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 2:33 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

That would appear to be a "no" to project Zombie…

I got an answer from OMB that I didn't like (more the person they wanted us to work with); working on next option…

[redacted]

D E V E L O P. I N V E S T. M A N A G E. F I N A N C E.

From: [redacted] b6 -1,2 b7C -1 b7E -1
Sent: Thursday, March 22, 2018 2:00 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

https://www.bizjournals.com/washington/news/2018/03/22/house-omnibus-presents-fresh-challenge-for-fbi-hq.html?ana=e_wash_brk&s=newsletter&ed=2018-03-22&u=CWitytehoYLIKRxf%2BdgPpQ0598204c&t=1521735454&j=80634291

House omnibus presents fresh challenge for GSA's new FBI headquarters plan

By Daniel J. Sernovitz
March 22, 2018

House lawmakers have moved to block any funding for the FBI's new headquarters until the federal government's real estate arm provides more information on why it reversed course from a previous plan to move the agency to suburban Maryland or Northern Virginia.

Language included in the federal omnibus at the request of Maryland Democratic Rep. Steny Hoyer and the Maryland Congressional delegation withholds appropriations for the $3.3 billion project, which calls for building a consolidated FBI headquarters on the site of the agency's current one in downtown D.C.

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Specifically, that section of the legislation said the act does not include funding "... because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity."
If approved, that would mean the next opportunity to fund the project would be in fiscal 2019.
In July, the FBI and the General Services Administration canceled a solicitation that would have consolidated the headquarters operations for the nation's chief law enforcement agency from multiple locations to a single campus in either Greenbelt, Landover or Springfield. Then, in February, the two agencies submitted new plans to demolish the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW and build a consolidated headquarters on that site instead. Lawmakers in the House and Senate have questioned key parts of the proposal, and the GSA's inspector general has also launched a review of the project's costs and revised security requirements.
Hoyer and the Maryland delegation sought to withhold funding because they still do not know why the GSA and FBI abruptly canceled the last solicitation after a decade and $20 million spent analyzing the prospect in favor of keeping the FBI in downtown D.C. instead, according to a Hoyer aide.
The omnibus also undoes a prior move to rescind $200 million in GSA funding for the FBI but with the restriction that the freed-up funds can only be used to pursue the previous prospectus, a consolidated FBI headquarters on a new campus to be built somewhere in the region.

From: [redacted]
[redacted]
Sent: Thursday, March 22, 2018 1:58 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

I read the Omni and didn't see anything for "Zombie"; but maybe it was coded and I missed it?

[redacted]

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b6 -1,2
b7C -1
b7E -1

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Monday, March 19, 2018 1:31 PM
To: [redacted]
Cc: [redacted]
Subject: EPW Report

**** EXTERNAL EMAIL ****

[redacted] follow up from our conversation last week; please reference the following attachments:

b6 -1,2
b7C -1

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks
[redacted]

: Please consider the environment before printing this e-mail

This e-mail, including all information contained therein and any attachments, is intended solely for the person or entity to which it is addressed and may contain confidential and/or privileged material. If you are not an intended recipient, or an agent responsible for delivering it to an intended recipient, you have received this email in error. In such event, please immediately (i) notify the sender by reply email, (ii) do not review, copy, save, forward or print this email or any of its attachments, and (iii) delete and/or destroy this email and its attachments and all copies thereof. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, any e-mail sent in error, including all information contained therein and any attachments, by persons or entities other than the intended recipient is prohibited. Please visit our website at www.huntcompanies.com for important information about our privacy policies. For your protection, please do not transmit account information or instructions by e-mail or include account numbers, Social Security numbers, credit card numbers, passwords or other personal information.

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FACT SHEET
2018 BUDGET: INFRASTRUCTURE INITIATIVE

Importance of Infrastructure

The President has consistently emphasized that the Nation's infrastructure needs to be rebuilt and modernized to create jobs, maintain America's economic competitiveness, and connect communities and people to more opportunities. The United States no longer has the best infrastructure in the world. For example, according to the World Economic Forum, the United States' overall infrastructure places 12th, with countries like Japan, Germany, the Netherlands, and France ranking above us. This underperformance is evident in many areas, from our congested highways, which costs the country $160 billion annually in lost productivity, to our deteriorating water systems, which experience 240,000 water main breaks annually.

The Current System is Not Working

The Federal Government inefficiently invests in non-Federal infrastructure. In part, our lack of sustained progress has been due to confusion about the Federal Government's role in infrastructure. During the construction of the Interstate System, the Federal Government played a key role – collecting and distributing Federal tax revenue to fund a project with a Federal purpose. As we neared the completion of the Interstate System, those tax receipts were redirected to projects with substantially weaker nexus to Federal interests.

The flexibility to use Federal dollars to pay for essentially local infrastructure projects has created an unhealthy dynamic in which State and local governments delay projects in the hope of receiving Federal funds. Overreliance on Federal grants and other Federal funding can create a strong disincentive for non-Federal revenue generation.

At the same time, we continue to apply Federal rules, regulations, and mandates on virtually all infrastructure investments. This is despite the Federal Government contributing a very small percentage of total infrastructure spending. Approximately one-fifth of infrastructure spending is Federal, while the other four-fifths are roughly equally divided between State and local governments on one hand and the private sector on the other.

We will reevaluate the role for the Federal Government in infrastructure investment. For example, in the Interstate System, the Federal Government now acts as a complicated, costly middleman between the collection of revenue and the expenditure of those funds by States and localities. Put simply, the Administration will be exploring whether this arrangement still makes sense, or whether transferring additional responsibilities to the States is appropriate.

The Administration's Goal: Seek and Secure Long-Term Changes

Given these challenges, the Administration's goal is to seek long-term reforms on how infrastructure projects are regulated, funded, delivered, and maintained. Providing more Federal funding, on its own, is not the solution to our infrastructure challenges. Rather, we will work to

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DOJ-FBI-18-0520, 18-0521-000096
18-cv-2422(FBI)-5317

fix underlying incentives, procedures, and policies to spur better infrastructure decisions and outcomes, across a range of sectors.

Key Principles

As the Administration develops policy and regulatory changes, and seeks statutory proposals working with Congress, we will focus on proposals that fall under the following key principles:

1. *Make Targeted Federal Investments*. Focusing Federal dollars on the most transformative projects and processes stretches the use and benefit of taxpayer funds. When Federal funds are provided, they should be awarded to projects that address problems that are a high priority from the perspective of a region or the Nation, or projects that lead to long-term changes in how infrastructure is designed, built, and maintained.

2. *Encourage Self-Help*. Many States, tribes, and localities have stopped waiting for Washington to come to the rescue and have raised their own dedicated revenues for infrastructure. Localities are better equipped to understand the right level – and type – of infrastructure investments needed for their communities, and the Federal Government should support more communities moving toward a model of independence.

3. *Align Infrastructure Investment with Entities Best Suited to Provide Sustained and Efficient Investment.* The Federal Government provides services that non-Federal entities, including the private sector, could deliver more efficiently. The Administration will look for opportunities to appropriately divest from certain functions, which will provide better services for citizens, and potentially generate budgetary savings. The Federal Government can also be more efficient about disposing underused capital assets, ensuring those assets are put to their highest and best use.

4. *Leverage the Private Sector*. The private sector can provide valuable benefits for the delivery of infrastructure, through better procurement methods, market discipline, and a long-term focus on maintaining assets. While public-private partnerships will not be the solution to all infrastructure needs, they can help advance the Nation's most important, regionally significant projects.

2018 Budget

The President's target of $1 trillion in infrastructure investment will be funded through a combination of new Federal funding, incentivized non-Federal funding, and newly prioritized and expedited projects. While this Administration proposes additional funding for infrastructure, we will structure that funding to incentivize additional non-Federal funding, reduce the cost associated with accepting Federal dollars, and ensure Federal funds are leveraged such that the end result is at least $1 trillion in total infrastructure spending.

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DOJ-FBI-18-0520, 18-0521-Q0000097 18-cv-2422(FBI)-5318

While we will continue to work with the Congress, States, tribes, localities, and other infrastructure stakeholders to finalize the suite of Federal programs that will support this effort, the 2018 Budget includes $200 billion in outlays related to the infrastructure initiative.

In addition to the $200 billion, these proposals are also in the 2018 Budget:

- **Air Traffic Control Corporatization**. The *Budget* proposes to create a non-governmental entity to manage the nation's air traffic control system. Many countries have corporatized their air traffic control function, separating it from the governmental aviation safety regulation function. This will be a multi-year effort resulting in a more efficient airspace while maintaining our premier aviation safety record. The proposal would reduce aviation passenger taxes and the new entity would be responsible for setting and collecting fees directly from users based on their use of the Nation's airspace.

- **Increase Infrastructure Flexibility at VA.** The Department of Veterans Affairs (VA) has a nationwide physical footprint that includes aging facilities, which are not always located where veterans most need care. The Administration will pursue numerous reforms to help VA acquire and maintain the facilities necessary to provide veterans high quality medical care where they live. The *Budget* includes proposals to expand VA's authority to lease out its vacant assets for commercial or mixed-use purposes and to speed its ability to pursue facility renovations and improvements. Future reforms will encourage public-private partnerships and reduce barriers to acquisition, contracting, and disposals.

- **Divestiture of the Power Marketing Administration's (PMA's) Transmission Assets**. The *Budget* proposes to sell the PMA's transmission assets. Investor-owned utilities provide for the vast majority of the Nation's electricity needs. The PMA's transmission infrastructure assets (lines, towers, substations, and rights of way) could be leased out so the private sector could fulfill transmission functions. Leasing these assets will more efficiently allocate economic resources and help relieve long-term pressures on the Federal deficit related to future Federal capital investment.

- **Reform the laws governing the Inland Waterways Trust Fund.** The *Budget* proposes to reform the laws governing the Inland Waterways Trust Fund, including by establishing a fee to increase the amount paid by commercial navigation users of inland waterways. In 1986, the Congress mandated that commercial traffic on the inland waterways be responsible for 50 percent of the capital costs of the locks, dams, and other features that make barge transportation possible on the inland waterways. The additional revenue proposed in the *Budget* will finance future capital investments in these waterways to support economic growth.

Illustrative Examples of Funding Proposals

The following proposals will be pursued by the Administration as part of the Infrastructure Initiative.

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DOJ-FBI-18-0520, 18-0521-000098 18-cv-2422(FBI)-5319

- **Expand the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program.** TIFIA helps finance surface transportation projects through direct loans, loan guarantees, and lines of credit. One dollar of TIFIA subsidy leverages roughly $40 in project value. If the amount of TIFIA subsidy was increased to $1 billion annually for 10 years, that could leverage up to $140 billion in credit assistance, and approximately $424 billion in total investment. In addition, the Administration supports the expansion of TIFIA eligibility.

- **Lift the Cap on Private Activity Bonds and Expand Eligibility to Other Non-Federal Public Infrastructure**. The Private Activity Bonds (PABs) program allows the Department of Transportation to allocate authority to issue tax-exempt bonds on behalf of private entities constructing highway and freight transfer facilities. PABs have been used to finance many Public Private Partnerships (P3s) projects, along with TIFIA. As of August 15, 2016, nearly $11.2 billion in PABs have been issued for 23 projects. The Administration recommends removing the $15 billion cap under current law to ensure that future P3 projects can take advantage of this cost-saving tool, and encourage more project sponsors to take advantage of this tool. The Administration also supports the expansion of PAB eligibility.

- **Incentivize Innovative Approaches to Congestion Mitigation**. The Urban Partnership Agreement Program – and its successor, the Congestion Reduction Demonstration Program – provided competitive grants to urbanized areas that were willing to institute a suite of solutions to congestion, including congestion pricing, enhanced transit services, increased telecommuting and flex scheduling, and deployment of advanced technology. Similar programs could provide valuable incentives for localities to think outside of the box in solving long-standing congestion challenges.

- **Liberalize Tolling Policy and Allow Private Investment in Rest Areas**. Tolling is generally restricted on interstate highways. This restriction prevents public and private investment in such facilities. We should reduce this restriction and allow the States to assess their transportation needs and weigh the relative merits of tolling assets. The Administration also supports allowing the private sector to construct, operate, and maintain interstate rest areas, which are often overburden and inadequately maintained.

- **Fund the Water Infrastructure Finance and Innovation Act program (WIFIA) Program**. The Environmental Protection Agency's new WIFIA loan program is designed to leverage private investments in large drinking water and wastewater infrastructure projects, particularly those large, high-cost projects that have private ownership or co-investment. Because WIFIA loans can only support up to 49 percent of a project's eligible cost, the Federal investment must be leveraged with non-Federal sources.

- **Encourage the Use of Army Corps of Engineers (Corps) Contributed/Advanced Funding Authorities**. Most construction work by the Corps is funded on a cost-shared basis between the Corps and a non-Federal sponsor. However, many projects authorized for construction, though a priority for non-Federal sponsors, do not present a high return

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DOJ-FBI-18-0520, 18-0521-000099
18-cv-2422(FBI)-5320

for the Nation and therefore do not receive Federal funding. Some non-Federal sponsors have therefore chosen to fund construction activities on their own. The Administration will leverage the Corps' authorities to enter into such agreements to take advantage of this innovative approach to delivering projects.

New Federal Tools:

The Federal Budget is recorded on a cash basis, which provides a transparent mechanism to record and control spending. Given the size of the Federal Government, cash budgets make sense because they are less complicated to produce and less subject to changes in economic assumptions. However, cash budgeting may not give appropriate weight to the long-term benefits of investing in infrastructure and cause the Government to make project choices that have lower short-term but higher-long term costs. We should discuss different tools to support better decision-making while maintaining transparency and fiscal restraint, such as:

- **Federal Capital Revolving Fund.** The Administration is developing a proposal to establish a mandatory revolving fund for the financing of Federally-owned civilian capital assets. The Fund would be repaid with annual appropriations, and would help address the underinvestment in capital assets driven in part due to the large upfront costs of such procurements. Creation of such a fund parallel to the appropriations process to fund investment in Federally-owned civilian capital assets would avoid capital investments having to compete with operating expenses in the annual appropriations process. Instead, agencies would pay for capital assets as they are utilized. The repayments would be made from future appropriations, which would provide an incentive to select projects with the highest return on investment, including future cost avoidance.

- **Partnership Grants for Federal Assets**. In a number of sectors, the Federal Government has utilized loans to non-Federal partners to improve infrastructure. However, credit assistance cannot be utilized to improve Federal assets. In essence, the Government neither can loan itself funding, nor can it make loans to private entities to improve assets that will remain Federal. In some circumstances, however, a private partner might want to build or improve a Federal facility and donate it to the Government in exchange for the right to retain revenue from the associated activities. The Administration is developing a proposal to offer those partners grants in lieu of loans to buy down the cost of a Federal asset improvements, which would benefit both the Government, through new facilities for Government use, and the non-Federal partner, through continued access to revenue sources.

Environmental Review and Permitting Process Enhancements.

The environmental review and permitting process in the United States is fragmented, inefficient, and unpredictable. Existing statutes have important and laudable objectives, but the lack of cohesiveness in their execution make the delivery of infrastructure projects more costly, unpredictable, and time-consuming, all while adding little environmental protection. The Administration will seek several proposals that will enhance the environmental review and permitting process, such as:

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DOJ-FBI-18-0520, 18-0521-000120
18-cv-2422(FBI)-5321

- **Improving Environmental Performance**. The inefficiencies of the current process result in too much time and too many resources dedicated to time-intensive analyses that do not necessarily improve the environment. The Administration will propose pilot programs to experiment with different ways projects will perform to better protect and enhance the environment.

- **Accountability**. The review and permitting of projects should be included in each agency's mission, and their performance should be tracked and measured. For agencies that significantly underperform, the public should know how much that costs both the taxpayers and the project. The Administration will seek proposals for tools to start holding agencies accountable for their performance.

- **One Federal Decision**. Project proponents have to navigate the Federal environmental review and permitting process on their own. Under the current system, project sponsors work with one agency, only to be told to stand in line with several other agencies for numerous other approvals. We can do better. The Federal Government is capable of navigating its own bureaucracy and designating a single entity with responsibility for shepherding each project through the review and permitting process.

- **Unnecessary Approvals**. The funding of infrastructure is predominately State, local and private, yet the Federal Government exerts an inordinate amount of control over all infrastructure with unnecessary bureaucratic processes. The Administration supports putting infrastructure permitting into the hands of responsible State and local officials where appropriate.

- **Judicial Reform**. The current standards of judicial review force Federal agencies to spend unnecessary time and resources attempting to make a permit or other environmental document litigation-proof. The Administration believes our resources would be better spent on enhancing the environment rather than feeding needless litigation. As such, the Administration will submit proposals that curtail needless litigation.

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[redacted]

From: [redacted]
Sent: Thursday, May 17, 2018 3:09 PM
To: [redacted]
Cc: [redacted]
Subject: Re: [EXTERNAL] RE: EPW Report

b6 -1,2
b7C -1
b7E -1

The prospectus will answer most of that "question still remains" mail won't it?

[redacted]

Sent from my iPad

On May 17, 2018, at 2:05 PM, [redacted] wrote:

**** EXTERNAL EMAIL ****

Yep... GSA told us it will be forthcoming. Still waiting.

Did you see the House Mark Language?

FBI Headquarters.—The recommendation includes no funding for the revised Headquarters consolidation plan released on February 12, 2018, because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committee is reluctant to appropriate additional funds for this activity.

[redacted]

b6 -1,2
b7C -1
b7E -1

From: [redacted]
Sent: Thursday, May 17, 2018 1:57 PM
To: [redacted]
Cc: [redacted]
Subject: Re: [EXTERNAL] RE: EPW Report

GSA almost finished Prospectus; and u will have it shortly. Need to get to OMB as soon as possible; and it would be helpful if you can tell me when it goes over (copy would be great).

We are set to track the WH leg Affairs folks; and happy to roll your folks in as well

AMERICAN OVERSIGHT

[redacted]

b6 -1,2
b7C -1
b7E -1

Sent from my iPhone

On May 7, 2018, at 12:05 PM, [redacted] wrote:

**** EXTERNAL EMAIL ****

Thanks. Looking forward to hearing more about the Revolving Fund and its likelihood of success on the Hill.

[redacted]

b6 -1
b7C -1
b7E -1

[redacted]

From: [redacted]
Sent: Monday, May 07, 2018 11:15 AM
To: [redacted]
Cc: [redacted]
Subject: RE: [EXTERNAL] RE: EPW Report

b6 -1,2
b7C -1

The attached was part of the discussion with KK and we can talk more tomorrow.

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Friday, May 04, 2018 2:53 PM
To: [redacted]
Cc: [redacted]
[redacted]
Subject: Re: [EXTERNAL] RE: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

Lunch hour - any day but Thursday works for me.

Sent from my iPhone

On May 4, 2018, at 2:50 PM [redacted] wrote:

b6 -1
b7C -1
b7E -1

AMERICAN OVERSIGHT

Since I have training next week let's shoot for the lunch hour, any day works.

From: [redacted]
Sent: Friday, May 04, 2018 2:31 PM
To: [redacted]
Cc: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

Great – lets schedule a time for next week to tag up. [redacted] you want to throw out a time or two that works for you?

[redacted]

From: [redacted]
Sent: Friday, May 04, 2018 1:40 PM
To: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

To clarify, I have an update from Kathy Kraninger (Associate Director for General Government @ OMB) regarding FY19 and Project Zombie..

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Friday, May 04, 2018 1:28 PM
To [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

I have a FY19 update when you have time

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Monday, April 30, 2018 12:14 PM
To: [redacted]
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

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I am expecting a debriefing this week from Mulvany's #2. Question is directed at getting some re-boot without needing another Principals meeting (as should that we required, the answer will be different)

b6 -1,2
b7C -1
b7E -1

[redacted]

DEVELOP. INVEST. MANAGE. FINANCE.

From: [redacted]
Sent: Tuesday, April 17, 2018 8:16 AM
To: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

10-4, keep us posted and thanks!

From: [redacted]
Sent: Tuesday, April 17, 2018 7:42 AM
To: [redacted]
Cc: [redacted]
Subject: Re: EPW Report

b6 -1,2
b7C -1
b7E -1

Very useful feedback from Dearborn, some of which require more direct communication. Going to get the OMB engagement I need now to get the full answer related to Zombie.

[redacted]

Sent from my iPad

On Apr 12, 2018, at 3:43 PM, [redacted] wrote:

> Purpose is to learn unfettered details of what happened and expose opportunities for new direct engagement. Few people have more access than RD so I expect to have full picture.
>
> [redacted]
>
> Sent from my iPhone

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On Apr 12, 2018, at 3:37 PM, [redacted] b6 -1 b7C -1 b7E -1

[redacted]

**** EXTERNAL EMAIL ****

We have no additional update or material. I'm not sure if the timeline matches up for your POC but look forward to hearing your feedback.

Thanks

[redacted]

From: [redacted]

Sent: Thursday, April 12, 2018 3:15 PM

To: [redacted] b6 -1,2 b7C -1 b7E -1

Cc: [redacted]

Subject: Re: EPW Report

Just update, I have a meeting Monday afternoon with Rick Dearborn on this issue. Is is "fresh" from his prior job as Deputy COS to POTUS.

Tell me if you have any updated thoughts, or am I using what I know as of our last meeting?

[redacted] b6 -2

Sent from my iPad

On Mar 22, 2018, at 4:13 PM [redacted] wrote:

You will see from her bio that she came from DHS; so if you have some relationships their; you might get her "story".

She is personally aware of what the impacts are if "piece meal" funding of a HQ; but having said that; she is still a buerucrat. She is said to be one of 3 people Mick trusts..

[redacted]

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[redacted]

DEVELOP. INVEST. MANAG
E. FINANCE.

From [redacted] b6 -1,2
b7C -1
b7E -1
Sent: Thursday, March 22, 2018 3:26 PM
To: [redacted]
>
Cc: [redacted]
Subject: RE: EPW Report

**** EXTERNAL EMAIL ****

Not a name I've heard being involved.

[redacted]

From: [redacted]
Sent: Thursday, March 22, 2018 3:19 PM
To [redacted] b6 -1,2
b7C -1
b7E -1
Cc [redacted]
Subject: RE: EPW Report

Any Team Zombie engagement that either of you are aware of with Kathy Kranninger (Associate Director for General Government)? She is the second "door number 2"). I know her a bit.

[redacted]

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D E V E L O P. I N V E S T. M A N A G E. F I N A N C E.

From:
Sent: Thursday, March 22, 2018 2:33 PM
To
Cc:
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

That would appear to be a "no" to project Zombie…

I got an answer from OMB that I didn't like (more the person they wanted us to work with); working on next option…

D E V E L O P. I N V E S T. M A N A G E. F I N A N C E.

From:
Sent: Thursday, March 22, 2018 2:00 PM
To:
>
Cc:
Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

**** EXTERNAL EMAIL ****

https://www.bizjournals.com/washington/news/2018/03/22/house-omnibus-presents-fresh-challenge-for-fbi-hq.html?ana=e_wash_brk&s=newsletter&ed=

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2018-03-22&u=CWitytehpYLIKRxf%2BdgPpQ0598204c&t=1521735454&i=806342 91

House omnibus presents fresh challenge for GSA's new FBI headquarters plan

By Daniel J. Sernovitz

March 22, 2018

House lawmakers have moved to block any funding for the FBI's new headquarters until the federal government's real estate arm provides more information on why it reversed course from a previous plan to move the agency to suburban Maryland or Northern Virginia.

Language included in the federal omnibus at the request of Maryland Democratic Rep. Steny Hoyer and the Maryland Congressional delegation withholds appropriations for the $3.3 billion project, which calls for building a consolidated FBI headquarters on the site of the agency's current one in downtown D.C.

Specifically, that section of the legislation said the act does not include funding "... because many questions regarding the new plan remain unanswered, including the revision of longstanding security requirements and changes to headquarters capacity in the national capital region. Until these concerns are addressed and the appropriate authorizing Committees approve a prospectus, the Committees are reluctant to appropriate additional funds for this activity."

If approved, that would mean the next opportunity to fund the project would be in fiscal 2019.

In July, the FBI and the General Services

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Administration canceled a solicitation that would have consolidated the headquarters operations for the nation's chief law enforcement agency from multiple locations to a single campus in either Greenbelt, Landover or Springfield. Then, in February, the two agencies submitted new plans to demolish the FBI's J. Edgar Hoover Building at 935 Pennsylvania Ave. NW and build a consolidated headquarters on that site instead. Lawmakers in the House and Senate have questioned key parts of the proposal, and the GSA's inspector general has also launched a review of the project's costs and revised security requirements.
Hoyer and the Maryland delegation sought to withhold funding because they still do not know why the GSA and FBI abruptly canceled the last solicitation after a decade and $20 million spent analyzing the prospect in favor of keeping the FBI in downtown D.C. instead, according to a Hoyer aide.
The omnibus also undoes a prior move to rescind $200 million in GSA funding for the FBI but with the restriction that the freed-up funds can only be used to pursue the previous prospectus, a consolidated FBI headquarters on a new campus to be built somewhere in the region.

From: [redacted]

Sent: Thursday, March 22, 2018 1:58 PM

To: [redacted]

b6 -1,2
b7C -1
b7E -1

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Cc: [redacted]

Subject: RE: EPW Report

b6 -1,2
b7C -1
b7E -1

I read the Omni and didn't see anything for "Zombie"; but maybe it was coded and I missed it?

[redacted]

D E V E L O P. I N V E S T. M A N A G E. F I N A N C E.

From: [redacted]

b6 -1,2
b7C -1
b7E -1

Sent: Monday, March 19, 2018 1:31 PM

To: [redacted]

>

Cc [redacted]

Subject: EPW Report

**** EXTERNAL EMAIL ****

[redacted] follow up from our conversation last week; please reference the following attachments:

1. **Final EPW report (dated 2.12.18)** as was published in the Washington Post

2. Portions of the ***Draft Final*** EPW report **(dated 1.26.18)** which were substantial altered during the run up to finalizing the document.

Please let us know when you have any feedback.

Thanks

[redacted]

b6 -1,2
b7C -1
b7E -1

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: Please consider the environment before printing this e-mail

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[redacted] b6 -1 b7C -1 b7E -1

From: [redacted]
Sent: Tuesday, May 1, 2018 12:24 PM
To: [redacted]
Cc: [redacted]
Subject: FW: EPW QFRs GSA Question #29 - New FBI HQ
Attachments: EPW Report Funding Gap Analysis Page.pdf; EPW QFR_29 - GSA Draft Response 20180328.pdf; EPW QFR_29 - FBI Draft Response 20180501.pdf

Hi [redacted]

We had to update the RSA estimate for the EPW QFR question 29 based on [redacted] latest calculations. So we have updated FBI's draft response to that. I have attached all three documents (listed below) again with this email for your convenience. Please let me know if you have any questions or comments. Thanks.

[redacted]

From: [redacted] b6 -1 b7C -1 b7E -1
Sent: Wednesday, April 25, 2018 10:35 AM
To: [redacted]
Cc: [redacted]
Subject: EPW QFRs GSA Question #29 - New FBI HQ

Hi [redacted]

As a follow up to our discussion in our last meeting please see the attached documents and the information below.

As we explained last time, one of the questions given to GSA but not to the FBI was **GSA QFR #29: to provide fully transparent comparison of the differences in total cost for the JEH Demo + Rebuild vs. a) 2016 Prospectus and b) an 8,300 seat suburban campus**. We have multiple serious concerns with the GSA draft answer and would like to use this email to summarize them.

I have attached three documents to help with this discussion:

1. The original EPW funding Gap Analysis page which congress is familiar with and will compare against;
2. GSA's draft response to EPW QFR #29;
3. FBI's draft response to EPW QFR #29 to GSA -> Please see updated document.

Our concerns include:

1. GSA numbers do not easily correlate to the EPW Report → the revised structure we are proposing in the FBI's draft response correlates with the EPW report by grouping 'additional cost considerations' together. From this grouping we can have an honest discussion with GSA over whether or not to account for various additional cost elements as each party with their own objective is likely to use or ignore certain elements.

2. GSA includes a 'JEH exchange proceed' value that is not supported by any of the bids → FBI response includes the average JEH credit offered or alternatively could include the highest credit offered if GSA prefers

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b6 -1
b7C -1
b7E -1

3. GSA includes a 'JEH land acquisition cost' → FBI Response removes this as there is no cost for already federally owned/GSA controlled property and you cannot have a the same asset treated differently on both sides of the ledger in a comparison type analysis (its double counting)

4. GSA did not include escalation → to do a comparison this is required, we've added this as an additional consideration

5. GSA did not include Offsite Transportation Cost → this is a cost to the taxpayer and we've added this an additional consideration

We wanted to get this information to you to facilitate any discussion you have with GSA. We are happy to discuss this and any details as necessary. Please let us know how we can help next.
Thanks.

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FY2016 Prospectus Comparison vs. JEH Demolish and Rebuild

Suburban Campus 2016 Prospectus Exchange	Location Procurement Type	JEH Site 2018 Proposed Demolish & Rebuild	Non-NCR Sites [1] 2018 Federal Construction
10,606	Personnel	8,300	2,306
2023	Year of Occupancy	2025	2023
2,349,013	Main Building (GSF)	1,910,909	507,320
2,135,466	Main Building (RSF)	1,737,190	461,200
169,101	Ancillary Buildings (RSF)	-	-
2,641,461	Garages (GSF)	715,000	784,015
7,769	Garage (Spaces)	900	2,306
2017	Award Year	2019	2019
2% Compounded	Annual Construction Inflation	2% Compounded	2% Compounded
Major Cost Elements Included in EPW Report			
$2,650 M	**Design & Construction**	**$1,926 M**	**$386 M**
$1,848 M	Main Building Cost	$1,763 M	$327 M
$224 M	Ancillary Building Cost	-	-
$232 M	Garage Cost	$125 M	$46 M
$144 M	Site Work or Demolition Cost	$38 M	$13 M
$127 M	Exchange Developer Fee	-	-
$75 M	Site Acquisition Cost	-	-
$249,859	*Cost Per Seat*	*$232,048*	*$167,442*
$915 M	**Implementation Cost**	**$1,402 M**	**$72 M**
-	Temp Swing Space Move & Rep	$479 M	-
$915 M	FBI Fit-Out	$923 M	$72 M
$3,565 M	**Total Cost**	**$3,328 M**	**$459 M**
Additional Cost Element Considerations			
$776 M	**Additional Considerations**	**$639 M**	**$57 M**
$107 M	Esclation: D&C (2019 Award)	-	-
$37 M	Escalation: FBI Fit-Out (2019 Award)	-	-
$75 M	GSA M&I	$75 M	-
-$363 M	JEH Exchange Proceeds [2]	-	-
$255 M	Off-Site Transportation Improvements	-	-
-	Temp Swing Space Rent	$172 M	-
$310 M	Interim Private Lease Payments	$310 M	-
$84 M	JEH Potential Captial Repairs [3]	$17 M	-
$271 M	JEH Operating Costs [4]	$65 M	-
-	Employee Relocation Cost	-	$57 M

[1] *Non-NCR cost are representative; efforts at Non-NCR locations are tied to mission and extend beyond the relocation of NCR HQ personnel*

[2] *Average JEH credit offered*

[3] *Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish and five years in the 2016 prospectus scenario.*

[4] *GSA provides FBI with full delegated authority for JEH; FBI contracts for and pays ~$42M/year in utility and maintenance cost and also transfers ~$43M/year (which is not shown) in rent payments to GSA*

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18-cv-2422(FBI)-5477
DOJ-FBI-18-0520, 18-0521-Q-000115

8,300 Seat
Suburban Campus vs. JEH Demolish and Rebuild

Suburban Campus [1] 2018 Federal Construction	Location Procurement Type	JEH Site 2018 Proposed Demolish & Rebuild
8,300	Personnel	8,300
2025	Year of Occupancy	2025
1,910,909	Main Building (GSF)	1,910,909
1,737,190	Main Building (RSF)	1,737,190
138,000	Ancillary Buildings (RSF)	-
2,273,250	Garages (GSF)	715,000
6,495	Garage (Spaces)	900
2019	Award Year	2019
2% Compounded	Annual Construction Inflation	2% Compounded

Major Cost Element Included in EPW Report		
$2,152 M	**Design & Construction**	**$1,926 M**
$1,576 M	Main Building Cost	$1,763 M
$213 M	Ancillary Building Cost	-
$202 M	Spaces Garage Cost	$125 M
$87 M	Site Work or Demolition Cost	$38 M
$75 M	Site Acquisition Cost	-
$259,313	*Cost Per Seat*	*$232,048*
$923 M	**Implementation Cost**	**$1,402 M**
$0 M	Temp Swing Space Move & Rep	$479 M
$923 M	FBI Fit-Out	$923 M
$3,075 M	**Total Cost**	**$3,328 M**

Additional Cost Element Considerations		
$409 M	**Additional Considerations**	**$639 M**
$75 M	GSA M&I	$75 M
-$586 M	JEH Disposal Proceeds [1]	-
$255 M	Off-Site Transportation Improvements	-
-	Temp Swing Space Rent	$172 M
$310 M	Interim Private Lease Payments	$310 M
$84 M	JEH Potential Captial Repairs [2]	$17 M
$271 M	JEH Operating Costs [3]	$65 M

[1] *Estimated value in 2027; proceeds will not reduce the cost of the project*

[2] *Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish and five years in the 2016 prospectus scenario.*

[3] *GSA provides FBI with full delegated authority for JEH; FBI contracts for and pays ~$42M/year in operating costs (utility and maintenance) and also transfers ~$43M/year (which is not shown) in rent payments to GSA*

18-cv-2422(FBI)-5478

AMERICAN OVERSIGHT

JEH Demolish and Rebuild vs. FY2016 Prospectus Comparison

JEH Site	Location	Suburban Campus
2018 Proposed Demolish & Rebuild	**Procurement Type**	**2016 Prospectus Exchange**
8,300	**Personnel**	10,606
2025	**Year of Occupancy**	2023
1,910,909	**Main Building (GSF)**	2,349,013
1,737,190	**Main Building (RSF)**	2,135,466
0	**Ancillary Buildings (RSF)**	169,101
715,000	**Garages (GSF)**	up to 2,641,461
900	**Garages (Spaces)**	up to 7,769
2019	**Award Year**	2017
2% Compounded	**Annual Construction Inflation**	2% Compounded
$1762 M	**Main Building Cost**	$1654 M
0	**Ancillary Buildings Cost**	$256 M
$125 M	**Garages Cost**	$348 M
$38 M	**Site Work or Demolition Cost**	$179 M
0	**Exchange Developer Fee**	$137 M
$1926 M	**Total Design & Construction**	$2575 M
0	**Site Acquisition Cost**	$75 M
$510 M	**Imputed Site Cost** [1]	0
0	**JEH Exchange Proceeds** [1]	-$ 510 M
$510 M	**Total Land Costs**	-$435 M
$2436 M	**Total Soft and Hard Costs**	$2140 M
$479 M	**Swing Space Move & Rep**	0
$172 M	**Swing Space Rent**	0
$310 M	**Interim Housing Cost**	$310 M
$17 M	**JEH Potential Capital Repairs** [2]	$84 M
$65 M	**JEH Operating Costs**	$271 M
$923 M	**Final Move and Rep**	$915 M
$1966 M	**Total Implementation Costs**	$1580 M
$4402 M	**Grand Total Cost**	$3720 M
$530,325	**Grand Total Cost per Person**	$350,754

[1] Estimated proceeds or imputed value of JEH in year 2020, at construction start.

[2] Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish & rebuild and five years in the 2016 prospectus scenario.

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18-cv-2422(FBI)-5479
DOJ-FBI-18-0520, 18-0521-Q-000117
3/28/2018

JEH Demolish and Rebuild vs. 8,300-seat Suburban Comparision

JEH Site	Location	Suburban Campus
2018 Proposed Demolish & Rebuild	Procurement Type	Federal Construction
8,300	Personnel	8,300
2025	Year of Occupancy	2025
1,910,909	Main Building (GSF)	1,910,909
1,737,190	Main Building (RSF)	1,737,190
0	Ancillary Buildings (RSF)	138,000
715,000	Garages (GSF)	2,273,250
900	Garages (Spaces)	6,495
2019	Award Year	2019
2% Compounded	Annual Construction Inflation	2% Compounded
$1762 M	Main Building Cost	$1412 M
0	Ancillary Buildings Cost	$234 M
$125 M	Garages Cost	$235 M
$38 M	Site Work or Demolition Cost	$179 M
0	Exchange Developer Fee	0
$1926 M	Total Design & Construction	$2060 M
0	Site Acquisition Cost	$75 M
$510 M	Imputed Site Cost [1]	0
0	JEH Disposal Proceeds [1]	-$586 M
$510 M	Total Land Costs	-$511 M
$2436 M	Total Soft and Hard Costs	$1549 M
$479 M	Swing Space Move & Rep	0
$172 M	Swing Space Rent	0
$310 M	Interim Housing Cost	$310 M
$17 M	JEH Potential Capital Repairs [2]	$84 M
$65 M	JEH Operating Costs	$271 M
$923 M	Final Move and Rep	$923 M
$1966 M	Total Implementation Costs	$1588 M
$4402 M	Grand Total Cost	$3137 M
$530,325	Grand Total Cost per Person	$377,998

[1] Imputed value of JEH in year 2020, at construction start, and disposal value in year 2027.

[2] Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish & rebuild and five years in the 2016 prospectus scenario.

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18-cv-2422(FBI)-5480
DOJ-FBI-18-0520, 18-0521-Q-00118 3/28/2018

FUNDING GAP ANALYSIS

FULL CONSOLIDATION				JEH REBUILD			
10,606			PERSONNEL	8,300			
2017			CONTRACT AWARD	2019			
$	3,565	M	**TOTAL**	$	3,328	M	**Comments**
$	**2,650**	**M**	**DESIGN + CONSTRUCTON**	**$**	**1,926**	**M**	Includes: Design, Construction, Developer Fees, Land, Contingency
$	(703)	M	FY16 + FY17 APPROPRIATIONS	$	(703)	M	GSA + FBI Construction Appropriations
$	(750)	M	ANTICIPATED JEH*				
$	(315)	M	DOJ WORKING CAPITAL FUND				Account requires contributions before withdrawals
$	882	M	INCLUDING JEH CREDIT	$	1,223	M	
$	1,632	M	EXCLUDING JEH CREDIT	$	1,223	M	
$	**915**	**M**	**FBI FIT-OUT**	**$**	**923**	**M**	Includes: IT, Security, FF&E, Move, Decommissioning, PMO
$	**-**	**M**	**TEMPORARY SWING SPACE**	**$**	**479**	**M**	Design and construction excluding rent payments**
$	(135)	M	FY16 PRIOR YEAR AUTHORIZATION	$	(135)	M	
			DOJ WORKING CAPITAL FUND	$	(315)	M	Recommend DOJ WCF be applied to Fit-Out
$	780	M	SUBTOTAL	$	952	M	
$	**2,412**	**M**	TOTAL SHORTFALL	**$**	**2,175**	**M**	

** Presented value used for planning purposes. Actual bids procurement sensitive.*

***Rent not included in this estimate as the differential with current rent payments not determined.*

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18-cv-2422(FBI)-5481
DOJ-FBI-18-0520, 18-0521-O-000148

Senate Committee on Environment and Public Works
"Oversight: FBI Headquarters Consolidation Project."
February 28, 2018
Questions for the Record for Commissioner Dan Mathews, GSA

Chairman Barrasso:

1. Last July, news of GSA's decision to cancel its procurement process first broke through various media outlets the day before the agency gave any official notice to Congressional staff. Likewise, GSA's new plan to keep FBI Headquarters at its current location found its way to reporters two whole weeks before Congress was notified. This is an unacceptable pattern of practice that undermines this Committee's oversight authority. What can GSA do to remedy this issue moving forward?

b5 per GSA

2. GSA is requesting $2.175 billion in additional appropriated funds for this project. This is the largest request throughout the course of this project. Does GSA expect all of this money to be appropriated at the start of the project? If so, what does GSA plan to do if Congress is unable to provide full funding at the start of the project?

b5 per GSA

3. This project has been ongoing since 2004, and it has been seven years since this Committee authorized GSA to act. Since that time, GSA has spent $20 million in taxpayer money on ideas and plans. It now appears these concepts have been scrapped. Will the taxpayer get any return for the $20 million spent to date?

b5 per GSA

4. How is this revised plan an improvement over the flawed proposals previously brought before this Committee?

b5 per GSA

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DOJ-FBI-18-0520, 18-0521-000120
18-cv-2422(FBI)-5985

b5 per GSA

Senator Cardin:

5. Both the GSA and the FBI have consistently told Congress that the FBI must have a fully consolidated headquarters on a campus with ISC Level V security but the JEH site can provide neither full consolidation nor ISV Level V security. How did the "requirements" change so suddenly? Why have you changed the notion of consolidation?

b5 per GSA

6. GSA and FBI were consistent in their position that building a replacement FBI headquarters on the site of the current JEH building was not an option because it could not achieve ISC Level V security. Have the FBI's security needs changed? Has the threat level decreased?

b5 per GSA

7. Who in the Executive Branch was involved in the July, 2017 decision to cancel the original procurement? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

b5 per GSA

8. Who in the Executive Branch was involved in the development of the plan which was submitted to the Environment and Public Works Committee on February 12, 2018? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

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[redacted] b5 per GSA

9. According to GSA's site selection guide, site selections are made by balancing the initial cost of the real estate with the goals of the organization, the functioning of the organization, the overall cost of executing the project, security impacts to the organization, the cost of operating the facility, the benefit to the local community and the environment. Where is the analysis of the JEH site? Can you provide the Committee with a copy of that analysis?

[redacted] b5 per GSA

10. How many of the 2,300 people whose jobs are being planned to relocate are expected to move to keep their jobs? Where do those 2,300 employees currently live (by State)?

[redacted]

11. What percentage of the 2,300 employees whose jobs are being planned to relocate will be offered Relocation Incentives? Has the Uniform Relocation Assistance Act been applied to the estimated cost to relocate employees to other parts of the country?

[redacted] b5 per GSA

12. How will the procurement for the design and construction be run? Will one company do both?

[redacted]

13. Will GSA use the P-100 guide for federal construction? Does the FBI have a design guide, and if so, have the features of the guide been incorporated into the overall cost estimating for the new facility?

[redacted] b5 per GSA

14. Are you aware of any discussions about or with potential developers? How will you ensure competition? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

[redacted] b5 per GSA

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DOJ-FBI-18-0520, 18-0521-000122 18-cv-2422(FBI)-5987

[redacted] b5 per GSA

15. How much money will it cost to expand existing facilities in Alabama to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

The facilities in question are not in GSA's custody or control nor is GSA performing the work for the FBI; therefore, GSA respectfully requests this question be directed to FBI.

16. How much money will it cost to expand existing facilities in West Virginia to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

The facilities in question are not in GSA's custody or control nor is GSA performing the work for the FBI; therefore, GSA respectfully requests this question be directed to FBI.

17. How much money will it cost to expand existing facilities in Idaho to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

The facilities in question are not in GSA's custody or control nor is GSA performing the work for the FBI; therefore, GSA respectfully requests this question be directed to FBI.

18. Will there be a separate request for funds to demolish JEH? How much money will it cost to demolish JEH? How will these costs be financed and what Congressional approval will be needed?

[redacted] b5 per GSA

19. The February 12th report says that the JEH rebuild is less expensive because it will cost $2.175 billion to house 8,300 staff while the original consolidation plan would cost $2.4 billion for 10,606 staff but the accurate comparison can only be found by looking at the same number of staff in both scenarios. So if the JEH rebuild costs $2.175 billion for 8,300 staff don't you need to subtract 20% of the staff count and 20% of the costs from the original plan? And wouldn't doing so brings that number down closer to $1.6 billion? So isn't the real comparison is $1.6 billion to build a building for 8,300 staff under the original campus-style plan and $2.175 to build a new building for 8,300 staff on the current Pennsylvania Avenue site?

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b5 per GSA

20. The timeline on Page 10 claims occupancy in 2025 which seems extraordinarily optimistic for a demo-re-build scenario. Please provide details including the dates you anticipate to begin and conclude each of the following components: production of requirements for the swing space; production of the advertisement for swing space; publishing the advertisement for swing space; analyzing offers of swing space; securing Congressional authorizations and appropriations for swing space; signing leases for the swing space; fitting out the swing space; moving JEH employees into the swing space; the production of requirements for the HQ building; securing Congressional authorizations and appropriations for the JEH demolition; the EIS process on the JEH site; remediating the JEH site; demolishing JEH; designing the new building; advertising for developers; analyzing developers offers; securing Congressional authorizations and appropriations for construction of the new HQ; construction of the new building; fitting out the new building and moving employees into the new building.

b5 per GSA

21. What will the swing space for current HQ staff cost per year? How many leases will be required and for how long?

22. What is the extra cost of hardening the new building to meet the FBI's security needs?

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23. Is it correct that you will not start the process until the Environment and Public Works Committee and the Transportation and Infrastructure Committee have authorized the project?

b5 per GSA

24. Is it correct that you will not award a bid until full funding for this project has been appropriated by Congress?

Yes.

25. How will the FBI's future space needs be addressed after 2025 when the new HQ is occupied? How is the FBI's post-2025 growth being factored into the design and construction of the new building?

GSA respectfully requests this question be directed to the FBI.

26. GSA's Site Selection Guide notes that the Public Buildings Cooperative Use Act and the Federal Urban Land Use Act require GSA to consider local planning efforts in the project development and site selection process. Did GSA involve the National Capital Planning Commission (NCPC) in the production of the plan for the redevelopment of the JEH site? Is GSA aware that in January, 2017 the NCPC published commercial redevelopment plans for the JEH site?

GSA has not yet discussed the current approach with NCPC. GSA is aware of the current Square Guidelines.

27. What conversations have taken place with the District of Columbia regarding the reuse of the JEH site? Did you seek the Mayor's input before recommending the rebuilding of the FBI HQ on the JEH site?

GSA has not had conversations with the Washington, D.C. government about reuse of JEH. GSA has not yet discussed the current approach with the Mayor's office.

Senator Van Hollen:

28. In the letter you sent, dated February 28, 2018, to the Chairman following the hearing (and copied myself and Ranking Member Carper), you clarified your response to my question, "Have you ever had any conversations or communications with the President or any senior White House staff about this FBI project?" In your clarification you stated that you:

> Attended one meeting with a senior official at the White House where the primary topic of the meeting was the FBI headquarters project.

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Attended one meeting with a senior official at the White House where the FBI headquarters project was discussed briefly as a matter incidental to the subject of the meeting.

Had several meetings with another senior White House official where the FBI headquarters was discussed, but only in the context of a broader discussion of Federal real property acquisition financing.

a. With respect to meetings referenced in the letter above, please provide detailed information on the date, location, participants, topic, summary and decisions made.

b5 per GSA

b. With respect to each of those meetings, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

c. Were there any other communications with any other senior staff at the White House or OMB? If so, please provide detailed information for each communication, including the date, location, participants, topic, summary, and decisions made.

b5 per GSA

d. With respect to any communications with senior staff at the White House or OMB detailed in the response to the prior question, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

29. Please provide a fully transparent comparison of the differences in total cost of the new proposed headquarters versus the total estimated cost of building a headquarters based on the February 2016 Prospectus PNCR-FBI-NCR17 submitted to this Committee. This information should include (but is not limited to): cost of demolition of the existing Hoover building, rent for the swing space, cost of continuation of lease payments for

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current non-Hoover building employees that have to be continued, and the cost per employee for each location.

b5 per GSA

GSA respectfully defers to FBI on its interim housing needs and costs.

a. On Page 11 of your proposal, you compare the cost to consolidate 11,000 employees into a campus setting and 8,300 employees into a Hoover Building rebuild. This is comparing apples and oranges. Did GSA and the FBI compare the cost of consolidating 8,300 employees in a Hoover rebuild to consolidating those 8,300 employees at a new location?

b5 per GSA

30. On August 2, 2017 this Committee requested that GSA and FBI return to Congress in 120 days with a plan for the FBI headquarters with a deadline of November 30, 2017. On December 1, 2017 the Committee approved your request for a 60 day extension with a new deadline of January 29, 2018. This second deadline was missed and your revised proposal was submitted on February 12, 2018.

a. When did you start working on the revised proposal for the FBI headquarters?

August 2017.

b. Did any senior White House official or the President provide input or make recommendations to GSA or the FBI prior to submission to the White House or OMB for approval?

b5 per GSA

c. If so, what were those recommendations?

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d. When was the proposal sent to the White House and OMB for approval?

b5 per GSA

e. Did the President or any senior White House official request or make any changes to the proposal after you submitted it for approval?

f. If so, what were those changes?

31. Your proposal states that the, "Two-year budget cap deal provides a unique opportunity to secure appropriations for the FBI headquarters" and in your testimony you stated that the "final recommendation came forward at that same time (as the budget agreement.)" What was GSA and the FBI doing between August 2, 2017 and February 9, 2018 to respond to this committee's request?

b5 per GSA

32. Prior to passage of the budget deal in the early morning hours of February 9, 2018, what was the Administration's plan for funding the project?

33. Putting the Hoover building transfer aside, the often stated reason for cancelling the original procurement was due to lack of funding. Now that potential funding is available as a result of the budget deal, did you consider reviving the framework of the original procurement minus the building swap?

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34. During the House Oversight and Government Reform Committee hearing on February 14, 2018 you stated that the FBI's role is in defining their mission requirements. When were you notified of the FBI's revised mission requirements?

b5 per GSA

35. After you were informed of the revised mission requirements for the FBI, did you consider any of the other surplus or excess facilities in the GSA portfolio and in the larger government wide portfolio in Washington, DC, Virginia, or Maryland as possible locations or facilities for the headquarters?

b5 per GSA

36. If nothing in the GSA inventory or the government-wide inventory met the mission requirements, did GSA review private inventory before deciding on new construction?

b5 per GSA

37. What were the steps that you went through before deciding that rebuilding on the Hoover site was the best option?

38. I believe the safety and security of the men and women of the FBI is of utmost importance and I believe that a strong argument can be made that a campus like facility is more secure than the Hoover site in DC. I agree with the GSA Prospectus for Construction (PNCR-FBI-NCR17) that, "The building was designed at a time when FBI operated differently, and *it cannot be redeveloped* to provide the necessary space to consolidate the FBI Headquarters components or to meet the agency's physical security and current and projected operational requirements."

    a. The 2016 Prospectus states that, "The new facility will be built to meet ISC Level V security specifications…" Is it possible to have the same level of security at the

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Hoover site that was intended for one of the three previously identified sites in MD or VA?

b5 per GSA

b. Is it possible to achieve ISC Facility Security Level (FSL) V standards for a new building at the Hoover site?

39. According to the Interagency Security Committee's document, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* published in November 2016, "Each FSL corresponds to a level of risk that related directly to a Level of Protection (LOP) and associated set of baseline security measures." A level V Facility Security Level has a very high level of risk and required a very high baseline level of protection. Has the GSA ever supported a plan for new construction of a building that is deemed to require an ISC Level V Level of Protection but was built to a lower level of protection?

b5 per GSA

40. According to the FBI, in 1995 when Timothy McVeigh detonated a bomb at the Alfred P. Murrah Federal Building in downtown Oklahoma City, "In a matter of seconds, the blast destroyed most of the nine-story concrete and granite building, and the surrounding area looked like a war zone. Dozens of cars were incinerated, and more than 300 nearby buildings were damaged or destroyed."

    Knowing this information, and knowing that the FBI headquarters building requires Level V security standards, does the current location of the Hoover building pose any security or other risks to surrounding buildings and structures?

b5 per GSA

41. Has GSA or the FBI consulted with anyone representing Washington, DC Mayor Muriel Bowser or the City Council since the decision was made to cancel the original procurement and the issuance of your new proposal on February 12, 2018?

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b5 per GSA

42. Has the GSA or FBI consulted with the National Capital Planning Commission (NCPC) or reviewed and considered the new square guidelines established by the NCPC for the land currently occupied by the Hoover building?

43. Please clarify your answer to Ranking Member Carper's question, "When does the GSA anticipate transmitting a new prospectus?"

Senator Whitehouse:

44. Have there been any communications between FBI and GSA and any representative of the Trump Organization about this project? If so, will you disclose them to the Committee?

No, GSA is not aware of any such communications.

45. Can you assure the committee that this change in approach has nothing do to who the President is and the Trump Organization's ownership of a nearby hotel?

Yes.

46. Who directed the cancellation of the Acquisition by Exchange process?

The GSA Contracting Officer made the final decision to cancel the acquisition.

47. Who decided to reconsider the demolish and rebuild strategy that was previously set aside by GSA as too expensive? How have the numbers changed to now make this not only a viable option, but the most cost effective option?

b5 per GSA

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48. Though the proposal from the FBI and GSA estimates the new demolish and rebuild plan will save around $200 million from the previous suburban consolidation plan, the new plan does not appear to include estimated costs for relocating the 2,300 staff currently in the DC area that will no longer fit in the new building. How much will it cost to move those people and renovate or build office space for their new assignments in Idaho, West Virginia, or Alabama? Will those costs be paid for by GSA or the FBI?

[redacted] b5 per GSA

49. What security upgrades can be made to the current Hoover Building's location that would compare to what could be possible in a suburban campus which has more room for fencing, security checkpoints, and other protective features?

[redacted]

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U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

September 30, 2022

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW
WASHINGTON, D.C. 20005-1503

American Oversight v. Federal Bureau of Investigation
Civil Action No.: 18-cv-02422
FOIPA Request No.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

You were previously advised we were consulting with other agencies concerning information related to your Freedom of Information/Privacy Acts (FOIPA) request.

A portion of that information has been returned to the FBI and is enclosed. The documents were reviewed under the FOIA/FOIPA, Title 5, United States Code, Sections (s) 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. The checked exemptions used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

532 pages were reviewed and 282 pages are being released.

☑ The appropriate redactions were made by the General Services Administration and the Office of Management and Budget.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

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For questions regarding our determinations, visit the www.fbi.gov/foia website under “Contact Us.” The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation’s determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP’s website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI’s FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state “Dispute Resolution Services.” Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of Bates stamped documents 18-cv-2422(FBI)-1-18-cv-2422(FBI)-90, 18-cv-2422(FBI)-168-18-cv-2422(FBI)-304, 18-cv-2422(FBI)-343-18-cv-2422(FBI)-360, 18-cv-2422(FBI)-473-18-cv-2422(FBI)-474, 18-cv-2422(FBI)-1030, 18-cv-2422(FBI)-1065-18-cv-2422(FBI)-1225, 18-cv-2422(FBI)-1227-18-cv-2422(FBI)-1228, 18-cv-2422(FBI)-1230-18-cv-2422(FBI)-1231, 18-cv-2422(FBI)-1273-18-cv-2422(FBI)-1343, 18-cv-2422(FBI)-1347-18-cv-2422(FBI)-1355, 18-cv-2422(FBI)-1375-18-cv-2422(FBI)-1380, 18-cv-2422(FBI)-1382-18-cv-2422(FBI)-1414.

The enclosed documents represents the twenty first interim release of responsive information. This material is being provided to you at no charge.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C.§ § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C.§ 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.

a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.

(iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

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[redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

From: [redacted]
Sent: Tuesday, September 5, 2017 11:55 AM
To: [redacted]
Subject: UNET to FBINET Uploaded Files
Attachments: Chapter_13_References.pdf

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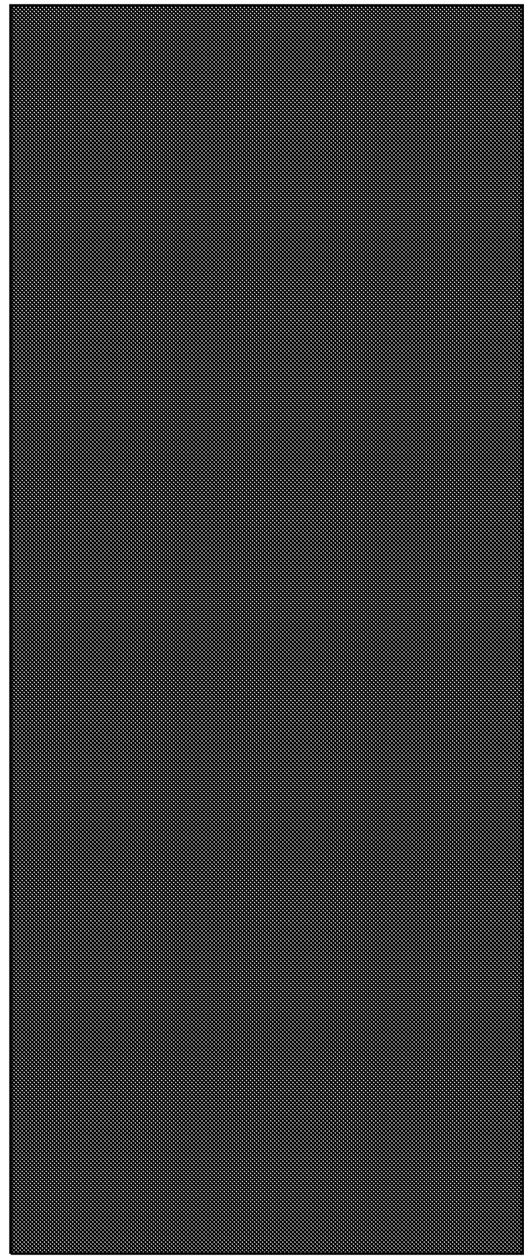

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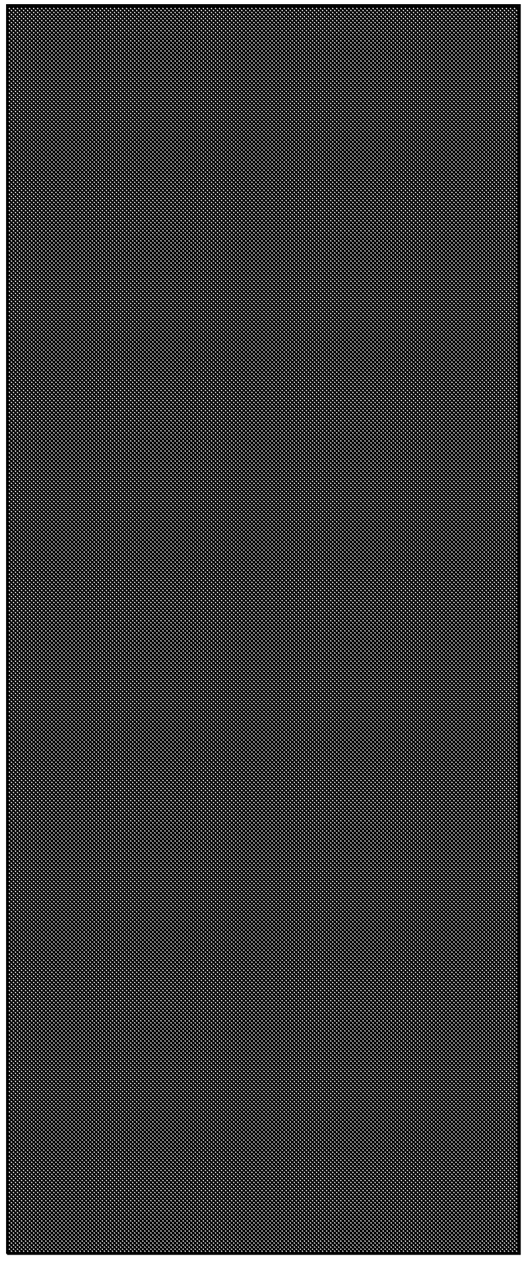

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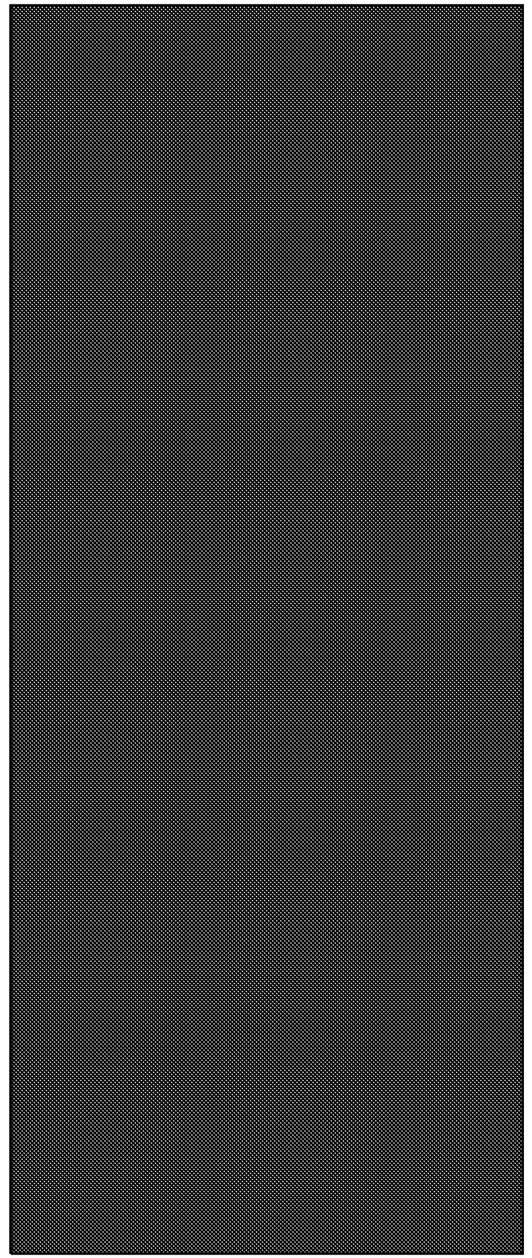

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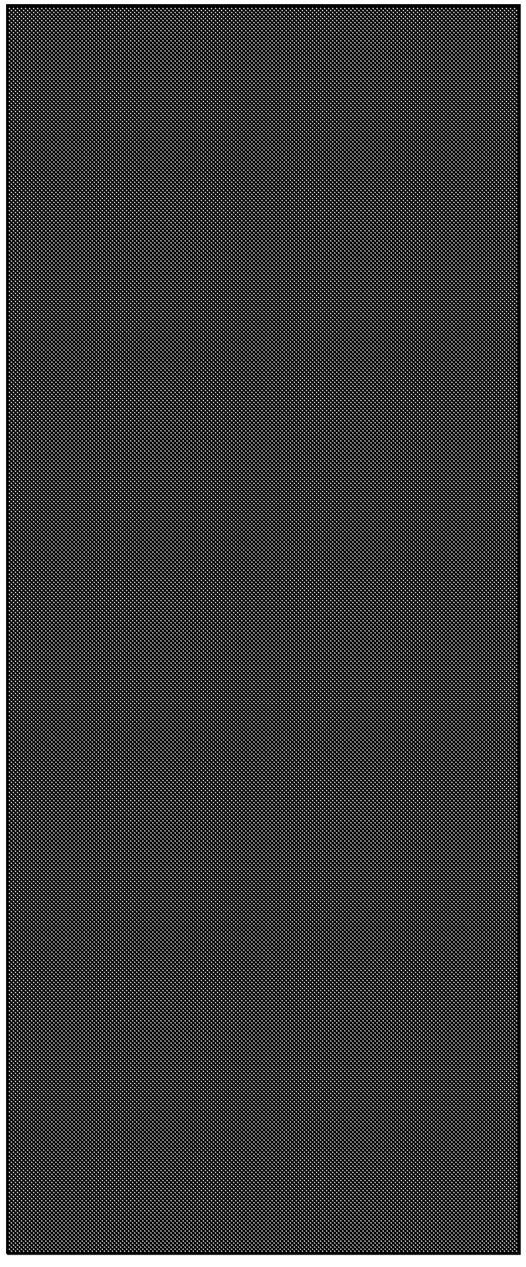

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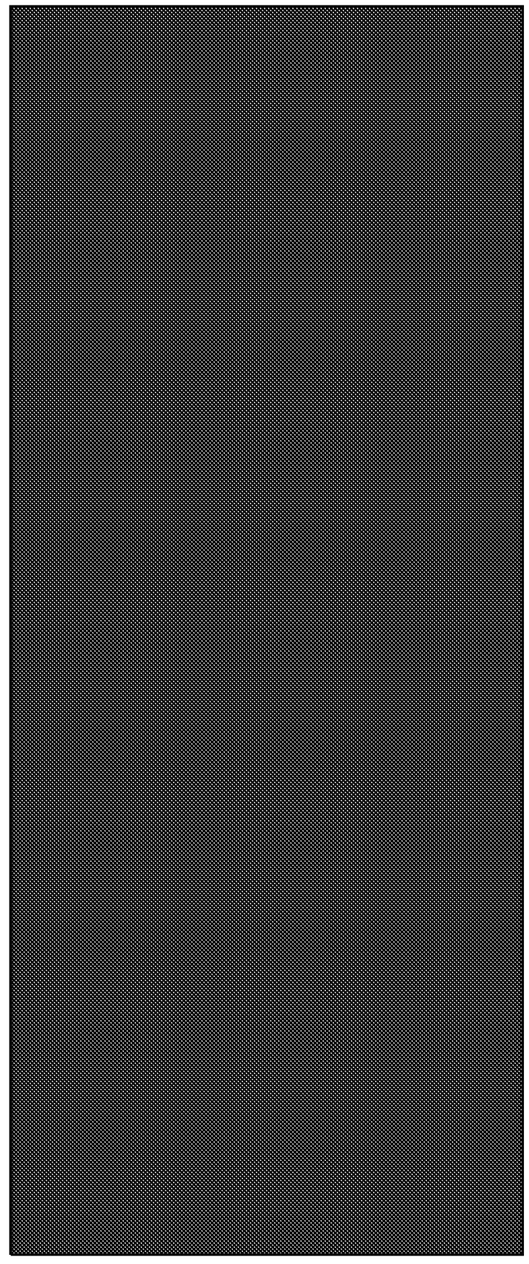

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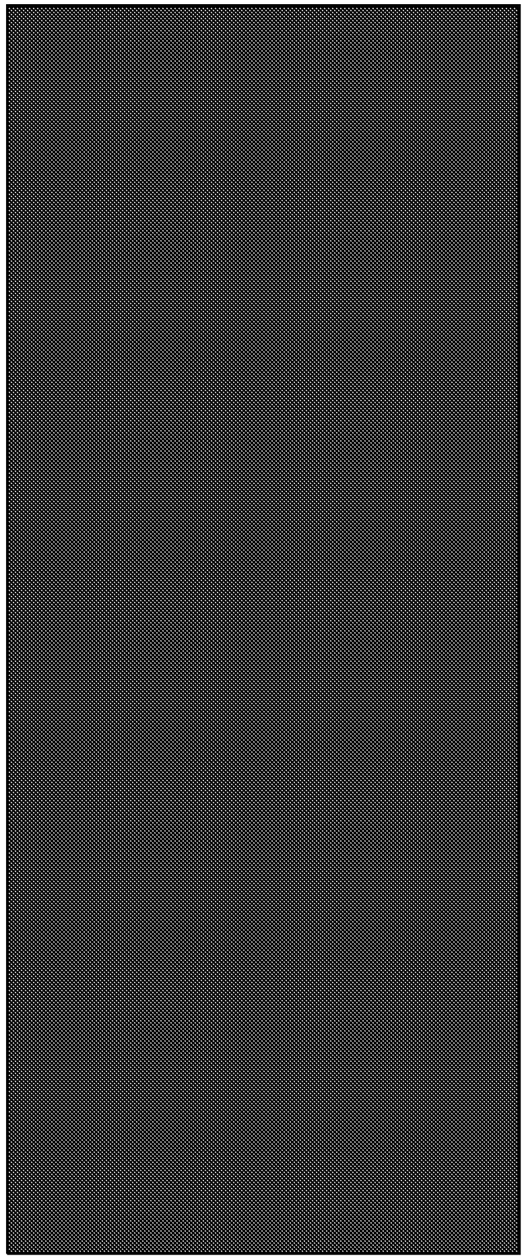

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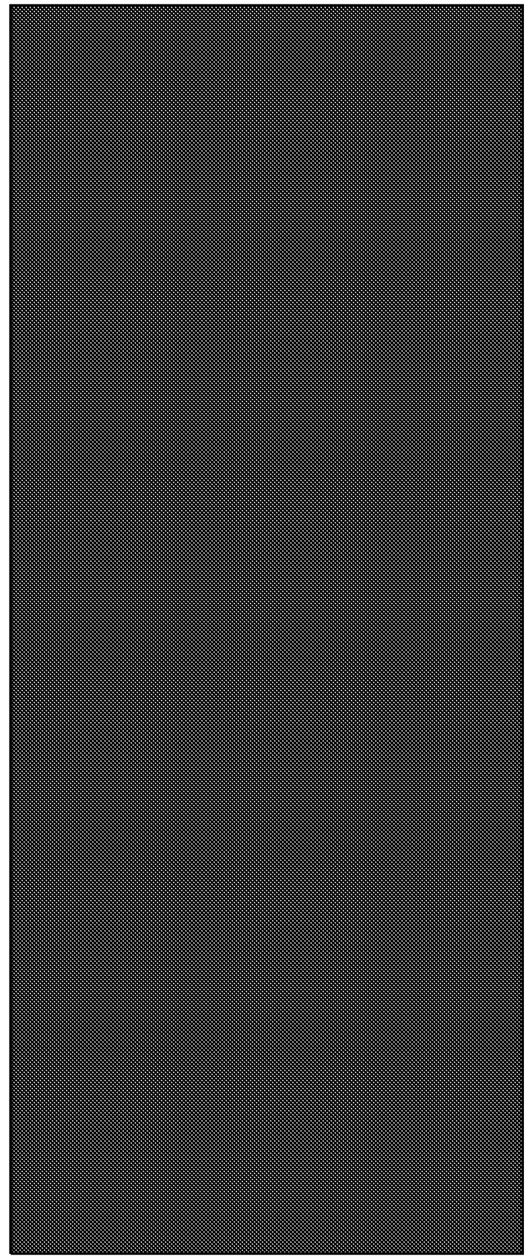

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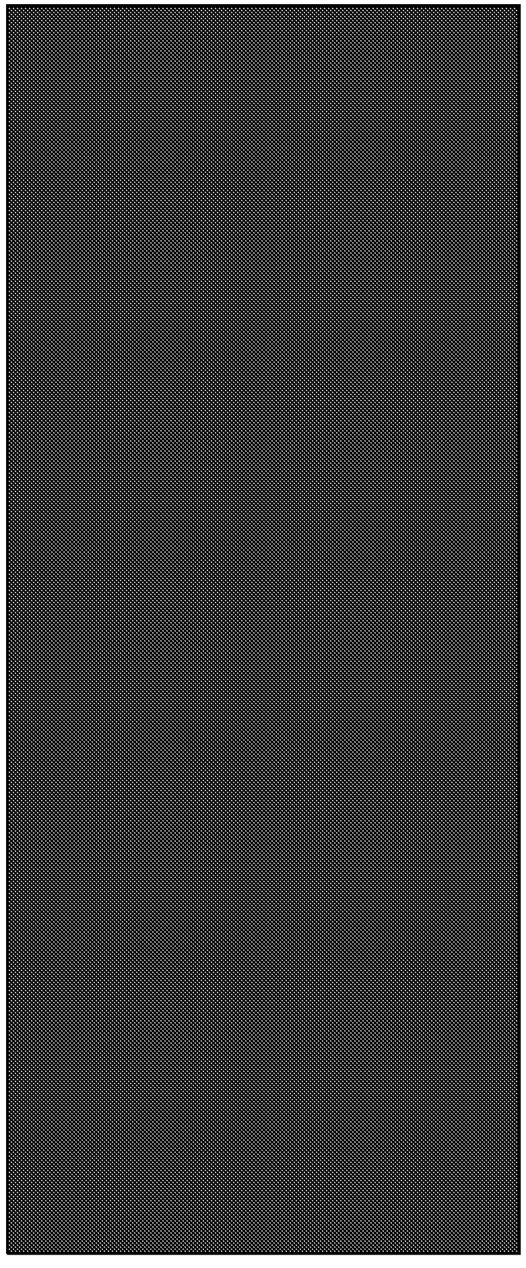

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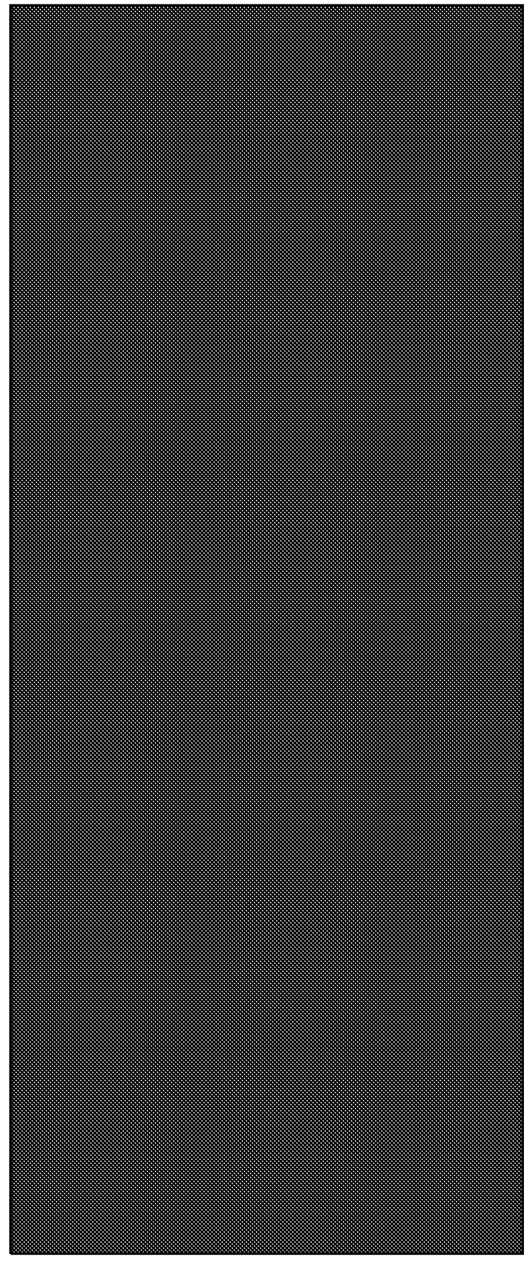

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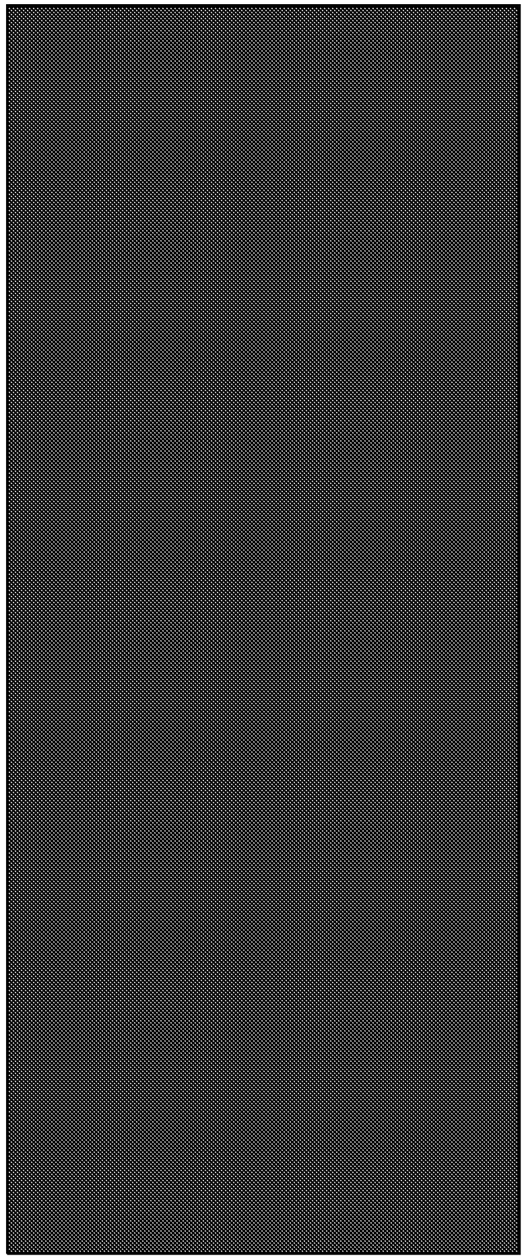

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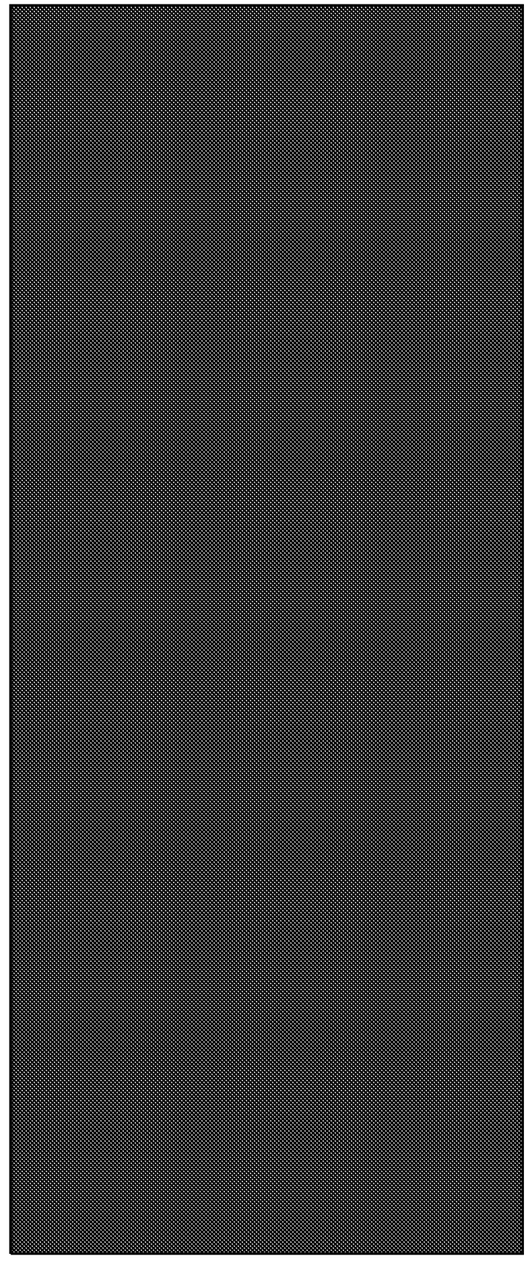

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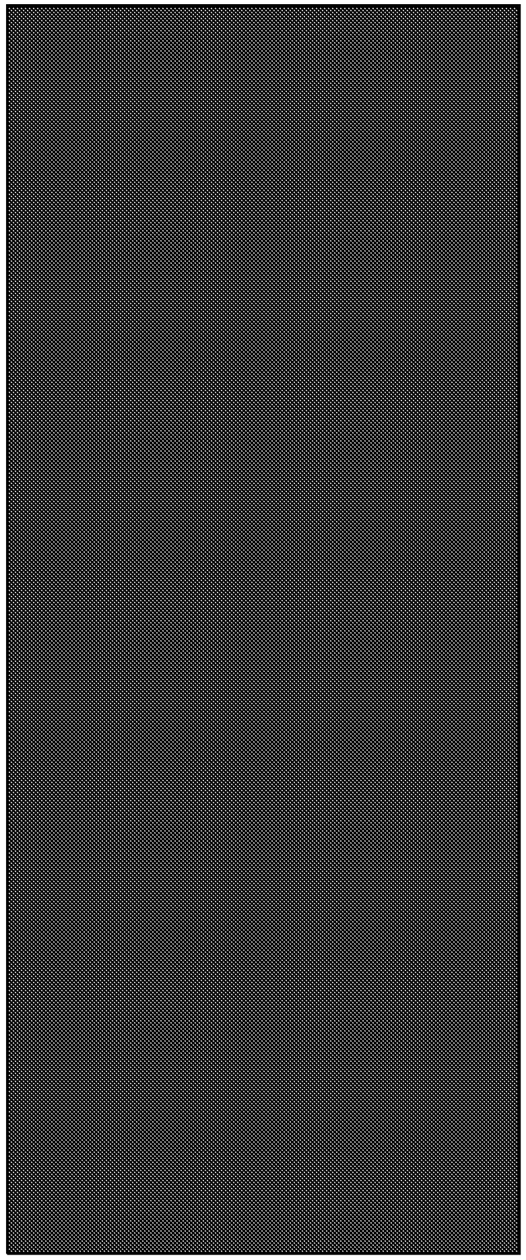

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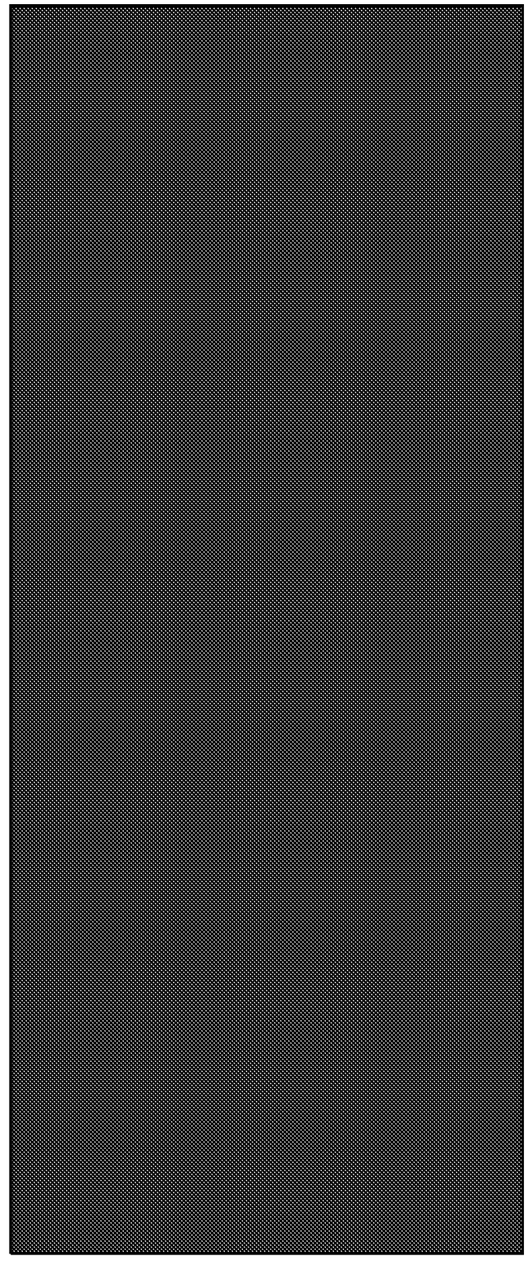

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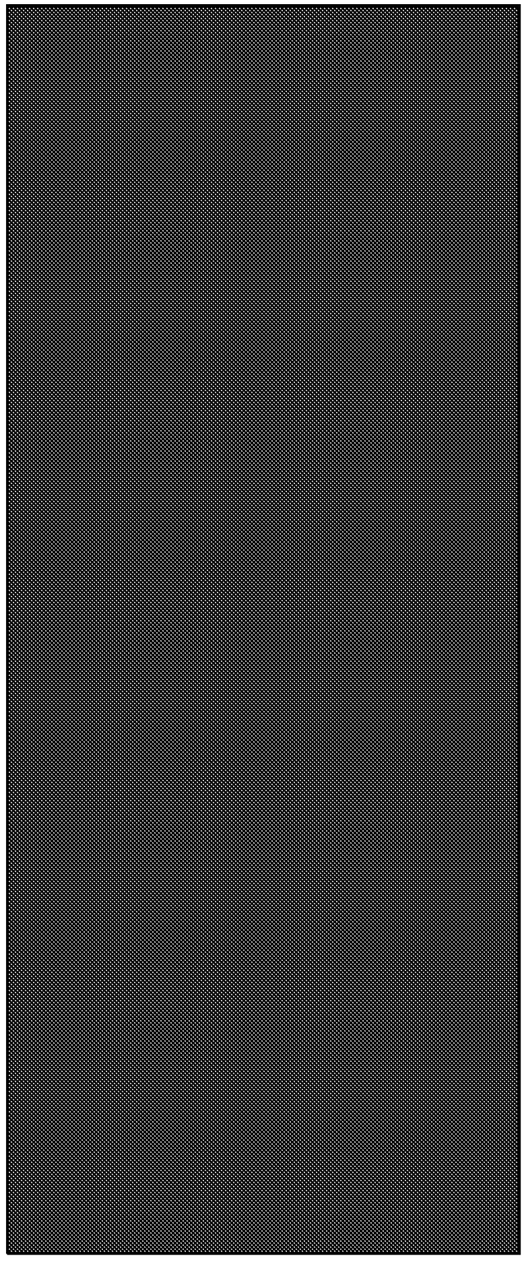

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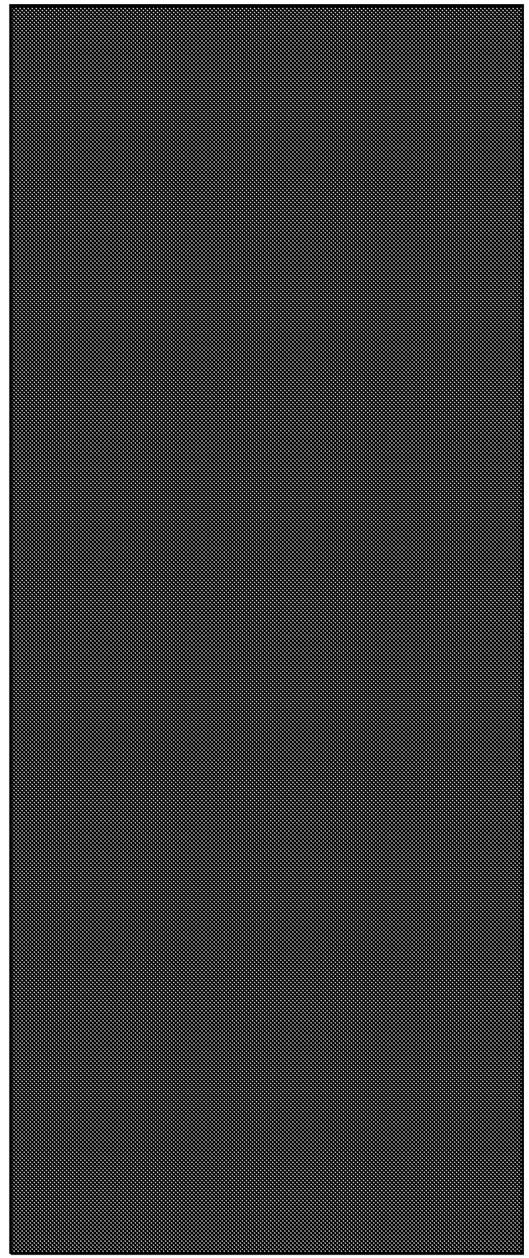

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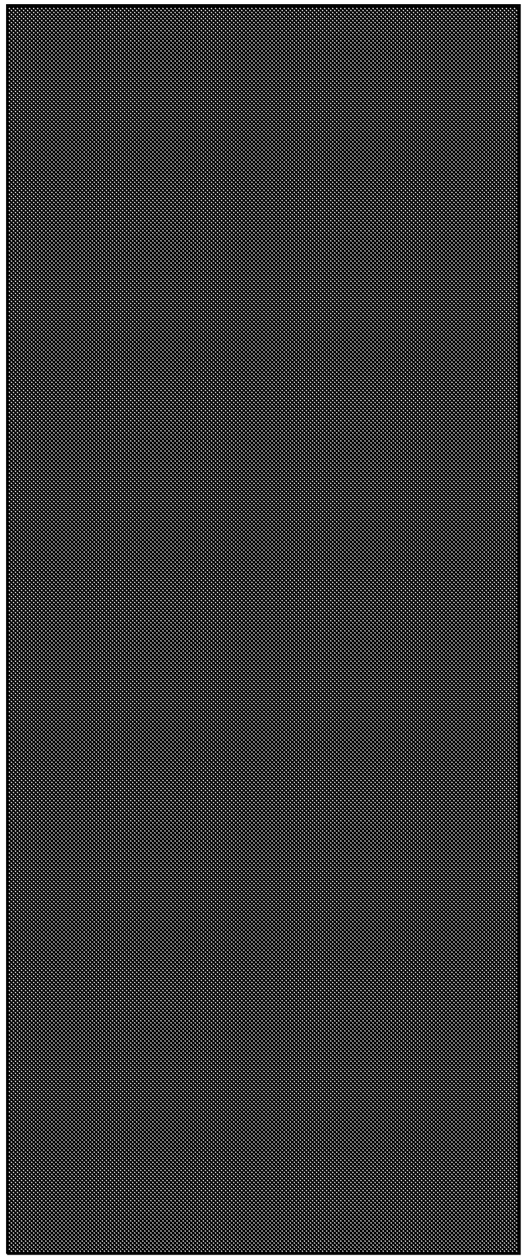

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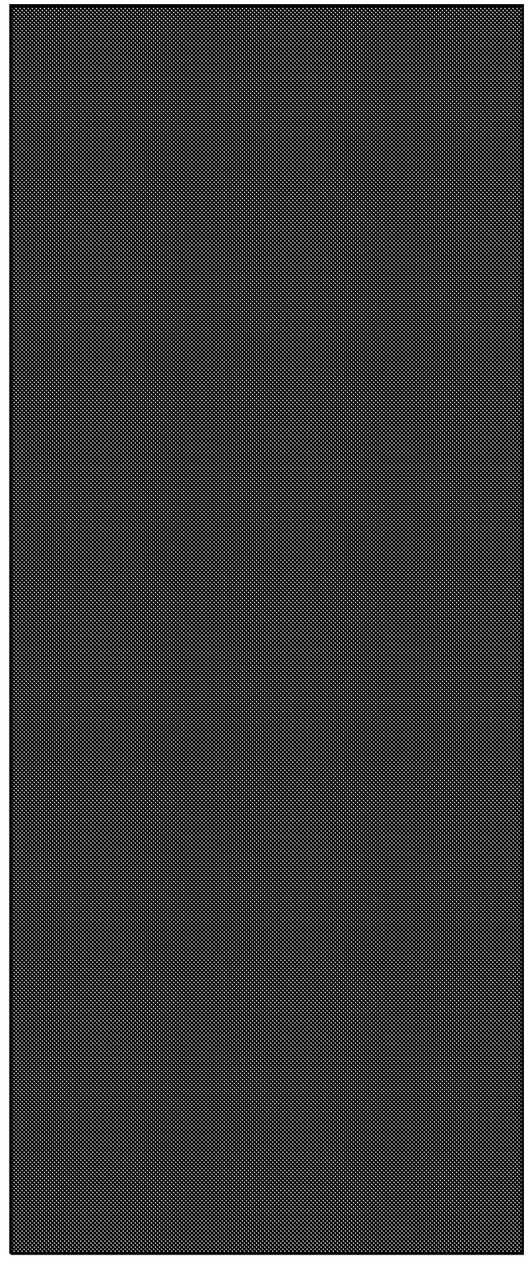

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To: [redacted]
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Chapter 8 Cumulative Impacts

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8.0 Cumulative Impacts

Council on Environmental Quality (CEQ) regulations implementing the National Environmental Policy Act (NEPA) require assessment of cumulative impacts in the decision-making process for Federal projects. Cumulative impacts are defined as "the impact on the environment which results from the incremental impact of the action when added to other past, current, and reasonably foreseeable actions regardless of what agency or person undertakes such other actions" (40 C.F.R. §1508.7). As stated in the CEQ handbook, *Considering Cumulative Effects Under the National Environmental Policy Act*, cumulative impacts should be analyzed in terms of the specific resource, ecosystem, and human community being affected and should focus on effects that are truly meaningful (CEQ 1997b). Cumulative impacts are considered for all alternatives, including the No-action Alternative.

Cumulative impacts are most likely to arise when a relationship or synergy exists between the Proposed Action and other actions expected to occur in a similar location or during a similar time period. Actions overlapping with or in proximity to the Proposed Action at each site alternative and the JEH parcel would be expected to have more potential for a relationship than those with a greater degree of spatial separation. Likewise, actions closer in time to the Proposed Action at each site alternative would be expected to have more potential for a relationship than those with a greater degree of temporal separation. The potential for cumulative impacts for all resources was determined by combining the impacts for each action alternative, inclusive of the recommended transportation mitigations and utility infrastructure improvements, with other past, present, and reasonably foreseeable actions that would also result in beneficial or adverse impacts. Therefore, it was necessary to identify actions in the vicinity of each site alternative and the JEH parcel that could contribute to cumulative impacts for the resources discussed in this Environmental Impact Statement (EIS). The greater the impacts determined under each alternative, the more they contribute to the cumulative impacts identified for each resource. If no impacts to a resource or value would occur or are expected at a site, then there would be no cumulative impacts, and if so that is stated for each resource.

The evaluation of cumulative impacts to all resources analyzed in the EIS was accomplished using four steps:

Step 1 - Identify Affected Resources;

Step 2 - Identify appropriate spatial and temporal boundaries for each resource, which are specific to each site;

Step 3 - Identify cumulative action scenario; and

Step 4 - Cumulative impact analysis: determine the combined impact of the proposed alternative and the other identified actions of the cumulative scenario.

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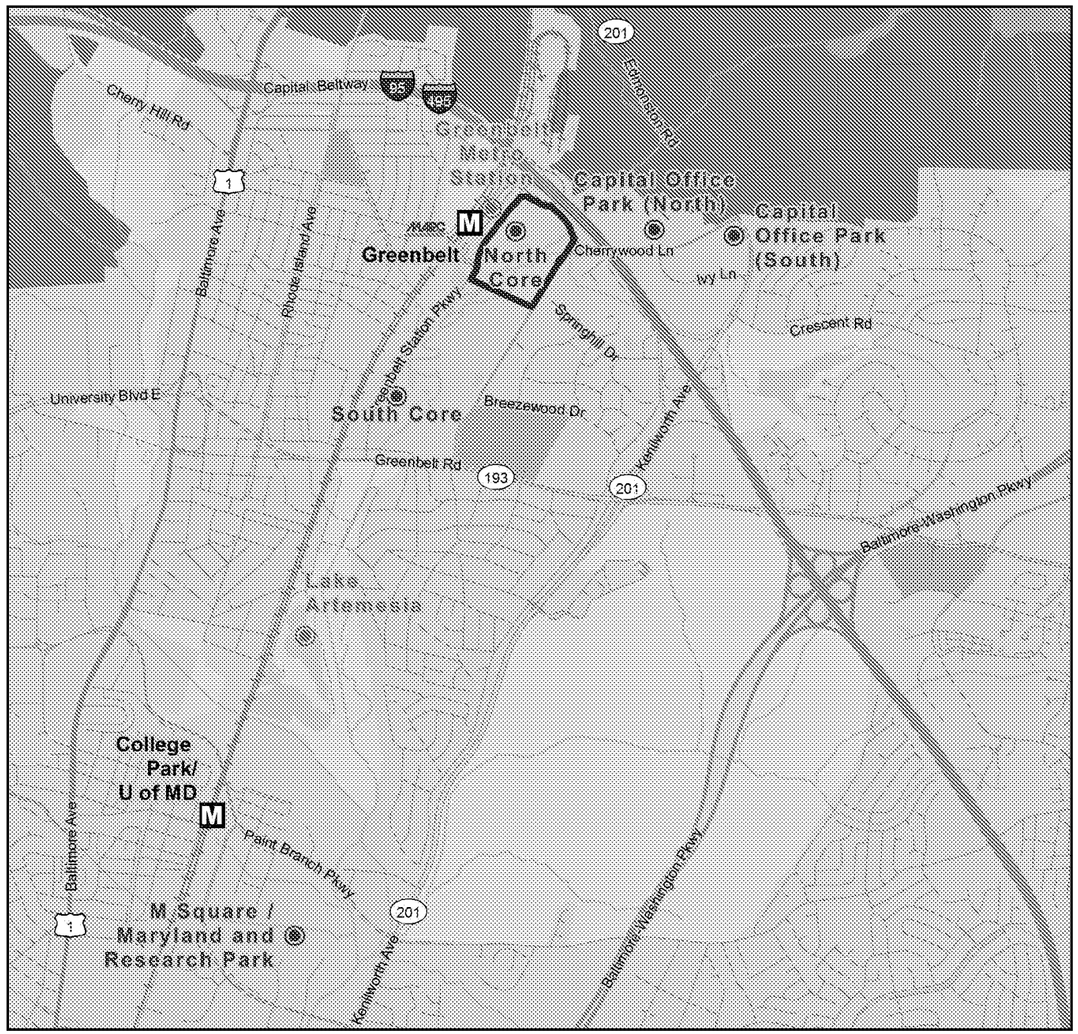
Figure 8-1: Greenbelt Cumulative Projects



8.1 Greenbelt

8.1.1 Spatial and Temporal Boundaries

To identify which past, present, and reasonably foreseeable projects would be considered in the cumulative analysis, temporal and spatial boundaries were determined. Although the boundaries for each impact topic may differ because of the nature of the resource or value, all analyses considered the same initial spatial and temporal boundaries for the Greenbelt site. Specific resource differences are noted in the cumulative analysis for the resource.

Temporally, for the Greenbelt site, the past projects look as far back as 1930 with the establishment of the Beltsville Agricultural Research Center (BARC), which permanently protected several thousand acres of land in this community, although the primary past temporal boundary is the establishment of the Metrorail system in the area in the 1990s. Future projects are only those that are reasonably foreseeable and therefore extend approximately 10 years into the future.

Geographically, projects up to 3 miles to the south of the Greenbelt site, east to the Baltimore Washington Parkway, and west to U.S. Route 1 are considered. BARC, itself a cumulative action, provides a natural geographic boundary to the north of the Greenbelt site. The projects to the south of the Greenbelt site have the potential to affect traffic and other resources in the area.

8.1.2 Projects Contributing to Potential Cumulative Impacts

Cumulative effects were evaluated for major infrastructure projects or private developments that are spatially and temporally related to the Greenbelt Alternative and that prominently contribute to the overall character of the area. In order for a future project to be included in the cumulative impact analysis, it must have received development approval from the Maryland-National Capital Park and Planning Commission (M-NCPPC), or received other permits, have committed funds, or have some other reasonable assurance the project will occur. This analysis refers to these projects as reasonably foreseeable projects.

8.1.2.1 Past Projects

The Greenbelt Metro Station was developed in 1993 and is located northwest of the Greenbelt Alternative. This station serves both Metrorail and the Maryland Area Regional Commuter (MARC) trains. It has a parking lot with 3,300 spaces. The station has two above-grade platforms that are handicap accessible, but no buildings, restrooms, telephones, ticket kiosks, or heaters. The Greenbelt Alternative is a portion of the existing parking lot for the station. The Greenbelt Metro Station included a wetland mitigation site for disturbed wetlands, but the wetland mitigation failed and was certified as failed by the U.S. Army Corps of Engineers (USACE) in 2003 (USACE, Wettlaufer, pers. comm., 2003). The site was converted into a large stormwater management pond. This site is southwest of the surface parking lot adjacent to the southwest corner of the Greenbelt site. A replacement mitigation site was identified farther to the south of the Greenbelt site, just west of the South Core development.

Lake Artemesia (constructed during the completion of Metrorail's Green line) is a man-made lake in College Park and Berwyn Heights located south and downstream of the Greenbelt Alternative along Indian Creek. The lake covers 38 acres and is part of the Lake Artemesia Natural Area that includes aquatic gardens, fishing piers, and hiker-biker trails.

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Beltsville Agricultural Research Center is the largest agricultural research complex in the world covering 6,600 acres of which several thousand acres is preserved as farmland. The research center houses approximately 1,300 people in four buildings with more than 365,000 square feet (SF) of space and is located north of the Greenbelt Alternative.

8.1.2.2 Current Ongoing and Reasonably Foreseeable Projects

The South Core portion of Greenbelt Station is an 87-acre transit-oriented, mixed-use infill project with 342 townhomes and 342 apartments. There is an additional section that may be built in the future that could contain 339 additional housing units and 115,000 SF of gross floor area of retail. The construction schedule for Phase II is not currently known.

The North Core portion of Greenbelt Station is a proposed transit-oriented development that would spur commercial revitalization and pedestrian-oriented improvements at the Greenbelt Metro Station, and currently includes the Greenbelt site. If the Greenbelt Alternative is selected, the development of the North Core would include 800 apartment units, 100,000 SF of retail, 350,000 SF of office space, and a 300-room hotel. The development would be placed between the western edge of the Greenbelt Alternative and the Greenbelt Metro Station. Structured parking for the Greenbelt Metro Station is included within the North Core development footprint, to replace the existing surface parking lot.

Transportation improvements associated with the North and South Core developments of Greenbelt Station include:

- **Greenbelt Station Parkway** would be a north-south oriented roadway connecting MD 193 to Greenbelt Metro Drive. The road would consist of a divided roadway served by two or four lanes in the northbound direction and two lanes in the southbound direction through the North Core area. It would operate as a divided roadway with one lane in each direction with several roundabouts through the South Core area and provide a spine roadway connecting the North and South Core development areas. It would also connect to the planned Washington Metropolitan Area Transit Authority (WMATA) parking garage and the planned or revised interstate ramps serving I-95/I-495.

- **Greenbelt Metro Drive** is an east-west oriented roadway that would be realigned from its current path to connect to Greenbelt Station Parkway. It would primarily operate as a two-lane undivided roadway and continue to provide a connection between Cherrywood Lane and the Greenbelt Metro Station.

- **I-95/I-495 Off-ramps** would follow a similar alignment as the existing off-ramp and would directly connect to the WMATA garage, the Kiss & Ride area, and Greenbelt Station Parkway. A new two-lane flyover ramp would be constructed between I-95/I-495 northbound and connect to the existing I-95/I-495 southbound off-ramp.

- **I-95/I-495 Southbound On-ramp** would originate at the proposed Greenbelt Station Parkway and Greenbelt Metro Drive intersection and connect to I-95/I495 Southbound. It would begin as a two-lane ramp and reduce to one lane before merging onto the interstate.

- **I-95/I-495 Northbound On-ramp** would originate immediately south of the proposed Greenbelt Station Parkway and Greenbelt Metro Drive intersection and follow a horseshoe curve crossing over Greenbelt Metro Drive and I-95/I-495 connecting to the existing on-ramp. It would begin as a two-lane ramp and reduce to one lane before merging onto the interstate.

Capital Office Park (North and South) sites are located on Cherrywood Lane, north and east of the Ivy Lane intersection and west of MD 201. A seven-building business park containing 300,000 SF of general office space, and an onsite upscale hotel with conference facilities are proposed for the Capital Park (North) site, which was previously an agricultural field. The Capital Park (South) site is located adjacent to a Maryland Department of Transportation (MDOT) salt dome and would include 46,000 SF of general office space.

M Square / University of Maryland Research Park is located within a 293-acre transit district at College Park/University of Maryland (HUB zone). The building contains 2.5 million SF of public and private research labs. Various companies in the computer science, mathematics, engineering, physical and life sciences, biotechnology, and linguistics sectors are housed in the Research Loop. The $500 million M Square is set to become the largest research park in the State of Maryland and one of the largest in the country. Construction began in 2004, and full build-out is expected at a future date.

Figure 8-1 shows a map of all past or currently ongoing and reasonably foreseeable projects in the vicinity of the Greenbelt Alternative. Table 8-1 summarizes the direct, indirect, and cumulative impacts of the Greenbelt Alternative. A more extensive discussion and analysis follows the table.

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Table 8-1: Greenbelt Alternative Summary of Impacts

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Earth Resources			
Geology and Topography	No measurable impacts.	No measurable impacts.	Cumulative impacts would be beneficial and adverse. The Greenbelt Alternative would contribute a minimal increment to the cumulative impacts to soil resources. No cumulative impacts to geology or topography.
Soils	Short-term, localized adverse impacts to soils as a result of soil disturbance. Increased pervious surface resulting in increased opportunities for soil productivity and infiltration.	Short-term impacts from soil disturbance which would expose soils and potentially lead to increased erosion from stormwater runoff; impacts would be mitigated through the use of BMPs.	
Water Resources			
Surface Water	Potential long-term, adverse impacts from stream engineering measures to control erosion and minimize channel migration. Long-term, adverse impacts to water resources would be avoided or minimized through compliance with relevant Federal, state, and local regulations and permitting requirements, and use of best management practices (BMPs) and management plans. Impacts would be offset by mitigation measures as required by Federal, state, and local agencies through the permitting process.	Short-term, adverse impacts to surface water in the vicinity of the site from sedimentation and pollutant loading from utility infrastructure projects; impacts would be mitigated by compliance measures and BMPs and would not be measurable. Long-term, beneficial impacts from implementation of stormwater management improvements would reduce the likelihood of surface water degradation from runoff containing pollutants from utility infrastructure improvements.	Cumulative impacts would be beneficial and adverse. The Greenbelt Alternative would contribute a minimal increment to cumulative impacts to water resources.
Hydrology	Short-term, adverse impacts to stormwater hydrology as a result of the temporary alteration of the existing stormwater drainage pattern during site, transportation mitigation, and utility infrastructure construction. Regulatory compliance, permitting, and the use of BMPs would avoid and minimize any short-term, adverse impacts. Long-term benefits to hydrology from the increase in pervious surface and improved stormwater water management and decreased surface runoff from site and utility infrastructure improvements.	Long-term, beneficial impacts from implementation of stormwater management improvements, which would limit the amount of impervious surface needed to implement the recommended utility improvements, allow for stormwater infiltration, and reduce runoff.	
Groundwater	Short-term, adverse impacts through groundwater disturbance and introduction of contaminants during site and transportation mitigation project construction. Long-term, beneficial impacts as a result of improved groundwater recharge, and protection of water quality during site and utility infrastructure improvement construction.	No measurable impacts.	
Wetlands	Short-term, adverse impacts from sediment and pollutant loading during construction of transportation mitigations; these would not be measurable. Short-term, adverse impacts from utility infrastructure due to trenching and drilling. Transportation mitigations would have direct, long-term, adverse impacts to wetlands through disturbance or removal of portions of the wetlands.	Short-term, adverse impacts would occur from soil disturbance and sedimentation from transportation mitigation.	
Floodplains	Short-term, adverse impacts from floodplain soil and vegetation disturbance. Long-term, adverse impacts would result from the disruption of floodplain functions and values through the potential addition of impervious surfaces, vegetation clearing, and soil disturbance within the floodplain for both site development and transportation mitigations. Short-term, adverse impacts from utility infrastructure improvements due to trenching and drilling.	No measurable impacts.	

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Table 8-1: Greenbelt Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Biological Resources			
Vegetation	Long-term beneficial impacts from vegetation reintroduced to portions of the previously disturbed and currently impervious portion of the site. Long-term adverse impacts due to permanent removal of vegetation from construction of road improvements and utility infrastructure improvements.	No measurable impacts.	Cumulative impacts would be adverse. The Greenbelt Alternative would contribute a minimal increment to the cumulative impacts to biological resources.
Aquatic Species	Beneficial impacts from decrease in stormwater runoff quantity and increase in stormwater quality. Potential impacts during construction of the FBI HQ, transportation mitigations, and utility infrastructure improvements due to degraded water quality and sediment and pollution loading; regulatory compliance, permitting, and the use of BMPs would avoid and minimize adverse impacts; these impacts would not be measurable. Long-term, adverse impacts to aquatic species due to campus lighting. Impacts may result from destruction of habitat, human disturbance, and increased sediment and pollutant loading.		
Terrestrial Species	Limited, long-term beneficial impacts from an increase in the amount of usable habitat, and potential long-term beneficial impacts to pollinators from plant selection. Potential short-term adverse impacts to terrestrial wildlife from site, transportation, and utility infrastructure construction noise and use of vehicles and equipment. Potential long-term, adverse impacts to species in proximity to the helipad where its use may cause nest abandonment or may result in an increased potential for wildlife strikes. Potential adverse effects from campus lighting on nocturnal species. Potential long-term, adverse impacts due to removal of approximately 0.8 acre of vegetated habitat along the sides of roadways to accommodate road improvements and from possible permanent removal of species habitat from utility construction.		
Special Status Species	Potential short-term impacts to special status species from site and utility infrastructure construction noise and use of vehicles and equipment and installation of the sanitary sewer line. Potential long-term, adverse impacts to special status species in proximity to the helipad where its use may cause wildlife to abandon their nests or dens, or may result in an increased potential for wildlife strikes. Long-term, adverse impacts due to removal of approximately 0.8 acre of vegetated habitat along the sides of roadways to accommodate road improvements and from possible permanent removal of species habitat from utility construction. Potential short-term, adverse impacts to migratory birds from temporary displacement from construction, human activity, and campus lighting possibly interfering with migration patterns.		
Green Infrastructure Corridors	Long-term, adverse impacts from encroachment into the Green Infrastructure network.	Short- and long-term, adverse impacts from increased human activity including light and noise pollution during construction and operation of the facility, which would reduce the quality of the habitat in proximity to the site.	

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Table 8-1: Greenbelt Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Land Use			
Zoning	No measurable impacts.	No measurable impacts.	Cumulative impacts would be long-term and beneficial. The Greenbelt Alternative would contribute a moderate increment to the cumulative impacts to land use.
Land Use	Long-term, beneficial impact from alignment with elements of the Plan Prince George's 2035 goals, the Countywide Green Infrastructure Functional Master Plan, Greenbelt Sector Plan, State of Maryland 1997 Planning Legislation – Priority Funding Areas, Federal Elements of the Comprehensive Plan for the NCR, and The Partnership for Sustainable Communities. Long-term adverse impacts from some elements of the alternative not in alignment with the goals of Plan Prince George's 2035, Greenbelt Sector Plan, and Federal Elements of the Comprehensive Plan for the NCR. Long-term, adverse impacts from transportation mitigations due to property strip takings. Short-term, adverse impacts from construction of utility infrastructure improvements.		
Visual Resources			
Visual Resources	Long-term, major adverse impacts due to increased building height and readily apparent density and building form changes. Potential long-term adverse impacts from shadows cast by the HQ Building on the adjacent mixed-use development and residential areas, and from increased campus lighting. Short-term, adverse impacts from utility infrastructure improvements from the presence of construction equipment and vehicles, construction staging areas, and lighting of construction areas during non-daylight work hours. Long-term adverse impacts should any aboveground utility infrastructure be constructed outside of existing road or utility ROWs	No measurable impacts.	Cumulative impacts would be adverse. The Greenbelt Alternative would substantially contribute to the cumulative impacts to visual resources.
Cultural Resources			
Archaeological	No measurable impacts to archaeological resources are anticipated at the Greenbelt Site, although there is an increased potential for long-term, adverse impacts from transportation mitigations and utility infrastructure construction if unavoidable impacts to archaeological historical properties are identified within the limits of disturbance.	No measurable impacts.	Cumulative impacts would be adverse. The Greenbelt Alternative would contribute a moderate increment to the cumulative impacts to historic resources. No cumulative impacts to archaeological resources.
Historic	Long-term, adverse impacts to the BARC Historic District from transportation mitigations. Minimal short- and/or long-term, adverse impacts to aboveground historic resources from utility infrastructure improvements depending on their final location.	Long-term, adverse impacts to aboveground historic properties in the Area of Potential Effects (APE), but limited to visual impacts. Minimal short- and/or long-term, adverse impacts to aboveground historic resources as a result of utility infrastructure improvements depending on their final location.	

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Table 8-1: Greenbelt Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Socioeconomics and Environmental Justice			
Population and Housing	No measurable impacts to population as a result of current employees who would relocate their primary residence or change commute patterns within the Washington, D.C. MSA. Because the number of employers that would relocate to Prince Georges County is not known, the population impacts of these relocations to Prince George's County cannot be assessed quantitatively based on available information.	No measurable impacts.	Cumulative impacts would be short-term and beneficial to the economy, employment, and income. The Greenbelt Alternative would contribute a moderate increment to the cumulative impacts to the economy, employment, and income. Because no long-term environmental justice impacts are anticipated under the Greenbelt Alternative, there are no cumulative impacts to environmental justice or children.
Employment and Income	Short-term, beneficial impacts to the local lodging, food and beverage, and retail sectors from any temporary relocation of construction workers to the Washington, D.C. MSA. Short-term, beneficial impacts from a temporary boost in local employment associated with the construction of transportation and utility infrastructure improvements.	Short-term, beneficial impacts to Prince George's County as a result of construction-related spending. Long-term, beneficial impacts to Prince George's County as a result of operations-related spending.	
Taxes	No measurable impacts.	Short-term, beneficial impacts to Prince George's County's and the Washington, D.C. MSA's sales and income tax revenues as a result of income taxes that would be applied to the income of construction workers and sales taxes applied to goods and services. Long-term, beneficial impacts as a result of increases in sales and income taxes by individuals who may relocate their primary residence to Prince George's County or the Washington, D.C. MSA from outside areas.	
Schools and Community Services	Potential short-term, adverse impacts to police, fire, and emergency services and medical facilities from the increased demand for these services during the construction period; because the additional demand that would be placed on community services during the construction period is not known, it is not possible to determine this impact.	Potential long-term, adverse impacts to schools from any movement of individuals or families into Prince George's County, resulting in an increased student load on the local school system until the system adjusts to the increase in the number of students; The level of this impact cannot be determined because the number of employees and their children who would relocate is not known. Potential long-term, beneficial impacts to schools as a result of increased school funding through increased property taxes; because the changes in the tax base are not known, it is not possible to determine the level of this impact.	
Recreation and Other Community Facilities	No measurable impacts.	Long-term, adverse and beneficial impacts to recreation resources and other community facilities could occur due to increased visitation at these sites and as a result of FBI HQ employees spending their income at these resources, respectively.	
Environmental Justice	No short- or long-term, unmitigated, adverse impacts to minority or low income communities; therefore, impacts to environmental justice are not anticipated.	No measurable impacts.	
Protection of Children	No measurable or disproportionately high and adverse impacts to children.	No measurable impacts.	

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Table 8-1: Greenbelt Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Public Health and Safety/Hazardous Materials			
Public Health and Safety	Short-term, adverse impacts associated with site, transportation mitigations, and utility infrastructure construction activities could occur due to the increased risk of injury and the related need for emergency response; short-term impacts from site construction would likely not be measurable. Long-term, beneficial impacts to public health and safety from improved emergency response time associated with traffic mitigations.	No measurable impacts.	Cumulative impacts would be adverse and beneficial. The Greenbelt Alternative would contribute a minimal increment to adverse impacts and a moderate increment of beneficial impacts to public health and safety.
Hazardous Materials	No measurable adverse impacts associated with the use or storage of hazardous materials, or resulting from the mobilization of contaminants into the environment during site, transportation mitigation, and utility infrastructure construction or operation.		
Transportation			
Pedestrian Network	Long-term, beneficial impacts to the pedestrian network because the sidewalks would be designed for the large number of pedestrians anticipated, the sidewalks or direct pedestrian connection would create a safe and convenient travel route, and the sidewalk improvements at the Entry Control Facilities would reduce barriers to accessing the site.	No measurable impacts.	Cumulative impacts would be adverse. The Greenbelt Alternative would contribute a substantial increment to the cumulative impacts to transportation.
Bicycle Network	Short-term, adverse impacts to the bicycle network during construction caused by construction vehicles obstructing bicycle lanes and intermittent lane and sidewalk closures.		
Public Transit	Short-term, adverse construction impacts caused by construction vehicles blocking some or all of the lanes and intermittent road closures where buses regularly service Greenbelt Metro Drive. Long-term, major adverse impacts to bus operations from delays along Edmonston Road which would impact three bus routes. With the implementation of the recommended mitigations, the potential impacts caused by persons using Lackawanna Street as a Kiss & Ride facility to avoid driving on Greenbelt Station Parkway could be addressed by implementing posted signs prohibiting the activity.		
Parking	No measurable short- or long-term impacts to parking. Development and implementation of the Transportation Management Plan (TMP) would address and reduce any adverse parking impacts.		
Truck Access	No measurable short- or long-term impacts.		
Traffic	Short-term, adverse to major, short-term, adverse impacts during the construction period from adding construction-related trips from trucks, employees, and equipment along the intersections along Edmonston Road at Sunnyside Avenue and Powder Mill Road. Long-term, adverse impacts at intersections. With the implementation of the recommended mitigation measures, adverse impacts would decrease to long-term, beneficial impacts to intersections because the operations would improve to a better operation than the No-build Condition. The study area would experience isolated intersection improvements, specifically along Edmonston Road.		

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Table 8-1: Greenbelt Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Greenhouse Gas Emissions and Air Quality			
Global Climate Change and GHG Emissions	Long-term, less than significant, adverse impacts because of the incorporation of modern design measures and potentially renewable energy technologies which would reduce building-related GHG emissions relative to the continued use of the JEH building and offsite locations. Long-term adverse impacts to GHG emissions due to increases in driving and average distance traveled to the site; an estimated 51 percent increase in mobile source GHG emissions from FBI employee/ contractor commuting relative to the No-action Alternative for the JEH parcel. Short-term adverse impacts due to GHG emissions released during the construction of infrastructure improvements.	No measurable impacts.	Cumulative impacts would be adverse. The Greenbelt Alternative would contribute a minimal increment to the cumulative impacts to greenhouse gas emissions and air quality.
Air Quality	Long-term adverse impacts to air quality from stationary sources and from mobile source emissions because of the overall increase of vehicle miles traveled (VMT). Minimal short-term, adverse impacts to sensitive receptors could result during construction of transportation mitigations and utility infrastructure improvements.		
Noise			
Noise	Short-term, adverse impacts to noise as a result of construction activities associated with site, transportation mitigation, and utility infrastructure construction. Minimal long-term, adverse impacts to noise from helipad operations; the operation of the Central Utility Plant, including heat rejection equipment and backup generators; and increased automobile traffic.	No measurable impacts.	Cumulative impacts would be short- and long-term, adverse. The Greenbelt Alternative would contribute a slight increment to the cumulative impacts to noise.
Infrastructure and Utilities			
Water Supply	Short-term, adverse impacts to water service would be expected from increased demand and the associated infrastructure improvements, extensions, and upgrades required to keep pace with demand. Long-term, beneficial impacts from enhanced redundancy provided to the regional distribution system.	No measurable impacts.	Cumulative impacts would be adverse. The Greenbelt Alternative would contribute a relatively small increment to the cumulative impacts to infrastructure and utilities.
Wastewater Collection	Short-term adverse impacts to sanitary sewer collection service from installation of new wastewater infrastructure during construction to address existing capacity limitations.		
Electric Power	Short-term, adverse impacts to electric service would be expected from increased demand and the associated infrastructure improvements, extensions, and upgrades required to keep pace with demand.		
Natural Gas	Short-term, adverse impacts to natural gas service would be expected from increased demand and the associated infrastructure improvements, extensions, and upgrades required to keep pace with demand.		
Telecommunications	Short-term, adverse impacts from disruptions to surrounding users required during construction to connect to the adjacent communications networks and to connect to the secure fiber network approximately three-quarters of a mile from the Greenbelt Alternative.		
Stormwater Management	Long-term, beneficial impacts to stormwater management in the area from BMPs and compliance measures that would curtail, and potentially reduce, stormwater runoff from the site.		

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8.1.3 Cumulative Impacts Analysis

8.1.3.1 Earth Resources

Cumulative impacts to topography, geology, and soils were analyzed based on the spatial and temporal boundaries described in Section 8.1.1.

Establishment of BARC resulted in beneficial impacts to soils through the preservation of thousands of acres of productive farmland soils.

Under the Greenbelt Alternative, there would be no measurable direct or indirect impacts to geology and topography for either the site development or the transportation mitigation project and utility improvements. Therefore, there would be no cumulative impacts to geology or topography form the Greenbelt Alternative.

Because potential impacts to soil resources under the Greenbelt Alternative would be limited to the footprint of the Greenbelt site, and within and along existing rights-of-way (ROWs) for the recommended transportation mitigations and utility infrastructure improvements, there would minimal, long-term impacts to soils. The majority of the potential impacts to soil resources from site development, transportation mitigations, and utility upgrades would be short-term, adverse, limited in geographic extent, and associated with the construction phase at the site, and soil disturbance, grading, and compaction. There would be similar impacts to soils from other past, present, and reasonably foreseeable actions. A reduction in impervious surfaces within the footprint of the existing Greenbelt Metro Station surface parking lot would beneficially impact soils by creating opportunities for improved infiltration and soil productivity over the long term.

When considered together with past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment to the overall beneficial and adverse cumulative impacts to soil resources.

8.1.3.2 Water Resources

Impacts to surface water, hydrology, groundwater, wetlands, and floodplains would be focused within the Indian Creek watershed, so the spatial and temporal boundaries described in Section 8.1.1 apply. Past, present, and reasonably foreseeable projects, including the development of the South Core portion of Greenbelt Station, Capital Office Park at Cherrywood Lane north of the Ivy Lane intersection, and Capital Office Park at the southwest corner of Cherrywood Lane and MD 201, would result in short-term and long-term adverse impacts to water resources. Adverse impacts would occur primarily through soil disturbance which would increase the potential for the transport of sediment into Indian Creek and Narragansett Run during construction, the use of construction equipment which would increase the potential for the transport of sediments or contaminated solids, increased impervious surfaces and changes related to the flow and volume of stormwater runoff, and from long-term removal of resources. Soil erosion and stormwater runoff are principally responsible for the degradation of surface waters.

The development of the Greenbelt Metro Station in 1993 permanently impacted wetlands and floodplains and likely the groundwater resources surrounding the Greenbelt Alternative. Much of the southern portion of the existing Greenbelt Metro Station parking lot was formerly part of the 100-year floodplain and contained a large, emergent wetland (FEMA 1989, USFWS 2010). The addition of impervious surfaces related to a parking lot reduced stormwater infiltration at the site and impacted stormwater drainage. Two stormwater ponds were constructed to control the runoff; one was unsuccessfully attempted at Metro's wetlands mitigation site southwest of the Metro parking lot. A wetland mitigation site was created by the South Core at Greenbelt Station and is succeeding in restoring wetlands in the area. Lastly, BARC preserved thousands of acres of land as agricultural land with large expanses of woodlands. Keeping the land free from development benefits water resources such as stormwater hydrology and, indirectly, surface waters and wetlands that would be impacted by changes to stormwater drainage, volume, and associated pollution carried in runoff.

Portions of the North Core development at the Greenbelt Station would be constructed on the existing impervious surface of the station's parking lot. However, portions of the proposed WMATA parking garage and the North Core facilities located to the south of the garage would directly impact National Wetlands Inventory (NWI) wetlands and the 100-year floodplain. This project would result in direct, long term, adverse impacts to wetlands and floodplains, as well as indirect, short-term, adverse impacts from a potential decrease in water quality of surrounding resources. Development of the South Core portion of Greenbelt Station would disturb undeveloped land, create impervious surface, and impact the 100-year floodplain and NWI wetlands. Portions of the braided Indian Creek cross through the northern portion of the South Core footprint. Construction of the South Core would result in adverse impacts from decreased water quality in surrounding surface waters and wetlands and temporary alteration of stormwater drainage. However, long-term, adverse impacts to water resources would be avoided or minimized through compliance with relevant Federal, state, and local regulations and permitting requirements. These regulations require best management practices (BMPs) and management plans as discussed in chapter 3, and impacts would be offset by mitigation measures as required by Federal, state, and local agencies through the permitting process.

Both Capital Office Park projects would disturb undeveloped land and create impervious surface. The Capital Office Park site on Cherrywood Lane north of the Ivy Lane intersection would directly impact wetlands and the 100-year floodplain according to NWI data and floodplain data. Implementation of this action would result in short-term, adverse impacts to surface waters and stormwater hydrology and long-term, adverse impacts to wetlands and floodplains. The Capital Office Park site on the southwest corner of Cherrywood Lane and MD 201 would have adverse impacts to stormwater hydrology. Because the Capital Office Park (North) development is located on a former agricultural site and the Capital Office Park (South) site is located adjacent to an MDOT salt dome, it is possible that soil disturbance associated with these projects could mobilize contaminants. Mobilization of contaminated media could adversely impact surface and groundwater resources.

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All of the aforementioned projects would be required by law to obtain a State of Maryland General or Individual Permit for Stormwater Associated with Construction Activity before beginning earth disturbance. Therefore, it is expected that any potential discharge of contaminants through stormwater runoff would be avoided. Additional compliance with applicable water quality and stormwater standards and the use of appropriate sediment and erosion control and stormwater BMPs would further minimize adverse impacts of all projects during and after construction. Implementation of stormwater management practices should address flooding risks associated with potential urban drainage flooding. Floodplain disturbance would be mitigated with BMPs and management plans. These practices would minimize adverse impacts to water resources. As a result, overall impacts to water resources from past, present, and reasonably foreseeable projects would be long-term and adverse.

The Greenbelt Alternative would result in both long-term benefits and short- and long-term adverse impacts. The Greenbelt Alternative would be required to comply with Section 438 of the Energy Independence and Security Act (EISA), which requires runoff leaving a project site with a footprint greater than 5,000 SF to have the same temperature, rate, volume, and flow duration as predevelopment stormwater runoff, to the maximum extent technically feasible (USEPA 2009), and would provide more treatment than is there currently, while the amount of impervious surface on the site would decrease. Compliance would be attained, in part, from improvements in the hydrologic regime from increased landscaped and pervious areas. This would result in beneficial impacts to Indian Creek and downstream resources under the Greenbelt Alternative through improvements in stormwater quality and quantity, and the implementation of a security easement on the state-owned portion of the site would preserve existing wetlands and floodplains on the site. There would be some indirect, adverse impacts associated with the construction of transportation mitigation and utility improvements, but these impacts would be avoided and minimized with the use of construction BMPs to manage sediment and erosion, and would be subject to stormwater management requirements. There would be some long-term, adverse impacts to floodplains, surface water, and groundwater from the addition of impervious surface and long-term, adverse impacts to wetlands from construction of the transportation mitigations. These impacts would be avoided and minimized through the implementation of BMPs and stormwater and sediment and erosion control plans and compliance with the required Federal, state, and local permitting processes.

When considered together with past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment to both beneficial and adverse cumulative impacts to water resources.

8.1.3.3 Biological Resources

Because impacts to vegetation and terrestrial, special status, and aquatic species are not site-specific and can be widespread, the spatial and temporal boundaries described in Section 8.1.1 apply. Past, present, and reasonably foreseeable actions that could impact biological resources include the development of the South Core portion of Greenbelt Station, Capital Office Park at Cherrywood Lane north of the Ivy Lane intersection, and Capital Office Park at the southwest corner of Cherrywood Lane and MD 201. The Indian Creek watershed and associated habitat has been and continues to be transformed by suburban development. The majority of developed land in the area consists of paved streets and parking lots, and buildings (houses, apartments, shopping centers, schools, and offices). Additional development on undeveloped land would have adverse impacts to vegetation and wildlife and contribute to cumulative impacts.

The development of the North and South Core portions of Greenbelt Station and the extension of Greenbelt Station Parkway would contribute to adverse impacts to vegetation and terrestrial species through destruction of habitat, increased human activity, and the constriction of the habitat corridor through the Indian Creek watershed. Adverse impacts to vegetation would be minimized through compliance with the requirements of Maryland's Forest Conservation Act, which requires the retention of forest areas and reforestation or afforestation of some percentage of a project area to offset proposed clearing or bring forest cover to a minimal percent on a site. Adverse impacts to special status species may occur to any occurrences of the state-listed endangered trailing stitchwort disturbed by the development of the North and South Core, including the Greenbelt Alternative. Compliance with applicable Federal, state, and local regulation and permitting requirements would minimize these potential adverse impacts to special status species by requiring avoidance of areas where the stitchwort occurs or regulating the timing that clearing could occur to avoid breeding seasons.

The development of the Capital Office Park would have adverse impacts to vegetation because the existing forested area and turf grass would be cleared, paved, and developed in these areas. These impacts would be minimized by compliance with Maryland's Forest Conservation Act. There would be adverse impacts to terrestrial species because habitat would be destroyed and species would be temporarily displaced. The development of the Capital Office Park has the potential to adversely impact special status species, including the northern long-eared bat (NLEB), birds of conservation concern, and trailing stitchwort. The NLEB may be present on the site due to the presence of tall stands of trees. Additional adverse impacts to the NLEB would occur from construction noise, increased light sources, and habitat disturbance or destruction if the species is present. Birds of conservation concern would be adversely impacted by construction noise and habitat destruction, and may be temporarily displaced from the site. Trailing stitchwort may occur on the site because of the site's proximity to confirmed sightings of the species; adverse impacts to trailing stitchwort would occur due to habitat disturbance or destruction. Mitigation measures, such as avoiding species' breeding periods, would be implemented.

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Adverse impacts to aquatic species from all cumulative projects would be minimized, because protective measures implemented through BMPs for stream resources would be required by Federal, state, and local regulations and permitting requirements, both in the short term and the long term.

As discussed in Section 5.2.3, the Greenbelt Alternative would result in adverse impacts in both the short- and long-term. These impacts would result from site construction, noise and light pollution, helicopter activity, and transportation and utility construction. Direct, short-term impacts to terrestrial wildlife and special status species would result from site construction noise and use of vehicles and equipment. There could also be direct, long-term adverse impacts to terrestrial wildlife and special status species in proximity to the helipad where its use may cause wildlife to abandon their nests or dens, or may result in an increased potential for bird injury and/or death because of bird strikes. Transportation mitigations would result in direct, long-term, and adverse impacts to terrestrial resources, special status species, and vegetation due to removal of approximately 0.8 acre of grasses and some trees along the sides of roadways to accommodate road improvements. The construction of offsite utility infrastructure would generally occur within existing ROWs to avoid disturbance to the natural environment. Impacts may result from destruction of habitat, human activity, and increased sediment and pollutant loading. The use of BMPs and compliance with the necessary construction permits would minimize the adverse impacts.

When considered together with past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment of to the overall adverse cumulative impacts to biological resources.

8.1.3.4 Land Use Plans, Planning Studies, and Zoning

With the exception of past projects, the general spatial and temporal boundaries for cumulative impacts described in Section 8.1.1 apply to this resource. The current and reasonably foreseeable projects, in conjunction with the Greenbelt Alternative, would facilitate economic growth and help fulfill the vision for land use in the Greenbelt area, particularly with regards to the North and South Core Developments. Future development, including a consolidated FBI HQ at the Greenbelt site, would occur in accordance with the applicable zoning and permitting processes, and through consultation with regulatory agencies to ensure that future development would be compatible with local, state, and Federal visions for land use within the Greenbelt area. As described in Section 5.2.4.2, the Greenbelt Alternative would align with most aspects of the Comprehensive Plan for the National Capital Region, but would not align with others. Overall, impacts to land use would be adverse and beneficial, but mostly beneficial in the long term.

When considered together with past, present, and reasonably foreseeable cumulative projects, the Greenbelt Alternative would contribute a moderate increment to the overall beneficial cumulative impacts to land use.

8.1.3.5 Visual Resources

Because impacts to visual resources are not site-specific, the spatial and temporal boundaries for cumulative impacts described in Section 8.1.1 apply to visual resources. The general visual character of this area is typical of suburban landscapes and features commercial and industrial warehouses, office parks, transportation facilities, and residential neighborhoods buffered by green spaces and community parks. Additionally, BARC contributes a rural atmosphere to the visual character of the area and provides notable vistas along Edmonston Road and other areas north of the Greenbelt site.

Existing residential building heights within the spatial boundaries for cumulative impacts are generally less than three stories, and office/commercial development does not exceed 10 stories. Reaching a maximum height of 25 stories, the HQ Building under the Greenbelt Alternative would be visible from most locations within a 0.25-mile radius. It would be highly visible from areas on the Capital Beltway, Cherrywood Lane, and Greenbelt Metro Drive. In addition, the 14-story height of the parking structures would exceed all nearby office/commercial development, which does not exceed 10 stories. Reasonably foreseeable development, including development of both the South and North Core portion of Greenbelt Station, would result in densities and building heights substantially higher than existing development. These changes would adversely affect the Hollywood neighborhood by creating discordant and distracting public views toward the Metro Station, which could be perceived as out of character with the surrounding landscape. Additional adverse impacts resulting from light impacts (specifically changes in brightness and concentration) would affect these communities and have an additive effect to the impacts under the Greenbelt Alternative. Some areas of the campus would be illuminated at up to 15-foot candles, comparable to the lighting level of a commercial office break room. The increased lighting levels would adversely impact human and wildlife populations in the adjacent Franklin Park and Hollywood communities and wildlife in the Indian Creek riparian forest, as described in Section 5.2.3.4. These adverse impacts would be both direct and long-term. Avoidance and minimization measures would include partial or full cut-off lighting and the dimming of fixtures at the consolidated FBI HQ during periods of low activity.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a substantial increment to the overall adverse cumulative impacts to visual resources.

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8.1.3.6 *Cultural Resources*

The spatial boundary for cultural resources cumulative impacts is the direct and indirect APE for the Greenbelt Alternative, and the temporal boundaries are the same as described in Section 8.1.1. It is possible that past, present, and reasonably foreseeable actions have disturbed or could disturb land with sensitive archaeological resources. Archaeological resources associated with private development projects are subject to some oversight by M-NCPPC, but these protections are limited. It is therefore likely that these developments have adversely affected these resources. As noted in Section 5.2.6.2, past actions, such as the construction of the Greenbelt Metro Station and associated facilities, have adversely affected the BARC Historic District in the past by altering its rural character. Continued and growing development pressure in the area could also affect the rural character of the BARC Historic District.

Because the potential for intact archaeological resources is low within the previously disturbed portions of the Indian Creek watershed, no measurable impacts to archaeological resources are anticipated under the Greenbelt Alternative. However, the potential for undocumented archaeological resources would be somewhat higher in the areas where the transportation improvements and utility infrastructure improvements may extend beyond existing ROWs. Under the Programmatic Agreement (PA) for the project, further investigation would occur as warranted, and measures to mitigate adverse effects would be undertaken accordingly. The Greenbelt Alternative would have indirect impacts to aboveground historic resources; in particular, there would be adverse impacts to the viewshed associated with BARC from the height of the HQ Building, although these impacts would not constitute an adverse effect under Section 106, and potential adverse visual impacts to the Greenbelt National Historic Landmark District. The recommended transportation mitigations, specifically the widening of Edmonston Road, could alter the rural character of the roads within the BARC Historic District. Because the majority of the utility infrastructure improvements would be buried or occur within existing ROWs, they would not impact aboveground historic resources.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a moderate increment to the overall adverse cumulative impacts to cultural resources.

8.1.3.7 *Socioeconomics and Environmental Justice*

Because socioeconomic resources and environmental justice issues are discussed at the community scale, the general spatial and temporal boundaries for cumulative impacts described in Section 8.1.1 apply to this resource. The development of BARC and the M Square/Maryland and Research Park likely had long-term, beneficial, and adverse impacts to population, housing, income, employment, taxes, schools, community services and facilities, environmental justice, and children in Prince George's County and the Washington, D.C. Metropolitan Statistical Area (MSA). These projects likely caused short-term impacts during their construction from construction spending and long-term impacts from employment and population changes. Because the exact change in total employment or population attributable to these projects is not known, it is not possible quantitatively assess the cumulative impact to socioeconomic resources that these projects, in conjunction with the impacts from the Greenbelt Alternative, have had and would have on Prince George's County and the Washington, D.C. MSA. However, the impacts of past projects are already reflected in existing conditions.

Planned and reasonably foreseeable projects could impact population, housing, income, employment, taxes, schools, and community services and facilities in proximity to the Greenbelt Alternative as a result of an increase in the permanent population and hotel guests around this site and their spending and visitation of resources in the area around the site.

In summary, these projects in combination with the Greenbelt Alternative could result in the following:

- Indirect, short-term, and beneficial impacts to employment and spending in Prince George's County and the Washington, D.C. MSA;
- Short-term, adverse impacts to populations living in proximity to the projects' sites as a result of construction noise and air quality impacts;
- No impacts to schools in the Washington, D.C. MSA;
- Short-term impacts to community services in Prince George's County while these services adjust to the change in serviced population; and
- Long-term and beneficial impacts to tax revenues in Prince George's County, recreation resources, and community facilities from increased funding of these resources.

Because the impacts to socioeconomic resources from the Greenbelt Alternative are not expected to be significant, the overall impact of these past projects in combination with the impacts from the Greenbelt Alternative would result in indirect, short- and long-term, adverse and beneficial impacts. Some cumulative resource impacts, such as impacts to housing, cannot be assessed quantitatively because information about this alternative's potential impacts to these resources is not known. Indirect, short-term, beneficial cumulative impacts would be expected from all current and future construction activities around the Greenbelt Alternative for the same reasons stated for past projects. Construction could provide direct employment opportunities for construction workers and indirect employment for support workers within Prince George's County and the Washington, D.C. MSA.

When considered together with past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a moderate increment to the combination of beneficial and adverse cumulative impacts to the economy, employment, and income. Because there would be no long-term environmental justice impacts or impacts to children, no environmental justice cumulative impacts or cumulative impacts to children would occur.

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8.1.3.8 *Public Health and Safety / Hazardous Materials*

The community-wide nature of the impacts related to public health and safety means that the spatial and temporal boundaries for cumulative actions described in Section 8.1.1 would apply to this resource. Past, present, and reasonably foreseeable actions that could impact public health and safety under the Greenbelt Alternative include the South Core portion of the Greenbelt Station; the Capital Office Park development located at Cherrywood Lane north of the Ivy Lane intersection; and the Capital Office Park development located at the southwest corner of Cherrywood Lane and MD 201.

Construction-phase worker safety protocols, spill prevention and response measures, and hazardous materials handling procedures would minimize the risk of short-term, adverse impacts related to life safety and hazardous materials. As discussed in Section 8.1.3.2, construction of these projects would temporarily disturb soils and increase the potential for runoff of sediment and construction-related pollutants into surrounding wetlands and surface waters. Because the Capital Office Park (North) development is located on a former agricultural site and the Capital Office Park (South) site is located adjacent to an MDOT salt dome, it is possible that soil disturbance associated with these projects could mobilize contaminants. However, all of the aforementioned projects would be required by law to obtain a State of Maryland General or Individual Permit for Stormwater Associated with Construction Activity before beginning earth disturbance on the first part of the project, because they would all disturb more than 1 acre of ground.

Over the long term, the additional residential populations associated with the North Core and South Core developments as well as the additional day-time populations and commercial activity associated with M Square, North Core, and Capital Office Park, would result in additional demand for public services. Over the long term, it is assumed the capacity of firefighting, emergency response, and police resources would increase in response to demand. Prince George's County Police, the Greenbelt Police Department, and Prince George's County Fire and Emergency Services would address any capacity issues as part of their long-range planning, resulting in no long-term impacts.

The Greenbelt Alternative, including the transportation mitigations and utility infrastructure improvements, would have short-term, adverse impacts to public health and safety, similar to the impacts associated with the construction phase of the projects mentioned above. Construction activities would include spill prevention and response procedures, hazardous materials handling protocols, and worker safety measures to minimize the potential for adverse health and safety impacts. Potential long-term, adverse impacts from intentional destructive acts, the construction and operation of a helipad, and the operation of a firing range would be avoided and minimized to the extent they are not measurable. Lastly, the transportation mitigations associated with the Greenbelt Alternative would provide direct, long-term, beneficial impacts from construction or improvement of roadways, which would improve the flow of traffic and reduce response times for emergency vehicles.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment of short-term adverse cumulative impacts to public health and safety. In the long term, the Greenbelt Alternative would contribute a moderate increment to the beneficial cumulative impacts to public health and safety.

8.1.3.9 *Transportation*

The spatial boundaries for the cumulative transportation impact analysis correspond to the transportation study area for the Greenbelt Alternative, while the temporal boundaries include the No-build and Build Conditions, as discussed in Section 5.2.9. As presented in chapter 5, the Greenbelt No-build Condition vehicular analysis considered the projected growth in the region based on the future planned developments, background growth, and changes in travel patterns resulting from planned roadway improvements as described in the Greenbelt Site Transportation Agreement (Appendix A). The transit analysis considered the projected growth in the region based on MWCOG's travel demand model, also presented in chapter 5. These sources provided an estimate of future vehicle and transit trips through the build year of the consolidated FBI HQ at the Greenbelt site, and include the present and reasonably foreseeable projects noted in Section 8.1.2.2, as well as other reasonably foreseeable projects listed in Section 5.2.9.1. The No-build Condition at the Greenbelt site was developed by adding these trips from projected growth and reasonably foreseeable projects onto existing traffic and transit conditions, thereby also including the trips and impacts of past projects.

The Build Condition added the new employee trips generated by the consolidated FBI HQ to the No-build Condition, based on the maximum projected person trip generation following the Greenbelt Site Transportation Agreement. It further adjusted study area traffic volumes to account for the difference between the North Core development in conjunction with the consolidated FBI HQ, as well as the North Core development alone. The study considered the maximum employee person trips and maximum mission briefing center person trips. The person trips were separated into vehicle, transit, bicycle, and pedestrian trips and analyzed by mode.

The cumulative impacts for the Greenbelt Build Condition were studied as part of the transportation analysis, which relied on local and regional growth. There would be impacts from the Greenbelt Alternative as follows: direct, long-term, adverse traffic impacts; direct, long-term, major adverse transit bus operations impacts; direct, long-term beneficial impacts to pedestrians; and no measurable impacts to bicycles, transit capacity, parking, and truck access. The recommended mitigation described in Section 5.2.9 would minimize the adverse traffic and transit bus operations impacts such that there would be an improvement over the No-build Condition and, therefore direct, long-term, and beneficial impacts. Direct, long-term, major adverse traffic impacts reflecting two failing interstate facilities would remain, and they would be mitigated through a subsequent NEPA process by the Maryland State Highway Association.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a substantial beneficial increment to the adverse cumulative transportation impacts.

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8.1.3.10 Greenhouse Gas Emissions and Air Quality

The general spatial and temporal boundaries for cumulative impacts described in Section 8.1.1 apply to greenhouse gas (GHG) emissions and air quality, although impacts from stationary and mobile sources are more localized. Impacts to air quality during construction of the North Core, proposed WMATA parking garage, and South Core Greenbelt Station developments would occur. Because of the proximity of the Greenbelt Station development sites to the Greenbelt Alternative, the combined emissions of PM10 and PM2.5 could create elevated concentrations in localized areas of sensitive receptors. The intensity of impacts would be highly dependent on the exact details of the construction sequence for the FBI HQ and the North and South Core Greenbelt Station projects, all of which are currently not known. Impacts would be minimized because all major projects in the area would incorporate construction air quality BMPs.

Due to increases in driving and average employee distance traveled to the site, there could be an estimated 51 percent increase in mobile source GHG emissions from FBI employee/contractor commuting relative to the No-action Alternative for the JEH parcel, resulting in direct, long-term, adverse impacts to GHG emissions. Because there are no data on GHG emissions contributed by drivers to surrounding projects, however, these impacts do not contribute to the cumulative scenario. Under the Greenbelt Alternative, the National Ambient Air Quality Standards (NAAQS) would not be exceeded for either stationary or mobile source emissions. Adverse impacts to FBI HQ employees would be avoided through the appropriate stack design for emissions sources associated the consolidated FBI HQ campus, and locating building fresh air intakes away from potential areas of air quality impact. In terms of mobile source impacts, future development was considered in the development of the traffic data used in the intersection air quality impact screening.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment to the cumulative air quality impacts.

8.1.3.11 Noise

Impacts to noise are predominantly localized, but, because noise carries over distances, the spatial and temporal boundaries described in Section 8.1.1 apply. All past, present, and reasonably foreseeable projects identified in Section 8.1.2, with the exception of Lake Artemesia, would contribute to the acoustic environment in the proximity of the Greenbelt site.

Impacts to the acoustic environment from past projects primarily stem from railway operations and facility operations. Based on the suburban setting of the Greenbelt site, all ongoing noise from these projects is consistent with other land uses and the surrounding acoustic environment. As a result, impacts from past projects to noise are indirect and minor. It is anticipated that identified current and reasonably foreseeable projects could impact the acoustic environment of the Greenbelt Alternative and adjacent area in a manner similar to that described for the Greenbelt Alternative in chapter 5. Each of the identified projects had or would have short-term, adverse impacts to noise primarily as a result of construction activities associated with the development and redevelopment of each projects

Under the Greenbelt Alternative, there would be indirect, long-term noise impacts that would result from the combined effects of adding a major government campus along with mixed-use, residential, commercial, and retail uses, as well as associated traffic increases. These impacts would be consistent with existing City of Greenbelt and Prince George's County noise regulations and would not substantially change the ambient noise levels of the area. Similar to the projects above, transportation mitigations and utility infrastructure improvements associated with the Greenbelt Alternative would result in direct, short-term, adverse impacts to noise from the operation of construction equipment.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment of both short- and long-term impacts to the overall adverse cumulative noise impacts.

8.1.3.12 Infrastructure and Utilities

Impacts to infrastructure and utilities are generally regional; therefore, the spatial boundaries described in Section 8.1.1 remain valid. Additional utility loads and the need for infrastructure upgrades have already been accounted for in past projects; therefore, there are no contributing cumulative impacts from these projects. The present and reasonably foreseeable projects would, however, contribute to cumulative impacts to infrastructure and utilities. The additional demand for utilities from the reasonably foreseeable projects in the vicinity of the Greenbelt Alternative would contribute to long-term, adverse cumulative impacts to infrastructure and utilities. In addition, there could be short-term, adverse impacts from the potential for service disruptions during construction of any necessary infrastructure upgrades.

Under the Greenbelt Alternative, short-term, adverse impacts to electric service, natural gas service, water service, sanitary sewer collection service, and stormwater management systems would be expected from increased demand. The required utility infrastructure improvements, extensions, and upgrades would keep pace with demand. Extension of water supply, wastewater, and electric power utilities to the site would be necessary, resulting in direct, short-term, adverse impacts. Over the long term, no continuing deficiencies in utility services are expected because any necessary improvements would ensure service levels remain at acceptable levels. Additionally, low-impact development measures, BMPs, and compliance with state and local regulations and programs would curtail, and potentially reduce, stormwater runoff from the site so as to not adversely affect downstream properties or facilities resulting in long-term, beneficial impacts to wastewater and stormwater management in the area.

When considered together with other past, present, and reasonably foreseeable projects, the Greenbelt Alternative would contribute a minimal increment of short- and long-term impacts to the overall cumulative impacts to infrastructure and utilities.

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8.2 Landover

8.2.1 Spatial and Temporal Boundaries

To identify which past, present, and reasonably foreseeable projects would be considered in the cumulative analysis, temporal and spatial boundaries were determined. Although the boundaries for each impact topic may differ because of the nature of the resource or value, all analyses considered the same initial spatial and temporal boundaries for the Landover site. Differences for specific resources are noted in the cumulative analysis for each resource or value.

Temporally, for the Landover site, the past projects look as far back as 1978 when the first Metrorail Station, Landover, opened in the area, influencing development patterns. As discussed previously for the Greenbelt site, future projects are only those that are reasonably foreseeable and extend approximately 10 years into the future. Reasonably foreseeable projects have committed funds, permit applications have been filed, or there is some other reasonable assurance the project will occur.

Geographically, the cumulative study area is approximately a 2-mile radius from the Landover site. U.S. Route 50 forms the north and western boundary and includes the New Carrollton Station; Central Avenue (MD 214) forms the southern boundary; and MD 193 forms the eastern boundary as the nearest north-south through road, although projects identified are all within 1 mile of I-95 and the Landover site, where future planned development is concentrated.

8.2.2 Projects Contributing to Potential Cumulative Impacts

Cumulative effects were evaluated for major infrastructure projects or private developments that are spatially and temporally related to the Landover Alternative and that prominently contribute to the overall character of the area. In order for a future project to be included in the cumulative impact analysis, it must have received development approval from the Maryland-National Capital Park and Planning Commission (M-NCPPC), or received other permits, have committed funds, or have some other reasonable assurance the project will occur. This analysis refers to these projects as reasonably foreseeable projects.

8.2.2.1 Past Projects

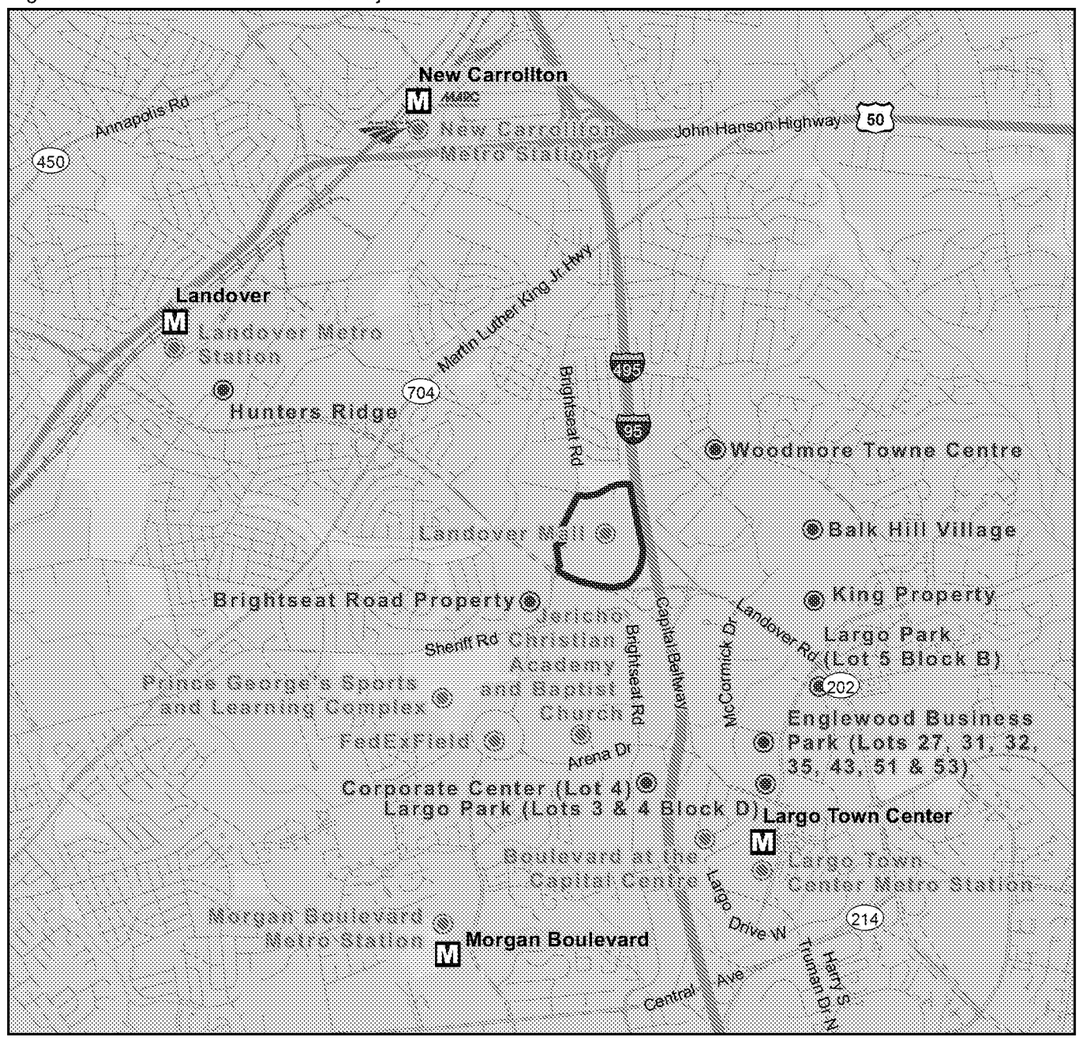
Landover Metro Station is located in Landover, Maryland, at U.S. Route 50 and MD 202. The station opened in 1978, and it was the first station in the area. It is just over 2 miles from the Landover Alternative site.

New Carrollton Metro Station is located in Ardwick, Maryland, just north of U.S. Route 50 at the intersection of U.S. Route 50 and I-495, approximately 2 miles from the Landover Alternative site. The station opened in 1983, and is an island platform style with 3,500 parking spaces. The station complex also includes an Amtrak station and MARC station. Greyhound buses also stop at New Carrollton.

FedExField opened in 1997 with a capacity of 79,000 to 91,000 (depending on the point in time). There are 22,000 parking spaces in 8 different lots and a dedicated exit off I-495. The stadium and parking areas cover approximately 5.6 million SF. Surrounding the field is a residential development and the Cholson Middle School.

Jericho Christian Academy and Baptist Church was completed in 1997 and includes a six-building complex. Additional buildings were purchased in subsequent years, and include the Jericho Residences (270 units) and the Jericho Business Centre (24 warehouse stalls and 150 offices). All of the buildings are located between Jericho City Drive and Arena Drive.

Figure 8-2: Landover Cumulative Projects



Sources:
ESRI (2013), GSA (2013)
Prince George's County (2013), M-NCPPC (2014)

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Prince George's Sports & Learning Complex was completed in 2004 and sits on approximately 80 acres of land adjacent to FedExField. It features an outdoor track, seating for 5,500 people, a lighted football field, and outdoor support building.

Morgan Boulevard Metro Station is located in Summerfield, Maryland, on Garrett Morgan Boulevard approximately 1 mile from FedExField. The station opened in 2004 and is an island platform style. The station has parking spaces for 635 cars.

Largo Town Center Metro Station is located in Lake Arbor, Maryland, at Lottsford Road and Largo Town Center. The station opened in 2004 and is an island platform style with 2,200 parking spaces for cars.

Boulevard at the Capital Centre is an open-air shopping center in Landover, Maryland, located on the site of the former Capital Centre. It opened in 2003 next to the Largo Town Center Metro Station and houses more than 70 establishments in 485,000 SF of space.

Landover Mall operated between 1972 and 2002. As of December 2014, all facilities associated with Landover Mall have been demolished. A portion of this site is being considered for the consolidation of FBI HQ under the Landover Alternative.

8.2.2.2 Current and Reasonably Foreseeable Projects

Woodmore Towne Centre is a 245-acre mixed-use development that will include retail, residential, hotel, and office space in Glenarden, Maryland, off of Landover Road. To date half of the project has been built with the office space and majority of housing remaining. Full buildout information includes: 975,000 SF general office; 50,000 SF retail; 560 apartment units; 202 single-family homes; 301 townhouses; and 360 room hotel.

Balk Hill Village located at Regent Park, adjacent to Woodmore Towne Centre, has 300 single-family homes on 310 acres in Mitchellville, Maryland. Construction began in 2004. Balk Hill Village includes 156 single-family homes and 82 townhouses.

King Property will include 202,000 SF retail; 202,000 SF general office; and 210 age-restricted apartment units.

Hunters Ridge is located north of Landover Road on the west side of 75th Street. The development will have 284 townhouse and 39 condominiums.

Largo Park (Lots 3 and 4 Block D), located on the northwest corner of Lottsford Road and Arena Drive, is a mixed-use development that includes 318 apartment units; 80,000 SF general office; 9,000 SF retail; and a 10,000 SF restaurant.

Largo Park (Lot 5 Block B), located on the southeast corner of Landover Road and Lottsford Road, will house 144,000 SF of general office space.

Englewood Business Park (Lot 43) is located at the southwest corner of McCormick and Lottsford Roads. The development will include a 61,000 SF flex office with 50 percent general office and 50 percent warehouse.

Englewood Business Park (Lot 27) is located at the northeast corner of Lottsford Road and Apollo Drive. The development will include a 61,000 SF flex office with 50 percent general office and 50 percent warehouse.

Englewood Business Park (Lots 51 and 52) is located on the southwest corner of Lottsford Road and Lottsford Court where a 7,000 SF retail space will be developed.

Englewood Business Park (Lots 31, 32, and 35) consists of four industrial/flex buildings, 9301 Peppercorn Place, 1441 McCormick Drive, 1220 Caraway Court, and 1221 Caraway Court, located in Largo, Maryland. The property will consist of four 1-story industrial/flex buildings totaling 256,877 SF with parking for 743 vehicles.

Corporate Center (Lot 4) is located on Brightseat Road and south of Arena Drive. The property will consist of 123,000 SF of light industrial use space.

Brightseat Road Property is located near the southwest corner of Landover Road and Brightseat Road. The development will consist of 380 apartment units.

Figure 8-2 shows a map of all past or currently ongoing and reasonably foreseeable projects in the vicinity of the Landover Alternative. Table 8-2 summarizes the direct, indirect, and cumulative impacts of the Landover Alternative. A more extensive discussion and analysis follows the table.

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Table 8-2: Landover Alternative Summary of Impacts

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Earth Resources			
Geology and Topography	No measurable impacts to geology. Short-term adverse impacts to topography during the construction period.	No measurable impacts.	Cumulative impacts would be beneficial and adverse. The Landover Alternative would contribute a minimal increment to the cumulative impacts to soils resources. No cumulative impacts to geology or topography.
Soils	Increased pervious surface resulting in increased opportunities for soil productivity and infiltration.	Short-term, adverse impacts resulting from soil disturbance that would temporarily expose soils and potentially lead to increased erosion from stormwater runoff; impacts would be mitigated through the use of BMPs.	
Water Resources			
Surface Water	No measurable impacts to surface water at the site because no surface waters exist at the Landover site.	Short-term, adverse impacts to surface water in the vicinity of the site from sedimentation and pollutant loading from utility infrastructure projects; impacts would be mitigated by compliance measures and BMPs and would not be measurable. Long-term, beneficial impacts from implementation of stormwater management improvements which would reduce the likelihood of surface water degradation from runoff containing pollutants from utility infrastructure improvements.	Cumulative impacts would be beneficial and adverse. The Landover Alternative would contribute a minimal increment to cumulative impacts to water resources. There would be no direct or indirect impacts to either wetlands or floodplains under the Landover Alternative, so there would not be cumulative impacts to wetlands or floodplains.
Hydrology	Short-term, adverse impacts to stormwater hydrology as a result of the temporary alteration of the existing stormwater drainage pattern during site, transportation mitigation, and utility infrastructure construction. Regulatory compliance, permitting, and the use of BMPs would avoid and minimize any short-term, adverse impacts. Long-term benefits to hydrology from the increase in pervious surface and improved stormwater water management and decreased surface runoff from site and utility infrastructure improvements.	Long-term, beneficial impacts from implementation of stormwater management improvements which would limit the amount of impervious surface needed to implement the recommended utility improvements, allow for stormwater infiltration, and reduce runoff.	
Groundwater	Short-term, adverse impacts through groundwater disturbance and introduction of contaminants, during site and transportation mitigation project construction. Long-term, beneficial impacts as a result of improved groundwater recharge and protection of water quality during site and utility infrastructure improvement construction.	No measurable impacts.	
Wetlands	No measurable impacts.		
Floodplains	No measurable impacts.		

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Table 8-2: Landover Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Biological Resources			
Vegetation	Long-term, beneficial impacts from vegetation reintroduced to portions of the previously disturbed and currently impervious portion of the site. Long-term, adverse impacts due to permanent removal of vegetation from construction of road improvements and utility infrastructure improvements.	No measurable impacts.	Cumulative impacts would be adverse. The Landover Alternative would contribute a minimal increment to cumulative impacts to biological resources.
Aquatic Species	Potential minimal, short- and long-term adverse impacts to water quality and aquatic species in intermittent stream in the general vicinity of the site from water runoff during construction of transportation improvements.		
Terrestrial Species	Limited long-term, beneficial impacts from an increase in the amount of usable habitat, and potential direct, long-term beneficial impacts to pollinators from plant selection. Potential short-term, adverse impacts to terrestrial wildlife from site, transportation, and utility infrastructure construction noise and use of vehicles and equipment. Potential long-term, adverse impacts to species in proximity to the helipad where its use may cause nest abandonment, or may result in an increased potential for wildlife strikes. Potential adverse effects from campus lighting on nocturnal species. Potential long-term, adverse impacts due to removal of approximately 4.65 acres of vegetated habitat along the sides of roadways to accommodate road improvements. Adverse impacts from permanent removal of species habitat and construction noise from utility construction.		
Special Status Species	Potential short-term, adverse impacts to special status species from site and utility infrastructure construction noise and use of vehicles and equipment. Potential long-term, adverse impacts to special status species in proximity to the helipad where its use may cause wildlife to abandon their nests or dens, or may result in an increased potential for wildlife strikes. Potential long-term and adverse impacts due to removal of approximately 4.65 acres of vegetated habitat along the sides of roadways to accommodate road improvements and from possible permanent removal of species habitat from utility construction. Potential short-term, adverse impacts to migratory birds from temporary displacement from construction, human activity, and campus lighting possibly interfering with migration patterns.		

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Table 8-2: Landover Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Land Use			
Zoning	No measurable impacts.	No measurable impacts.	Cumulative impacts would be long-term and beneficial. The Landover Alternative would contribute a moderate increment to cumulative impacts to land use.
Land Use	Long-term, beneficial impact from alignment with elements of the Plan Prince George's 2035 goals, the Countywide Green Infrastructure Functional Master Plan, Greenbelt Sector Plan, State of Maryland 1997 Planning Legislation – Priority Funding Areas, Federal Elements of the Comprehensive Plan for the NCR, and The Partnership for Sustainable Communities. Long-term, adverse impacts from some elements of the alternative not in alignment with the goals of Plan Prince George's 2035, Greenbelt Sector Plan, and Federal Elements of the Comprehensive Plan for the NCR. Long-term, adverse impacts from transportation mitigations due to property strip takings. Short-term, adverse impacts from construction of utility infrastructure improvements.		
Visual Resources			
Visual Resources	Long-term, adverse impacts due to increased building height and readily apparent density and building form changes. Potential long-term, adverse impacts from shadows cast by the HQ Building on the adjacent roadway and residential area, and from increased campus lighting. Potential long-term, adverse impacts to visual resources from transportation mitigations due to tree clearing and lighting along roadways. Long-term, beneficial impacts from the transition from an overgrown and barren vacant lot and empty mall to a state-of-the-art government campus. Short-term, adverse impacts from utility infrastructure improvements from the presence of construction equipment and vehicles, construction staging areas, and lighting of construction areas during non-daylight work hours. Long-term, adverse impacts if any aboveground utility infrastructure is constructed outside of existing road or utility ROWs.	No measurable impacts.	Cumulative impacts would be beneficial and adverse. The Landover Alternative would contribute a moderate increment of beneficial impacts and a minimal increment of adverse impacts to cumulative impacts to visual resources.
Cultural Resources			
Archaeological	No measurable impacts.	No measurable impacts.	No likely cumulative impacts. Under the PA for the project, further investigation would occur as warranted, and measures to mitigate adverse effects would be undertaken accordingly.
Historic	No measurable impacts.		

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Table 8-2: Landover Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Socioeconomics and Environmental Justice			
Population and Housing	No measurable impact to population as a result of current employees who would relocate their primary residence or change commute patterns within the Washington, D.C. MSA. It is not possible to assess the impact to housing in Prince George's County because it is not known how many employees who would relocate their primary residence to Prince George's County.	No measurable impacts.	Cumulative impacts would be short-term and beneficial. The Landover Alternative would contribute a moderate increment to cumulative impacts to the economy, employment, and income. Because no long-term environmental justice impacts are anticipated under the Landover Alternative, there are no cumulative impacts to environmental justice or children.
Employment and Income	Short-term beneficial impacts to the local lodging, food and beverage, and retail sectors from any temporary relocation of construction workers to the Washington, D.C. MSA. Short-term, beneficial impacts from a temporary boost in local employment associated with the construction of transportation and utility infrastructure improvements.	Short-term, beneficial impacts to Prince George's County as a result of construction-related spending. Long-term, beneficial impacts to Prince George's County as a result of operations-related spending.	
Taxes	No measurable impacts.	Short-term, beneficial impacts to Prince George's County's and the Washington, D.C. MSA's sales and income tax revenues as a result of income taxes that would be applied to the income of construction workers and sales taxes applied to goods and services. Long-term beneficial impacts as a result of increases in sales and income taxes by individuals who may relocate their primary residence to Prince George's County or the Washington, D.C. MSA from outside areas.	
Schools and Community Services	Potential short-term, adverse impacts to police, fire, and emergency services, and medical facilities by increased demand for these services during the construction period; the level of impact cannot be determined because the amount of additional demand placed on community services during the construction period is not known.	Potential long-term, adverse impacts to schools from any movement of individuals or families into Prince George's County, resulting in an increased student load on the local school system until the system adjusts to the increase in the number of students; the level of this impact cannot be assessed because the number of employees and their children moving to Prince George's County is not known. Potential long-term, beneficial impacts to schools as a result of increased school funding through increased property taxes; the level of this impact cannot be determined because the change in the tax base is not known. Short-term adverse impacts to community services could result from employees permanently relocating to Prince George's County or the Washington, D.C. MSA while these services adjust to changes in the level of the population to be serviced.	
Recreation and Other Community Facilities	No measurable impacts.	Long-term, adverse and beneficial impacts to recreation resources and other community facilities could occur due to increased visitation at these sites and as a result of FBI HQ employees spending their income at these resources, respectively.	
Environmental Justice	No short- or long-term, unmitigated, adverse impacts to minority or low income communities; therefore, impacts to environmental justice impacts are not anticipated.	No measurable impacts.	
Protection of Children	No measurable or disproportionately high and adverse impacts to children.	No measurable impacts.	

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Table 8-2: Landover Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Public Health and Safety/Hazardous Materials			
Public Health and Safety	Short-term, adverse impacts associated with site, transportation mitigations, and utility infrastructure construction activities could occur due to the increased risk of injury and the related need for emergency response; short-term impacts from site construction would likely not be measurable. Long-term, beneficial impacts to public health and safety from improved emergency response time associated with traffic mitigations.	No measurable impacts.	Cumulative impacts would be adverse and beneficial. The Landover Alternative would contribute a minimal increment to adverse impacts and a moderate increment of beneficial impacts to cumulative impacts to public health and safety.
Hazardous Materials	No measurable adverse impacts associated with the use or storage of hazardous materials, or resulting from the mobilization of contaminants into the environment during site, transportation mitigation, and utility infrastructure construction or operation.		
Transportation			
Pedestrian Network	Minimal long-term, beneficial impact from local area use of the sidewalk and possible increase with the improvements. Short-term, adverse impacts to the pedestrian network from construction vehicles obstructing the sidewalk and intermittent sidewalk closures.	No measurable impacts.	Cumulative impacts would be adverse. The Landover Alternative would contribute a substantial increment to cumulative impacts to transportation.
Bicycle Network	Short-term, adverse impacts to the bicycle network during the construction period. Long-term, adverse impacts from an increase in projected bicycle volumes combined with lack of bicycle facilities. With the implementation of the recommended mitigation measures, impacts would decrease to long-term, beneficial impacts caused by the addition of new corridor-based bicycle lanes and paths.		
Public Transit	Long-term, adverse impacts to public transit capacity. Long-term, major, adverse impacts to public transit bus operations caused by the forecasted traffic delays along Brightseat Road Landover Road. With the implementation of the recommended mitigation measures, impacts to the bus operation delays caused along the Brightseat Road and Landover Road corridors would be improved, resulting in direct, long-term, beneficial impacts. Short-term, adverse impacts to bus operations during construction of the consolidated FBI HQ caused by construction vehicles blocking one or more lanes of Brightseat Road and intermittent road closures. With the implementation of the recommended mitigation measures, the impacts would increase to short-term, major, adverse impacts to bus operations (two or more bus routes impacted) caused by construction vehicles blocking one or more lanes on the road and intermittent road closures along Landover Road from construction of roadway mitigations. Long-term, beneficial impacts from implementation of the employee shuttle bus service between the Largo Town Center and New Carrollton Metro Stations and the Landover site.		
Parking	No measurable short- or long-term impacts to parking. Development and implementation of the TMP would avoid any adverse parking impacts.		

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Table 8-2: Landover Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Truck Access	No measurable impacts.	No measurable impacts.	Cumulative impacts would be adverse. The Landover Alternative would contribute a substantial increment to cumulative impacts to transportation.
Traffic	Long-term, major, adverse impacts to corridors. There would be corridor-based delays along Landover Road (MD 202) in the eastbound and westbound directions during the AM peak hour. The eastbound delay would begin at Brightseat Road and extend past Martin Luther King Jr. Highway. The westbound delay would begin at McCormick Road/St. Joseph's Drive and extend past Arena Drive/Lake Arbor Way. There would be corridor-based delays in the northbound direction along Brightseat Road beginning at Landover Road and extending toward Arena Drive. During the PM peak hour, corridor-based delays would occur in the southbound direction along Brightseat Road beginning at Landover Road and extending toward Ardwick-Ardmore Road. Short-term corridor-based adverse impacts during the construction period from adding construction-related trips from trucks, employees, and equipment along the intersections between the Landover site and access to I-95/I-495. With the implementation of the recommended mitigations, corridor-level impacts would change to long-term, beneficial impacts from improvements along Landover Road (MD 202) between the I-95/I-495 northbound off-ramp intersection and Brightseat Road. Other construction-related trips may add traffic to isolated study area intersections forecasted to fail during the No-build Condition. With the implementation of the recommended mitigations, impacts would change to long-term, beneficial from isolated intersection improvements.		
Greenhouse Gas Emissions and Air Quality			
Global Climate Change and GHG Emissions	Long-term, less than significant adverse impacts because of the incorporation of modern design measures and potentially renewable energy technologies which would reduce building-related GHG emissions relative to the continued use of the JEH building and offsite locations. Long-term, adverse impacts to GHG emissions would result due to increases in driving and average distance traveled to the site; an estimated 170 percent increase in mobile source greenhouse gas emissions from FBI employee/contractor commuting relative to the No-action Alternative for the JEH parcel. Short-term, adverse impacts due to GHG emissions released during the construction of infrastructure improvements.	No measurable impacts.	Cumulative impacts would be adverse. The Landover Alternative would contribute a minimal increment to cumulative impacts to GHG emissions and air quality.
Air Quality	Long-term, adverse impacts to air quality from stationary sources and from mobile source emissions because of the overall increase of vehicle miles traveled (VMT). Minimal, short-term adverse impacts to sensitive receptors could result during construction of transportation mitigations and utility infrastructure improvements.		

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Table 8-2: Landover Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Noise			
Noise	Short-term, adverse impacts to noise as a result of construction activities associated with site, transportation mitigation, and utility infrastructure construction. Minimal long-term adverse impacts to noise from helipad operations; the operation of the Central Utility Plant, including heat rejection equipment and backup generators; and increased automobile traffic.	No measurable impacts.	Cumulative impacts would be short- and long-term adverse. The Landover Alternative would contribute a minimal increment to cumulative impacts to noise.
Infrastructure and Utilities			
Water Supply	No measurable impacts associated with water supply or conveyance systems or to current and future customers anticipated from increased demand. Existing water infrastructure is expected to have sufficient capacity to support increased demand, however, a final determination would be made through the Hydraulic Planning Analysis (HPA) process.	No measurable impacts.	Cumulative impacts would be short-and long-term adverse. The Landover Alternative would contribute a minimal increment to cumulative impacts to infrastructure and utilities.
Wastewater Collection	Short-term, adverse impacts to sanitary sewer collection service would be expected from installation of new wastewater infrastructure during construction to address existing capacity limitations.		
Electric Power	Short-term, adverse impacts to electric service would be expected from increased demand and the associated infrastructure improvements, extensions, and upgrades required to keep pace with demand.		
Natural Gas	Short-term, adverse impacts to natural gas service would be expected from increased demand and the associated infrastructure improvements, extensions, and upgrades required to keep pace with demand.		
Telecommunications	Short-term, adverse impacts from disruptions to surrounding users required during construction to connect to the adjacent communications networks and to connect to the fiber network approximately 1.5 miles from the Landover site		
Stormwater Management	Long-term, beneficial impacts to stormwater management in the area from BMPs and compliance measures that would curtail, and potentially reduce, stormwater runoff from the site.		

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8.2.3 Cumulative Impacts Analysis

8.2.3.1 Earth Resources

Cumulative impacts to topography, geology, and soils were analyzed based on the spatial and temporal boundaries described in Section 8.2.1. Typical demolition and construction activities have impacted geology primarily through excavation, grading, leveling, filling, compaction, and the drilling of footers, during construction. Under the Landover Alternative, there would be no measurable direct or indirect impacts to geology or topography for either the site development or the transportation mitigations and utility improvements so there would not be any cumulative impacts to geology or topography.

Because potential impacts to soil resources under the Landover Alternative would be limited to the footprint of the Landover site, and within and along existing ROWs for the recommended transportation mitigations and utility infrastructure improvements, there would be minimal, long-term impacts to soils. The majority of the potential impacts to soil resources from site development , transportation mitigations, and utility upgrades would be short-term, adverse, limited in geographic extent, and associated with the construction phase at the site, and related to soil disturbance, grading, and compaction. Construction-related impacts to other past, present, and reasonably foreseeable projects would be similar to those at the Landover site. A reduction in impervious surfaces within the Landover site would beneficially impact soils by creating opportunities for improved infiltration and soil productivity over the long term.

When considered together with past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment to both beneficial and adverse cumulative impacts to earth resources.

8.2.3.2 Water Resources

The general spatial and temporal boundaries for cumulative impacts described in Section 8.2.1 apply to water resources. Past, present, and reasonably foreseeable projects would adversely impact water resources primarily through soil disturbance, which would increase the potential for the transport of sediment into nearby surface waters during construction, the use of construction equipment which would increase the potential for the transport of sediments or contaminated solids, increased impervious surfaces and changes related to the flow and volume of stormwater runoff, and from long-term removal of resources. Soil erosion and stormwater runoff are principally responsible for the degradation of surface waters.

Past projects reduced the amount of pervious surfaces and permanently altered stormwater hydrology. Increases in impervious surfaces throughout a watershed can increase runoff and scour on stream banks, increasing sediments in the streams and resulting in adverse impacts. The construction of the Morgan Boulevard Metro Station likely altered local groundwater resources through drawdown or diversion of flow and through a reduction in local water infiltration capacity from the additional impervious surfaces. As described above, the present and reasonably foreseeable actions include development in nearby greenfields. These projects would temporarily disturb soils, which increases the potential for pollution of surrounding surface waters from sediment and construction related pollutants. Construction of these projects would create more impervious surfaces, resulting in increases in stormwater intensities and volume, and increased sedimentation. However, long-term, adverse impacts to water resources would be avoided or minimized through compliance with relevant Federal, state, and local regulations and permitting requirements and offset by mitigation measures, BMPs, and management plans as discussed in chapter 3.

The Landover Alternative would result in adverse and beneficial impacts ranging from short- to long-term. The Landover Alternative would not have measurable direct impacts to surface water quality or hydrology because there are no water resources on the site. The Landover Alternative would be required to comply with Section 438 of the EISA, which requires runoff leaving a project site with a footprint greater than 5,000 SF to have the same temperature, rate, volume, and flow duration as predevelopment stormwater runoff, to the maximum extent technically feasible (USEPA 2009). Compliance would be attained, in part, from improvements in the hydrologic regime from increased landscaped and pervious area. This would result in beneficial impacts to nearby streams because there would be more effective stormwater management on the site than there is previously, as well as more pervious surface, which would improve infiltration and decrease runoff. There could be minimal, adverse impacts to surface water from construction of transportation improvements near an intermittent stream by the I-495 interchange. Only minimal, short-term, adverse impacts are expected from utility improvements. Any increases in pervious surfaces would result in indirect long-term benefits to water quality, hydrology, and groundwater. Further, compliance with National Pollutant Discharge Elimination System (NPDES) permits and implementation of stormwater and sediment and erosion control plans and BMPs would minimize indirect, adverse impacts to surface waters.

When considered together with past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment to the combination of beneficial and adverse cumulative impacts to water resources. There would be no direct or indirect impacts to either wetlands or floodplains under the Landover Alternative, so there would not be cumulative impacts to wetlands or floodplains.

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8.2.3.3 Biological Resources

Because impacts to vegetation, terrestrial resources, and special status and aquatic species are not site-specific and can be widespread, the spatial and temporal boundaries described in Section 8.2.1 apply. Past, present, and reasonably foreseeable actions that could impact biological resources under the Landover Alternative include the development of the Woodmore Towne Centre, Balk Hill Village, King Property at Lottsford Road and MD 202, Hunters Ridge, Largo Park (Lots 3, 4, and 5), Englewood Business Park (Lots 27, 31, 32, 35, 43, 51, and 52), the Corporate Center at Lot 4, and the Brightseat Road Property. The Landover area and its habitat have been and continue to be transformed into a typical suburban landscape property with fewer naturally vegetated areas, more impervious surfaces, and more landscaping and turfgrass. The majority of developed land in the area consists of built infrastructure such as paved streets and parking lots, and buildings. Reasonably foreseeable projects on previously undeveloped land would have adverse impacts to vegetation and wildlife and would contribute to both short- and long-term cumulative impacts.

All of the current and reasonably foreseeable projects would contribute additional adverse impacts to vegetation as currently forested areas would be cleared, paved, and developed. Adverse impacts to vegetation would be avoided and minimized through compliance with the requirements of Maryland's Forest Conservation Act, which requires the retention of forest areas and reforestation or afforestation of some percentage of a project area. These projects would adversely impact terrestrial species and migratory bird species of concern occurring in the vicinity of these projects in the short term due to temporary displacement. However, compliance with Maryland's Forest Conservation Act and other Federal, state, and local requirements would avoid and minimize adverse impacts to vegetation, and by extension, the quantity and quality of habitat. These projects would alter existing wildlife habitats, resulting in both reduced quality and quantity. There would be no impacts to aquatic species given the absence of aquatic resources within the spatial boundaries for cumulative impacts.

As discussed in Section 6.2.3, the Landover Alternative would result in impacts ranging from not measurable to short- and long-term adverse. These impact would result from site construction, noise and light pollution, helicopter activity, and transportation and utility construction. Direct, short-term impacts to terrestrial wildlife and special status species would result from site construction noise and use of vehicles and equipment. There could also be direct, long-term adverse impacts to terrestrial wildlife and special status species in proximity to the helipad where its use may cause wildlife to abandon their nests or dens, or may result in an increased potential for bird injury and/or death because of bird strikes. Transportation mitigations, primarily the construction of the new Connector road, would have direct, long-term, and adverse impacts to vegetation, terrestrial wildlife, and special status species, due to the conversion of approximately 0.6 acre of a forested area to roadway. The new right lane on the I-95/I-495 Northbound off-ramp to Landover Road could result in direct, short- and long-term, adverse impacts to any aquatic species occurring in the intermittent stream flowing parallel to the off-ramp. Impacts would likely be minimal, however, given the stream's intermittent nature and proximity to existing development. Transportation and utility infrastructure improvements would also contribute direct, short-term and adverse impacts to terrestrial and special status species as a result of construction vehicles and noise. Direct, long-term adverse impacts to vegetation could result from removal of trees, shrubs, and grasses associated with construction of utility infrastructure, although the use of BMPs and necessary construction permits would avoid and minimize these adverse impacts.

When considered together with past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment to the adverse cumulative impacts to biological resources.

8.2.3.4 Land Use

With the exception of past projects, the general spatial and temporal boundaries for cumulative impacts described in Section 8.2.1 apply to this resource. These projects, in conjunction with the Landover Alternative, would facilitate economic growth and help fulfill the vision for land use in the Landover area. Future development, including the consolidated FBI HQ at the Landover site, would occur in accordance with the applicable zoning and permitting processes and through consultation with regulatory agencies to ensure that future development would be compatible with local, state, and Federal visions for land use in the Landover area. As described in Section 6.2.4.2, the Landover Alternative would align with most aspects of the Comprehensive Plan for the National Capital Region, but would not align with others. Overall, impacts to land use would be beneficial in the long term.

When considered together with past, present, and reasonably foreseeable cumulative projects, the Landover Alternative would contribute a moderate increment to the long-term beneficial cumulative impacts to land use.

8.2.3.5 Visual Resources

Because impacts to visual resources are not site-specific, the spatial and temporal boundaries for cumulative impacts described in Section 8.2.1 apply to visual resources. The general visual character of the area is typical of a suburban landscape, with commercial and residential development interspersed with wooded areas. This portion of Prince George's County is changing rapidly, and the number of substantial development projects that include large quantities of office space, residential housing, commercial space, and transportation improvements, continues to increase. Past, present, and reasonably foreseeable projects would contribute to the trend of increased height and density for a mix of uses.

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The Landover Alternative would contribute the trend of increased height and density for a mix of uses, and the HQ Building would be distinctly higher than the surrounding area, aside from FedExField. Although the building height would be noticeably different, it would be consistent with the overall visual character of this portion of Prince George's County, in which isolated, tall buildings, dot the skyline along the Capital Beltway. Due to security requirements, the consolidated FBI HQ would be a well-lit facility, with a minimum of 1-foot candle across the entire site during non-daylight hours to minimize light pollution. The helipad, as well as areas of the campus actively used for the security of the site, such as the perimeter fence, vehicle screening, parking, and building entrances, would be illuminated at up to 15-foot candles, comparable to the lighting level of a commercial office break room (Energy Trust of Oregon 2013). The use of either full or partial cut-off lighting fixtures would be employed to the extent feasible to minimize light pollution. Many of the areas that would be lit above the 1-foot candle level would occur near the perimeter of the site. There could be adverse impacts to the adjacent Maple Ridge Apartments and H.P. Johnson Park, but it is unlikely that the additional illumination at the Landover site would be noticeable within these areas because of existing street lighting along Brightseat Road and Evarts Street and the use of full and partial cut-off fixtures. Additional impacts to visual resources from the implementation of the recommended traffic improvements and utility infrastructure improvements would be minimal.

When considered together with other past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment of adverse impacts, with regards to lighting impacts and facility height, to the cumulative adverse impacts to visual resources. Conversely, it would contribute a moderate increment to cumulative impacts to visual resources by transforming an overgrown and barren vacant lot to a state-of-the-art government campus.

8.2.3.6 Cultural Resources

The spatial boundaries for cumulative impacts are the direct and indirect APE for the Landover Alternative, and the temporal boundaries are the same as described in Section 8.2.1.

Based on knowledge of known and evaluated cultural resources, and the low likelihood of undiscovered archaeological resources in the APE, no measurable impacts to archaeological or historic resources are anticipated at the Landover site. There are no documented aboveground historic resources within the direct or indirect APEs or in the vicinity of the transportation mitigation or utility infrastructure improvement sites. Consequently, the potential for newly discovered archaeological resources in the corridors for the transportation mitigations and utility improvements is low. Under the PA for the project, further investigation would occur as warranted, and measures to mitigate adverse effects would be undertaken accordingly.

Because there no measurable impacts to archaeological or historic resources are anticipated under the Landover alternative, there would be no cumulative impacts to archaeological or aboveground historic resources.

8.2.3.7 Socioeconomics and Environmental Justice

Because socioeconomic resources and environmental justice issues are discussed at the community scale, the general spatial and temporal boundaries for cumulative impacts described in Section 8.2.1 apply to this resource. Past projects likely had long-term and beneficial and adverse impacts to population, housing, income, employment, taxes, schools, and community services and facilities in Prince George's County and the Washington, D.C. MSA. These projects likely caused short-term impacts during their construction as a result of construction spending and long-term impacts as a result of employment and population changes. Because the exact change in total employment or population attributable to these projects is not known, it is not possible quantitatively assess the cumulative impacts to socioeconomic resources that these projects, in conjunction with the impacts resulting from the Landover Alternative, have had and would have on Prince George's County and the Washington, D.C. MSA. However, the impacts of past projects are already reflected in existing conditions.

Planned and reasonably foreseeable projects could impact population, housing, income, employment, taxes, schools, community services and facilities, environmental justice, and children in proximity to the Landover Alternative as a result of an increase in the permanent population and hotel guests in the area around this site. In summary, these projects, in combination with impacts from the Landover Alternative, could result in the following:

- Indirect, short-term, and beneficial impacts to employment and spending in Prince George's County and the Washington, D.C. MSA;
- Short-term, adverse impacts to populations living in proximity to the projects' sites as a result of construction noise and air quality impacts;
- No measurable impact to schools in the Washington, D.C. MSA;
- Short-term impacts to community services in Prince George's County while these services adjust to the change in serviced population; and
- Long-term, beneficial impacts to tax revenues in Prince George's County, recreation resources and community facilities as a result of increased funding of these resources.

When considered together with past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a moderate increment of the short-term impacts to overall cumulative impact to the economy, employment, and income. Because no long-term environmental justice impacts or impacts to children are anticipated under the Landover Alternative, no environmental justice cumulative impacts or cumulative impacts to children would occur.

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8.2.3.8 Public Health and Safety

The community-wide nature of some of the impacts related to public health and safety means that the spatial and temporal scope for cumulative actions described in Section 8.2.1 would apply to this resource. Past, present, and reasonably foreseeable actions that could impact public health and safety under the Landover Alternative include the Woodmore Towne Centre, Balk Hill Village, the King Property, Hunters Ridge, Largo Park, Englewood Business Park, Corporate Center, and the Brightseat Road Property.

Construction-phase worker safety protocols, spill prevention and response measures, and hazardous materials handling procedures would minimize the risk of short-term, adverse impacts related to life safety and hazardous materials. As discussed in Section 8.2.3.4, construction of these projects would temporarily disturb soils and increase the potential for runoff of sediment and construction-related pollutants into surrounding wetlands and surface waters.

Over the long term, the additional residential populations associated with the Woodmore Towne Centre, Balk Hill Village, King Property, Hunters Ridge, and Brightseat Road Property developments, as well as the additional daytime populations and commercial activity associated with Largo Park, Englewood Business Park, and Corporate Center would result in additional demand for public services. It is assumed the capacity of firefighting, emergency response, and police resources would increase in response to demand. Prince George's County Police, the Greenbelt Police Department, and Prince George's County Fire and Emergency Services would address any capacity issues as part of their long-range planning, resulting in no long-term impacts.

The Landover Alternative, including the transportation mitigations and utility infrastructure improvements, would have short-term, adverse impacts to public health and safety, similar to the impacts associated with the construction phase of the projects mentioned above. Construction activities would include spill prevention and response procedures, hazardous materials handling protocols, and worker safety measures to minimize the potential for adverse health and safety impacts. Potential long-term, adverse impacts from intentional destructive acts, the construction and operation of a helipad, and the operation of a firing range would be avoided and minimized to the extent they are not measurable. Lastly, the transportation mitigations associated with the Landover Alternative would provide direct, long-term, beneficial impacts from construction of roadways requiring substantial widening, which would improve the flow of traffic and reduce response times for emergency vehicles.

When considered together with other past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment to short-term, cumulative impacts to public health and safety. In the long term, the Landover Alternative would contribute a moderate increment to beneficial cumulative impacts to public health and safety.

8.2.3.9 Transportation

The spatial boundaries for the cumulative transportation impact analysis correspond to the transportation study area for the Landover Alternative, while the temporal boundaries include the No-build and Build Conditions, as discussed in Section 6.2.9. As presented in chapter 6, the Landover No-build Condition vehicular analysis considered the projected growth in the region based on the future planned developments, background growth, and changes in travel patterns resulting from planned roadway improvements as agreed in the Landover Site Transportation Agreement (Appendix A). The transit analysis considered the projected growth in the region based on the MWCOG's travel demand model, also presented in chapter 6. These sources provide an estimate of future vehicle and transit trips through the build year of the consolidated FBI HQ at the Landover site and include the present and reasonably foreseeable projects noted in Section 8.2.2.2, as well as other reasonably foreseeable projects listed in Section 6.2.9.1. The No-build Condition at the Landover site was developed by adding these trips from projected growth and reasonably foreseeable projects onto existing traffic and transit conditions, thereby also including the trips and impacts of past projects.

The Build Condition added the new employee trips generated by the consolidated FBI HQ to the No-build Condition, based on the maximum projected person trip generation following the Landover Site Transportation Agreement. The study considered the maximum employee person trips and maximum mission briefing center person trips. The person trips were separated into vehicle, transit, bicycle, and pedestrian trips and analyzed by mode.

The cumulative impacts for the Landover Build Condition were studied as part of the transportation analysis, which relied on local and regional growth. There would be impacts from the Landover Alternative as follows: direct, long-term, major adverse traffic and bus transit operations impacts; direct, long-term, adverse transit capacity and bicycle impacts; direct, long-term, beneficial pedestrian impacts; and no measurable direct parking or truck access impacts. The recommended mitigation described in Section 6.2.9 would minimize the adverse traffic, bus operations, and bicycle impacts such that there would be an improvement over the No-build Condition and, therefore direct, long-term, and beneficial impacts. Direct, long-term, major adverse traffic impacts reflecting three failing interstate facilities would remain and would be mitigated through a subsequent NEPA process by Maryland State Highway Association.

When considered together with other past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a substantial increment, including beneficial impacts, to the overall adverse cumulative transportation impacts.

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8.2.3.10 Greenhouse Gas Emissions and Air Quality

The general spatial and temporal boundaries for cumulative impacts described in Section 8.2.1 apply to GHG emissions and air quality, although impacts from stationary and mobile sources are more localized. Impacts to air quality during construction if the remaining portions of the Woodmore Towne Centre development are under construction at the same time as the FBI HQ and associated construction of infrastructure improvements. Because of the proximity of the Woodmore Town Center to the Landover Alternative, the combined emissions of PM10 and PM2.5 could create elevated concentrations in localized areas of sensitive receptors; however, this potential would be limited because the portion of Woodmore that is not yet developed is the portion that is located the farthest from the Landover Alternative. The intensity of impacts would be highly dependent on the exact details of the construction sequence for the FBI HQ and the Woodmore Towne Centre projects, both of which are currently not known. Impacts would be minimized because all major projects in the area would incorporate construction air quality BMPs.

Because of increases in driving and average employee distance traveled to the site, there could be an estimated 170 percent increase in mobile source GHG emissions from FBI employee/contractor commuting relative to the No-action Alternative for the JEH parcel, resulting in direct, long-term, adverse impacts to GHG emissions. Because there are no data on GHG emissions contributed by drivers to surrounding projects, however, these impacts do not contribute to the cumulative scenario. Under the Landover Alternative, the NAAQS would not be exceeded for either stationary or mobile source emissions. Adverse impacts to FBI HQ employees would be avoided through the appropriate stack design for emissions sources, and locating building fresh air intakes away from potential areas of air quality impact. In terms of mobile source impacts, future development was considered in the development of the traffic data used in the intersection air quality impact screening.

When considered together with other past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment to the overall adverse cumulative air quality impacts.

8.2.3.11 Noise

It is anticipated that identified current and planned projects have the potential to impact the noise environment of the Landover Alternative and adjacent area by increasing the overall noise levels through construction activities, increased traffic, or other human activities. Each of the identified past, present, and reasonably foreseeable projects would have short-term, adverse impacts to noise associated primarily with construction activities. Each of the identified past, present, and reasonably foreseeable projects would have temporary adverse impacts to noise associated primarily with construction activities. Indirect, long-term, cumulative noise impacts are likely as a result of the additive effect of the expected noise level for each project. These impacts would most likely be minor and would be consistent with existing noise uses, compatible with existing city of Glenarden noise regulations, and would not substantially change the overall ambient noise levels of the area. Overall, there would be both short- and long-term adverse cumulative impacts to noise. The Landover Alternative would contribute minimally to these impacts.

8.2.3.12 Infrastructure and Utilities

Impacts to infrastructure and utilities are generally regional, thus the spatial and temporal boundaries described in Section 8.2.1 remain valid. Additional utility loads and the need for infrastructure upgrades have already been accounted for in past projects; therefore, there are no contributing cumulative impacts from these projects. The present and reasonably foreseeable projects would, however, contribute to cumulative impacts to infrastructure and utilities. The additional demand for utilities and the potential for service disruptions during construction of any necessary infrastructure upgrades from the potential development projects in the vicinity of the Landover Alternative would contribute to both short-term and long-term, adverse, cumulative impacts.

Under the Landover Alternative, short-term, adverse impacts to electric service, natural gas service, water service, sanitary sewer collection service, and stormwater management systems would be expected from increased demand. The required utility infrastructure improvements, extensions, and upgrades would keep pace with demand. Extension of water supply, wastewater, and electric power utilities to the site would be necessary, resulting in direct, short-term, adverse impacts. Over the long term, no continuing deficiencies in utility services are expected, because any necessary improvements would ensure service levels remain at acceptable levels.

When considered together with other past, present, and reasonably foreseeable projects, the Landover Alternative would contribute a minimal increment to the overall adverse cumulative impacts to infrastructure and utilities.

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8.3 Springfield

8.3.1 Spatial and Temporal Boundaries

To identify which past, present, and reasonably foreseeable projects would be considered in the cumulative analysis, temporal and spatial boundaries were determined. Although the boundaries for each impact topic may differ because of the nature of the resource or value, all analyses considered the same initial spatial and temporal boundaries for the Springfield site. Differences for specific resources are noted in the cumulative analysis for the resource.

Temporally, for the Springfield Alternative site, the past projects look as far back as the late 1990s with the I-495 "mixing bowl" project and the opening of the Franconia Springfield Metro Station. As discussed for the Landover and Greenbelt sites, future projects are only those that are reasonably foreseeable and extend approximately 10 years into the future.

Geographically, the cumulative study area extends along the I-95/I-495 corridor approximately 2.5-miles to the north and south from the Springfield Alternative site. I-495 forms the north boundary, and includes the mixing bowl project, Newington, and the Fairfax County Parkway form the southern boundary.

8.3.2 Projects Contributing to Potential Cumulative Impacts

8.3.2.1 Past Projects

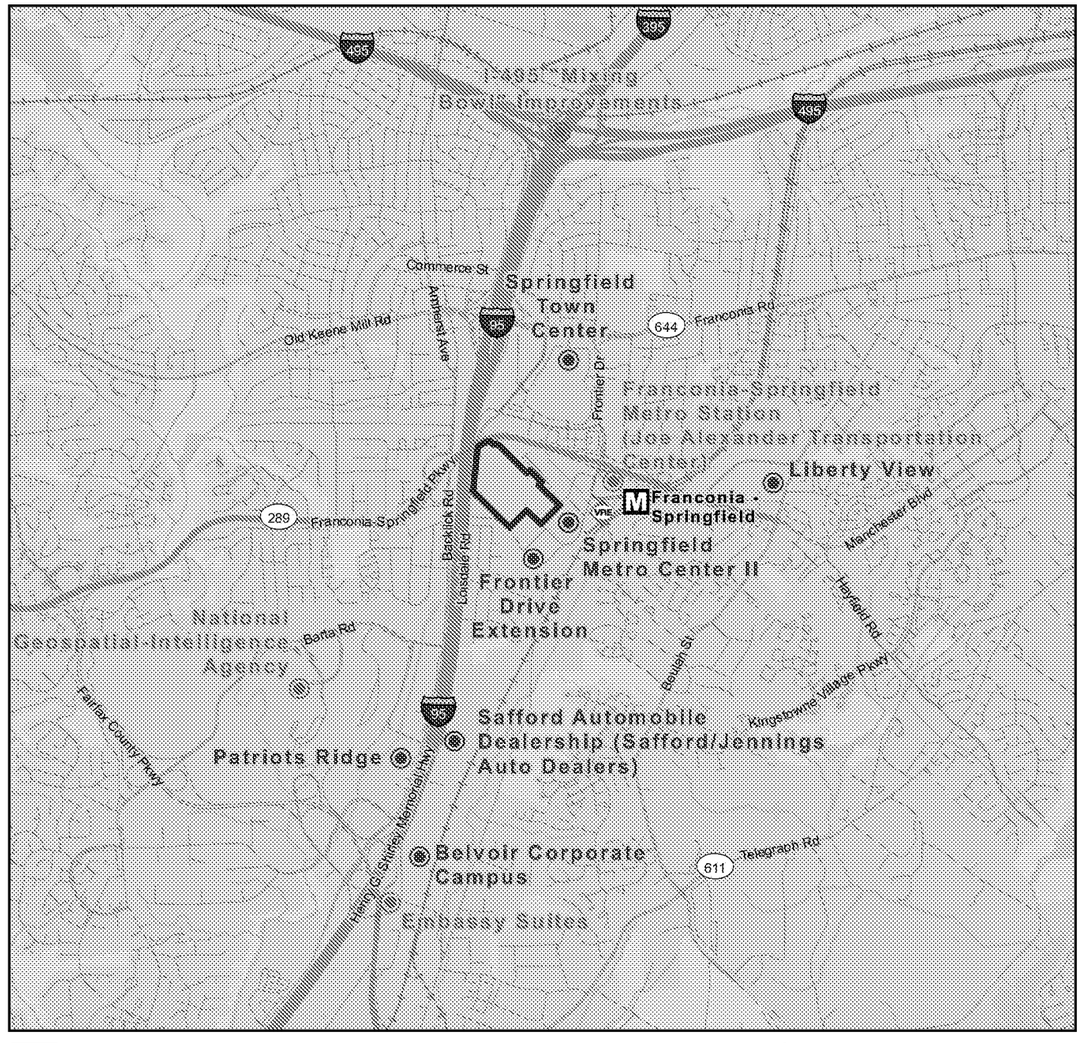
The Franconia-Springfield Metro Station, also known as the Joe Alexander Transportation Center, was completed in 1997, and is located in the Springfield/ Franconia Business Area near the intersection of the Capital Beltway (I-495), I-95, and I-395. The center is built on a 35-acre tract of land and serves as a station for Virginia Railway Express, Greyhound, and the Transportation Association of Greater Springfield bus service, and it is the southern terminus of the Metrorail Blue line. The site also contains a 6-story, 3,856-space parking garage.

I-495 "mixing bowl" improvements took place during a multi-phased project beginning in 1999. The interchange is identified as one of the nation's largest, busiest, and most dangerous. Nearly 430,000 vehicles per day pass the interchange. The project consists of 50 bridges and flyovers and 21 lanes for I-95 between the Capital Beltway and Franconia Road.

The National Geospatial-Intelligence Agency is housed in a 2.3 million SF campus which opened in 2011, and is the third-largest government building in the Washington metropolitan area. The location is the site of an 8,500-member workforce. The facility is located in the Fort Belvoir North Area in Springfield, Virginia.

Embassy Suites, near Fairfax County Parkway, was completed in 2013 with 219 rooms and a 5,700-SF meeting space.

Figure 8-3: Springfield Cumulative Projects



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8.3.2.2 *Current Ongoing and Reasonably Foreseeable Projects*

In order for a future project to be included in the cumulative impact analysis, it must have received development approval from Fairfax County, or received other permits, have committed funds, or have some other reasonable assurance the project will occur. This analysis refers to these projects as reasonably foreseeable projects. Current ongoing projects contributing to the cumulative impacts for the Springfield Alternative include:

Safford Automobile Dealership (Safford/Jennings Auto Dealers) is being built on a 28.8-acre site and will house an 80,000 SF facility used for automobile sales. The project is expected to be completed sometime in 2015. The proposed location for the development is along Loisdale Road and generally in the I-95 Industrial Area Land Unit K of the Springfield Planning District.

Frontier Drive Extension is planned to run on the western portion of the Franconia-Springfield Metro Station property. Springfield Center Drive will be extended to Franconia-Springfield Parkway; renamed Frontier Drive Extension; and will turn into a new, two-way, four-lane, divided road with a new entrance created to the station.

Springfield Town Center will be developed in multiple phases. The town center is located on a 78-acre site, and about 1.3 million SF of commercial space in the existing mall was renovated in 2014. The approved plans for the 78-acre site entail a multi-phased project that will expand the existing mall and transform the surrounding parking into a 5.7 million SF mixed-use town center, including up to 2,737 multi-family residential units, more than 1,952,000 SF of retail space (including a grocery store), 1,044,000 SF of office use, and 450 hotel rooms. A network of urban parks facilitating both active and passive recreation will be integrated into the development. The project also includes construction of a 54,000 SF facility for the Metro Transit Police Department and pedestrian, bicycle, and vehicular improvements in the area.

Springfield Metro Center II will be developed on parcels adjacent to the Springfield Alternative, and will consist of a four-building office campus with 1,000,000 SF of space. Each building will be 250,000 SF and 10 to 12 stories, and there will be a large shared parking garage.

Patriots Ridge is a three-phase project. Phase I will include a 244,000 SF, 8-story office building and a 1,300-space parking facility. Phase II will include a 240,000 SF, 8-story Class A office building. Phase III will include twin 8-story Class A office buildings totaling 240,000 SF.

Liberty View office park will house five buildings totaling 875,000 SF, located at the corner of Franconia-Springfield Parkway and Beulah Street.

Belvoir Corporate Campus is a 24-acre site on Loisdale Road planned for a 233,558 SF office park. The campus will include twin asymmetric concrete and glass curtain wall towers and a pedestrian plaza with outdoor meeting space.

Figure 8-3 shows a map of all past or currently ongoing and reasonably foreseeable projects in the vicinity of the Springfield Alternative. Table 8-3 summarizes the direct, indirect, and cumulative impacts of the Springfield Alternative. A more extensive discussion and analysis follows the table.

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Table 8-3: Springfield Alternative Summary of Impacts

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Earth Resources			
Geology and Topography	No measurable impacts.	No measurable impacts.	Cumulative impacts would be beneficial and adverse. The Springfield Alternative would contribute a minimal increment to the cumulative impacts to soil resources. No measurable impacts to geology or topography.
Soils	Increased pervious surface resulting in increased opportunities for soil productivity and infiltration.	Short-term, adverse impacts resulting from soil disturbance that would temporarily expose soils and potentially lead to increased erosion from stormwater runoff; impacts would be mitigated through the use of BMPs.	
Water Resources			
Surface Water	No measurable impacts.	Short-term, adverse impacts to surface waters in the vicinity of the site from sedimentation and pollutant loading from utility infrastructure improvements; impacts would be mitigated by compliance measures and BMPs and would not be measurable. Long-term, beneficial impacts from implementation of stormwater management improvements would reduce the likelihood of surface water degradation from runoff containing pollutants from utility infrastructure improvements.	Cumulative impacts would be beneficial and adverse. The Springfield Alternative would contribute a minimal increment to cumulative impacts to water resources. There would be no direct or indirect impacts to either wetlands or floodplains under the Springfield Alternative, so there would not be cumulative impacts to wetlands or floodplains.
Hydrology	Short-term, adverse impacts to stormwater hydrology as a result of the temporary alteration of the existing stormwater drainage pattern during site, transportation mitigation, and utility infrastructure construction. Regulatory compliance, permitting, and the use of BMPs would avoid and minimize any short-term, adverse impacts. Long-term benefits to hydrology from the increase in pervious surface and improved stormwater management and decreased surface runoff from site and utility infrastructure improvements.	Long-term, beneficial impacts from implementation of stormwater management improvements which would limit the amount of impervious surface needed to implement the recommended utility improvements, allow for stormwater infiltration, and reduce runoff.	
Groundwater	Short-term, adverse impacts through groundwater disturbance and introduction of contaminants, during site and transportation mitigation project construction. Long-term, beneficial impacts as a result of improved groundwater recharge and protection of water quality during site and utility infrastructure improvement construction.	No measurable impacts.	
Wetlands	No measurable impacts.		
Floodplains	No measurable impacts.		

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Table 8-3: Springfield Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Biological Resources			
Vegetation	Long-term, beneficial impacts from vegetation reintroduced to portions of the previously disturbed and currently impervious portion of the site. Long-term, adverse impacts due to permanent removal of vegetation (mostly turfgrass) from construction of road improvements and utility infrastructure improvements.	No measurable impacts.	Cumulative impacts would be adverse. The Springfield Alternative would contribute a minimal increment to cumulative impacts to biological resources.
Aquatic Species	No measurable impacts.		
Terrestrial Species	Limited long-term, beneficial impacts from an increase in the amount of usable habitat, and potential direct long-term, beneficial impacts to pollinators from plant selection. Potential short-term, adverse impacts to terrestrial wildlife from site, transportation, and utility infrastructure construction noise and use of vehicles and equipment. Potential long-term, adverse impacts to species in proximity to the helipad where its use may cause nest abandonment, or may result in an increased potential for wildlife strikes. Potential adverse effects from campus lighting on nocturnal species. Potential long-term, adverse impacts due to removal of approximately 1.6 acres of vegetated habitat along the sides of roadways to accommodate road improvements.		
Special Status Species	Potential short-term, adverse impacts to special status species from site and utility infrastructure construction noise and use of vehicles and equipment. Potential long-term, adverse impacts to special status species in proximity to the helipad where its use may cause wildlife to abandon their nests or dens, or may result in an increased potential for wildlife strikes. Potential short-term, adverse impacts to migratory birds from temporary displacement from construction, human activity, and campus lighting possibly interfering with migration patterns. Potential long-term, adverse impacts due to removal of approximately 1.6 acres of vegetated habitat along the sides of roadways to accommodate road improvements.		

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Table 8-3: Springfield Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Land Use			
Zoning	No measurable impacts.	No measurable impacts.	Cumulative impacts would be long-term and beneficial. The Springfield Alternative would contribute a moderate increment to cumulative impacts to land use.
Land Use	Long-term, beneficial impact from alignment with elements of: Fairfax County Comprehensive Plan, the Springfield Connectivity Study, Franconia Springfield Station Vision Plan, and Comprehensive Plan for the National Capital Region. Long-term, adverse impacts from some elements of the alternative not in alignment with some goals of the Fairfax County Comprehensive Plan, and the Comprehensive Plan for the National Capital Region. Long-term, adverse impacts from transportation mitigations due to property strip takings. Short-term, adverse impacts from construction of utility infrastructure improvements.		
Visual Resources			
Visual Resources	Long-term, adverse impacts due to increased building height and readily apparent density and building form changes. Potential long-term, adverse impacts from shadows cast by the HQ Building on the adjacent roadway and residential area, and from increased campus lighting. Benefits from improved aesthetic quality of the site by the addition of trees and landscaped elements within a master planned site. Short-term, adverse impacts from utility infrastructure improvements from the presence of construction equipment and vehicles, construction staging areas and lighting of construction areas during non-daylight work hours. Long-term, adverse impacts should any aboveground utility infrastructure be constructed outside of existing road or utility ROWs.	No measurable impacts.	Cumulative impacts would be beneficial and adverse. The Springfield Alternative would contribute a moderate increment of beneficial impacts and a minimal increment of adverse impacts to cumulative impacts to visual resources.
Cultural Resources			
Archaeological	No measurable impacts.	No measurable impacts.	No likely cumulative impacts. Under the PA for the project, further investigation would occur as warranted, and measures to mitigate adverse effects would be undertaken accordingly.
Historic	No measurable impacts.		

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Table 8-3: Springfield Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Socioeconomics and Environmental Justice			
Population and Housing	No measurable impact to population as a result of current employees who would relocate their primary residence or change commute patterns within the Washington, D.C. MSA. Because the number of employees that would relocate to Fairfax County is not known, impacts to housing cannot be assessed based on available information.	No measurable impacts.	Cumulative impacts would be short-term and beneficial. The Springfield Alternative would contribute a moderate increment to cumulative impacts to the economy, employment, and income. Because no long-term environmental justice impacts are anticipated under the Springfield Alternative, there are no cumulative impacts to environmental justice or children.
Employment and Income	Short-term, beneficial impacts to the local lodging, food and beverage, and retail sectors from any temporary relocation of construction workers to the Washington, D.C. MSA. Short-term, beneficial impacts from a temporary boost in local employment associated with the construction of transportation and utility infrastructure improvements.	Short-term, beneficial impacts to Fairfax County as a result of construction-related spending. Long-term, beneficial impacts to Fairfax County as a result of operations-related spending.	
Taxes	No measurable impacts.	Short-term, beneficial impacts to Fairfax County's sales and income tax revenues during construction as a result of income taxes that would be applied to the income of construction workers and sales taxes applied to goods and services. Long-term beneficial impacts as a result of increases in sales and income taxes by individuals who may relocate their primary residence to Fairfax County or the Washington, D.C. MSA from outside areas.	
Schools and Community Services	Potential short-term, adverse impacts to police, fire, and emergency services, and medical facilities by increased demand for these services during the construction period; because the level of additional demand is not known, t is not possible to determine the level of this impact.	Potential long-term, adverse impacts to schools from any movement of individuals or families into Fairfax County, resulting in an increased student load on the local school system until the system adjusts to the increase in the number of students; because the number of individuals and families that will relocate to the county is not known, it is not possible to determine the level of this impact. Potential long-term, beneficial impacts to schools as a result of increased school funding through increased property taxes; because the number of individuals and families that will relocate to the county and the resulting change in the tax base is not known, impacts cannot be assessed.	
Recreation and Other Community Facilities	No measurable impacts.	Long-term, adverse and beneficial impacts to recreation resources and other community facilities could occur due to increased visitation at these sites and as a result of FBI HQ employees spending their income at these resources, respectively.	
Environmental Justice	No short- or long-term, unmitigated, adverse impacts to minority or low income communities; therefore, impacts to environmental justice impacts are not anticipated.	No measurable impacts.	
Protection of Children	No measurable or disproportionately high and adverse impacts to children.	No measurable impacts.	

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Table 8-3: Springfield Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Public Health and Safety/Hazardous Materials			
Public Health and Safety	Short-term, adverse impacts associated with site, transportation mitigations, and utility infrastructure construction activities could occur due to the increased risk of injury and the related need for emergency response; short-term impacts from site construction would likely not be measurable. Long-term, beneficial impacts to public health and safety from improved emergency response time associated with traffic mitigations.	No measurable impacts.	Cumulative impacts would be adverse and beneficial. The Springfield Alternative would contribute a minimal increment of adverse impacts and a moderate increment of beneficial impacts to cumulative impacts to public health and safety.
Hazardous Materials	No measurable adverse impacts associated with the use or storage of hazardous materials, or resulting from the mobilization of contaminants into the environment during site, transportation mitigation, and utility infrastructure construction or operation. Long-term, beneficial impacts resulting from the removal of sources of environmental contamination and remediation of potentially contaminated soils and water.		
Transportation			
Pedestrian Network	Short-term, adverse impacts caused by construction vehicles crossing the sidewalk and pedestrian crosswalks and intermittent sidewalk closures. Long-term, beneficial impacts due to increased use of the otherwise underused complete streets infrastructure and the addition of a new link between the Springfield site and Franconia-Springfield Metro Station.	No measurable impacts.	Cumulative impacts would be adverse. The Springfield Alternative would contribute a moderate increment to cumulative impacts to transportation.
Bicycle Network	Potential short-term adverse impacts to Frontier Drive Extension and Loisdale Road caused by construction vehicles blocking the sidewalks or bicycle lanes and intermittent closures. With the implementation of the recommended mitigation measures, there would be long-term, beneficial impacts because the recommended mitigation measures would expand the area's bicycle network. With the implementation of the recommended mitigation measures, there would be short-term, adverse impacts as a result of construction of the roundabout on Frontier Drive Extension that would impact bicycle lanes.		
Public Transit	Long-term, adverse impacts to bus operations along one bus route caused by the potential traffic delays forecasted along Loisdale Road. With the implementation of the recommended mitigation measures, there would be beneficial impacts to bus service compared to the baseline No-build Condition for buses along the Loisdale Road and the Frontier Drive Extension route including FXC Route 334, due to reduced delays. Short-term, adverse impacts to the same bus line that regularly services Springfield Center Drive and Loisdale Road caused by construction vehicles blocking some or all of the lanes and intermittent road closures. With the implementation of the recommended mitigation measures, impacts would change to short-term, major adverse from construction vehicles blocking the one or more lanes near the project site and intermittent lane closures at a number of isolated intersections affecting all buses servicing the study area. With the implementation of the recommended mitigation measures, there would be long-term, beneficial impacts for the FBI employees from the implementation of the shuttle between the Franconia-Springfield Metro Station and the Springfield site.		

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Table 8-3: Springfield Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Parking	No measurable short- or long-term impacts. With the implementation of the recommended mitigation measures, there would be long-term adverse impacts due to the small reduction in public on-street parking spaces. With the implementation of the recommended mitigation measures, there would be short-term, adverse impacts as a result of construction of the roundabout on Frontier Drive Extension that would impact street parking.	No measurable impacts.	Cumulative impacts would be adverse. The Springfield Alternative would contribute a moderate increment to cumulative impacts to transportation.
Truck Access	No measurable short- or long-term impacts.		
Traffic	Long-term, major, adverse corridor impacts from corridor-based delays along Frontier Drive beginning at Franconia-Springfield Parkway and extending to Metropolitan Center Drive, and along Loisdale Road beginning at Franconia Road and extending back to Spring Mall Drive. With the implementation of the recommended mitigation measures, impacts would change to no measurable long-term impacts; overall, the study area would no longer experience corridor-level impacts along Frontier Drive or Loisdale Road. Long-term, adverse impacts from isolated intersection impacts during the AM peak hour at the Franconia-Springfield Parkway off-ramps to Frontier Drive in both directions, Franconia-Springfield Parkway/ Manchester Boulevard and Beulah Street intersection, and Fairfax County Parkway/Loisdale Road/I-95 off-ramp, and during the PM peak hour at the Franconia-Springfield Parkway/Manchester Boulevard and Beulah Street intersection and Loisdale Road and Frontier Drive Extension intersection. With the implementation of the recommended mitigation measures, impacts would change to direct, long-term, and beneficial from isolated intersection improvements aimed at addressing impacts specifically along Loisdale Road, Frontier Drive, and the Frontier Drive Extension. The operations would improve to a better operation than the No-build Condition. Isolated impacts from adding construction-related trips by trucks, employees, and equipment to the intersection of Franconia-Springfield Parkway/Manchester Boulevard and Beulah Street which is forecasted to be failing during the No-build Condition. Short-term, adverse construction impacts from truck traffic; the demolition of the existing buildings on the GSA-owned parcel would require dump trucks to haul the debris away on a continual basis until the parcel is clear of existing building materials. With the implementation of the recommended mitigation measures, these impacts would change to short-term, major, adverse from adding roadway construction related trips caused by trucks, employees, and equipment as well as intermittent lane or road closures at locations where the roadway improvements would occur.		

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Table 8-3: Springfield Alternative Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Greenhouse Gas Emissions and Air Quality			
Global Climate Change and GHG Emissions	Long-term, less than significant adverse impacts because of the incorporation of modern design measures and potentially renewable energy technologies which would reduce building-related GHG emissions relative to the continued use of the JEH building and offsite locations. Minimal long-term, adverse impacts to GHG emissions would result due to increases in driving and average distance traveled to the site; an estimated 13 percent increase in mobile source greenhouse emissions from FBI employee/contractor commuting relative to the No-action Alternative for the JEH parcel. Short-term, adverse impacts due to GHG emissions released during the construction of infrastructure improvements.	No measurable impacts.	Cumulative impacts would be adverse. The Springfield Alternative would contribute a minimal increment to cumulative impacts to GHG emissions and air quality.
Air Quality	Long-term, adverse impacts to air quality from stationary sources and from mobile source emissions because of the overall increase of vehicle miles traveled (VMT). Minimal short-term, adverse impacts to sensitive receptors could result during construction of transportation mitigations and utility infrastructure improvements.		
Noise			
Noise	Short-term, adverse impacts to noise as a result of construction activities associated with site, transportation mitigation, and utility infrastructure construction. Minimal long-term adverse impacts to noise from helipad operations; the operation of the Central Utility Plant, including heat rejection equipment and backup generators; the operation of a firing range; and increased automobile traffic.	No measurable impacts.	Cumulative impacts would be short- and long-term adverse. The Springfield Alternative would contribute a minimal increment to cumulative impacts to noise.
Infrastructure and Utilities			
Water Supply	No measurable impacts associated with water supply or conveyance systems or to current and future customers anticipated from increased demand at the Springfield site; Fairfax Water has reported that existing water infrastructure has ample capacity to support increased demand.	No measurable impacts.	Because no measurable impacts to infrastructure and utilities are anticipated at the Springfield site, there would be no cumulative impacts to these resources under the Springfield Alternative.
Wastewater Collection	No measurable impacts.		
Electric Power	Short-term, adverse impacts are anticipated during construction of the required service extensions to provide the desired level of reliability and to meet the FBI HQ campus's demand.		
Natural Gas	No measurable impacts.		
Telecommunications	No measurable impacts.		
Stormwater Management	Long-term, beneficial impacts to stormwater management in the area from BMPs and compliance measures that would curtail, and potentially reduce, stormwater runoff from the site.		

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8.3.3 Cumulative Impacts Analysis

8.3.3.1 Earth Resources

Cumulative impacts to topography, geology, and soils were analyzed based on the spatial and temporal boundaries described in Section 8.3.1.

Under the Springfield Alternative, there would be no measurable direct or indirect impacts to geology or topography for either the site development or the transportation mitigation project and utility improvements. Therefore, there would not be any cumulative impacts to geology or topography.

Because potential impacts to soil resources under the Springfield Alternative would be limited to the footprint of the Springfield site, and within and along existing ROWs for the recommended transportation mitigations and utility infrastructure improvements, there would minimal long-term impacts to soils. The majority of the potential impacts to soil resources from site development , transportation mitigations, and utility upgrades would be short-term, adverse, limited in geographic extent, and associated with the construction phase at the site, and related soil disturbance, grading, and compaction. The construction-related impacts to soils for other past, present, and reasonably foreseeable projects would be similar to those at the Springfield Alternative site. A reduction in impervious surfaces within the Springfield site would beneficially impact soils by creating opportunities for improved infiltration and soil productivity over the long term.

When considered together with past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment to the adverse cumulative impacts to soil resources.

8.3.3.2 Water Resources

The general spatial and temporal boundaries for cumulative impacts described in Section 8.3.1 apply to water resources. Past, present, and reasonably foreseeable projects would adversely impact water resources primarily through soil disturbance which would increase the potential for the transport of sediment into nearby surface waters during construction, the use of construction equipment which would increase the potential for the transport of sediments or contaminated solids, increased impervious surfaces and changes related to the flow and volume of stormwater runoff, and from long-term removal of resources. Soil erosion and stormwater runoff are principally responsible for the degradation of surface waters.

Past projects reduced the amount of pervious surfaces and permanently altered stormwater hydrology. Increases in impervious surfaces throughout a watershed can increase scour on stream banks, increasing sediments in the streams and resulting in adverse impacts. Stormwater management requirements minimize the effects of increased impervious surfaces. For the most part, stream buffers have been maintained, helping to protect the stream channels. The present and reasonably foreseeable projects would temporarily disturb soils and increase the potential for sediment and pollutant loading of surrounding surface waters from sediment and construction related pollutants as well as create more impervious surfaces; however, surrounding water resources are at such a distance and location that there would be no measurable adverse impacts to surface waters. Local shallow groundwater resources could also be temporarily impacted from the present and reasonably foreseeable projects during construction. The Frontier Drive Extension would cross the intermittent tributary that drains Long Branch and could result in indirect, adverse impacts to water quality. Short-term, adverse impacts to water quality and hydrology would result from temporary soil disturbance and alteration of the existing stormwater drainage patterns during construction; however, these would not be measurable. Long-term, adverse impacts would result from the increased impervious surfaces. Many past, present, and reasonably foreseeable projects are located downstream from and at greater distances from the Springfield Alternative so the adverse cumulative impacts would be relatively small.

The Springfield Alternative would result in adverse and beneficial impacts ranging from short- to long-term. The Springfield Alternative would not have measurable direct impacts to surface water quality or hydrology because there are no water resources on the site. The Springfield Alternative would be required to comply with Section 438 of the EISA, which requires runoff leaving a project site with a footprint greater than 5,000 SF to have the same temperature, rate, volume, and flow duration as predevelopment stormwater runoff, to the maximum extent technically feasible (USEPA 2009). Compliance would be attained, in part, from improvements in the hydrologic regime from increased landscaped and pervious area. This would result in beneficial impacts to downstream resources under the Springfield Alternative through increases in pervious surface on the site, and improvements in stormwater quality and quantity over existing conditions. There could be minimal adverse impacts from the recommended transportation mitigations and utility infrastructure improvements to surface water, hydrology, and groundwater, which would be limited to the construction phase; impacts to wetlands or floodplains are not expected from these mitigations. There could be short-term and adverse impacts from utility infrastructure improvement projects to surface water, hydrology, wetlands, and floodplains from soil erosion, compaction vegetation and soil disturbance and sedimentation during construction. These impacts would be avoided and minimized by compliance with NPDES permits, stormwater and sediment and erosion control plans, and implementation of BMPs.

When considered together with past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment to the combination of beneficial and adverse cumulative impacts to water resources. There would be no direct or indirect impacts to either wetlands or floodplains under the Springfield Alternative, so there would not be cumulative impacts to wetlands or floodplains.

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8.3.3.3 Biological Resources

Because impacts to vegetation and terrestrial, special status, and aquatic species are not site-specific and can be widespread, the spatial and temporal boundaries described in Section 8.3.1 apply. Past, present, and reasonably foreseeable actions that could impact biological resources under the Springfield Alternative include the development of the Safford Automobile Dealership, Springfield Town Center, Springfield Metro Center, Patriots Ridge, Liberty View, Embassy Suites, and the Belvoir Corporate Campus. The Springfield area and its habitat have been and continue to be transformed into a densely developed metropolitan suburb. The majority of developed land in the area consists of paved streets, parking lots, and buildings. Additional development on undeveloped land would have adverse impacts to vegetation and wildlife and would contribute to cumulative impacts. All of the past, present, and reasonably foreseeable projects with the exception of Springfield Town Center, would cause degradation to vegetation and plant and animal habitat because existing forest would be cleared and developed, resulting in short and long term impacts.

As discussed in Section 7.2.3, the Springfield Alternative would result in impacts ranging from beneficial to short- and long-term adverse. Minimal vegetation currently exists on the Springfield site. Existing vegetation would be removed during construction, and it is anticipated that a consolidated FBI HQ campus would contain substantially more vegetation and habitat, leading to direct, long-term, beneficial impacts to biological resources. Potential adverse effects from the alternative would result from site construction, noise and light pollution, helicopter activity, and transportation and utility construction. Direct, short-term impacts to terrestrial wildlife and special status species would result from site construction noise and use of vehicles and equipment. There could also be direct, long-term adverse impacts to terrestrial wildlife and special status species in proximity to the helipad where its use may cause wildlife to abandon their nests or dens, or may result in an increased potential for bird injury and/or death because of bird strikes. Transportation mitigations would result in direct, short- and long-term adverse impacts to vegetation and terrestrial and special status species from construction activity and the conversion of grassy areas to accommodate road improvements. Utility infrastructure improvements may have direct, short-term adverse impacts to terrestrial and special status species during construction and long-term adverse impacts to vegetation and terrestrial and special status species from possible removal of vegetated habitat in existing ROWs or along roadsides. The use of BMPs and necessary construction permits per Virginia requirements would minimize the adverse impacts. There would be no direct or indirect impacts to aquatic species from the implementation of the Springfield Alternative, so there would not be cumulative impacts to aquatic species.

When considered together with past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment to the adverse cumulative impacts to biological resources.

8.3.3.4 Land Use

With the exception of past projects, the general spatial and temporal boundaries for cumulative impacts described in Section 8.3.1 apply to this resource. These projects, in conjunction with the development of the Springfield Alternative, would contribute to and facilitate economic growth and help fulfill the vision for land use in the Springfield area. Future development, including a consolidated FBI HQ at the Springfield site, would occur in accordance with the applicable zoning and permitting processes and through consultation with regulatory agencies to ensure that future development would be compatible with local, state, and Federal visions for land use within the Greenbelt area. As described in Section 5.2.4.2, the Springfield Alternative would align with most aspects of the Comprehensive Plan for the National Capital Region, but would not align with others. Overall, impacts to land use would be beneficial in the long term.

When considered together with past, present, and reasonably foreseeable cumulative projects, the Springfield Alternative would contribute a moderate increment of impacts to the mostly long-term beneficial cumulative impacts to land use.

8.3.3.5 Visual Resources

Because impacts to visual resources are not site-specific, the spatial and temporal boundaries for cumulative impacts described in Section 8.3.1 apply to visual resources. The general visual character of the surrounding area is typical of suburban landscapes with commercial and residential development interspersed with wooded areas. Current and reasonably foreseeable projects would result in a dramatic increase in residential housing and office and commercial space. Changes in the visual character of the Springfield site and surrounding area have been envisioned by Fairfax County as outlined in the Fairfax County Comprehensive Plan, and other local and regional planning initiatives. In particular, the Franconia-Springfield Transit Station Area (TSA) is the location of many plans to develop higher intensity mixed use areas, and includes projects such as the proposed Springfield Metro Center II, which will consist of office buildings up to 12 stories high. Past, present, and future projects would contribute to the trend of increased height and density for a mix of uses.

The Springfield Alternative would contribute to the trend of increased height and density for a mix of uses. With a maximum height of 12 stories, the HQ Building under the Springfield Alternative, while noticeably more visible than the surrounding area, would still blend in with the skyline. Due to security requirements, the consolidated FBI HQ would be a well-lit facility, with a minimum of 1-foot candle across the entire site during non-daylight hours to minimize light pollution. The helipad, as well as areas of the campus actively used for the security of the site, such as the perimeter fence, vehicle screening, parking, and building entrances, would be illuminated at up to 15-foot candles, comparable to the lighting level of a commercial office break room (Energy Trust of Oregon 2013). The use of either full or partial cut-off lighting fixtures would be employed to the extent feasible to minimize light pollution. Many of the areas that would be lit above the 1-foot candle level would occur near the perimeter of the site. There could be adverse impacts to the adjacent Maple Ridge Apartments and H.P. Johnson Park, but it is unlikely that the additional illumination at the Springfield site would be noticeable within these areas because of existing street lighting along

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Franconia Springfield Parkway and Loisdale Road and the use of full and partial cut-off fixtures. Additional impacts to visual resources from the implementation of the recommended traffic improvements and utility infrastructure improvements are expected to be minimal.

When considered together with other past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment to visual resources with regards to lighting impacts and facility height. Conversely, it would contribute a moderate increment of beneficial cumulative impacts to visual resources by improving the aesthetic quality of the through the addition of trees and landscaped elements within a master planned site.

8.3.3.6 Cultural Resources

The spatial boundaries for cumulative impacts are the direct and indirect APE for the Springfield Alternative, and the temporal boundaries are the same as described in the Section 8.3.2.2.

Based on knowledge of known and evaluated cultural resources, and the low likelihood of undiscovered archaeological resources in the APE, no measurable beneficial or adverse impacts to archaeological or historic resources are anticipated at the Springfield site. There are no documented aboveground historic resources within the direct or indirect APEs or in the vicinity of the transportation mitigation or utility infrastructure improvement sites. Consequently, the potential for newly discovered archaeological resources in the corridors for the transportation mitigations and utility improvements is low. Under the PA for the project, further investigation would occur as warranted, and measures to mitigate adverse effects would be undertaken accordingly.

Because no measurable impacts to archaeological or historic resources are anticipated under the Springfield Alternative, there would be no cumulative impacts to archaeological or aboveground historic resources.

8.3.3.7 Socioeconomics and Environmental Justice

Because socioeconomic resources and environmental justice issues are discussed at the community scale, the general spatial and temporal boundaries for cumulative impacts apply to this resource. Development of the Franconia-Springfield Metro Station, the I-495 "mixing bowl" improvements, and construction of the National Geospatial-Intelligence Agency likely had long-term, beneficial, and adverse impacts to population, housing, income, employment, taxes, schools, and community services and facilities in Fairfax County and the Washington, D.C. MSA. These projects likely caused short-term impacts during their construction as a result of construction spending and long-term impacts as a result of employment changes that occurred because of these projects. Because the exact change in total employment attributable to these projects is not known, it is not possible to quantitatively assess the cumulative impact to socioeconomic resources that these projects, in conjunction with the impacts under the Springfield Alternative, have had and would have on Fairfax County and the Washington, D.C. MSA. However, these projects occurred in the past, and most of their impacts are already reflected in existing conditions.

The development of an Embassy Suites, Springfield Town Center, Springfield Metro Center, Patriots Ridge, and Liberty View, and Belvoir Corporate Campus would impact population, housing, income, employment, taxes, schools, and community services and facilities in proximity to the Springfield Alternative as a result of an increase to the permanent population and hotel-guests in the vicinity of Springfield Alternative.

In summary, these projects in combination with the Springfield Alternative could result in the following:

- Indirect, short-term, and beneficial impacts to employment and spending in Fairfax County and the Washington, D.C. MSA;
- Short-term, adverse impacts to populations living in proximity to the projects' sites as a result of construction noise and air quality impacts;
- No measurable impact to schools would occur in the Washington, D.C. MSA;
- Short-term impacts to community services in Fairfax County while these services adjust to the change in serviced population; and
- Long-term, beneficial impacts to tax revenues in Fairfax County.

When considered together with past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a moderate increment to the short-term and beneficial cumulative impacts to the economy, employment, and income. There would be no cumulative environmental justice impacts or impacts to children because there would be no anticipated impacts to these resources under the Springfield Alternative.

8.3.3.8 Public Health and Safety / Hazardous Materials

The community-wide nature of some of the impacts related to public health and safety means that the spatial and temporal scope for cumulative actions described in Section 8.3.1 applies to this resource. Past, present, and reasonably foreseeable actions that could impact public health and safety under the Springfield Alternative include the Safford Automobile Dealership; the Springfield Town Center; the Springfield Metro Center; the Patriots Ridge office development; the Liberty View Office Park; the Embassy Suites Hotel; and the Belvoir Corporate Campus.

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Construction-phase worker safety protocols, spill prevention and response measures, and hazardous materials handling procedures would minimize the risk of short-term, adverse impacts related to life safety and hazardous materials. As discussed in section 8.3.3.4, construction of these projects would temporarily disturb soils and increase the potential for runoff of sediment and construction-related pollutants into surrounding wetlands and surface waters.

Over the long-term, the additional daytime populations and commercial activity associated with these projects would result in additional demand for public services. It is assumed the capacity of firefighting, emergency response, and police resources would increase in response to demand. Fairfax County Police, the Springfield Police Department, and Fairfax County Fire and Emergency Services would address any capacity issues as part of their long-range planning, resulting in no measurable long-term impacts.

The Springfield Alternative, including the transportation mitigations and utility infrastructure improvements, would have short-term, adverse impacts to public health and safety, similar to the impacts associated with the construction phase of the projects mentioned above. Construction activities would include spill prevention and response procedures, hazardous materials handling protocols, and worker safety measures to minimize the potential for adverse health and safety impacts. Potential long-term adverse impacts from intentional destructive acts, the construction and operation of a helipad, and the operation of a firing range would be avoided and minimized to the extent they are not measurable. Lastly, the transportation mitigations associated with the Springfield Alternative would provide direct, long-term, beneficial impacts from construction of roadways requiring substantial widening, which would improve the flow of traffic and reduce response times for emergency vehicles.

When considered together with other past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment to adverse and beneficial cumulative impacts to public health and safety.

8.3.3.9 Transportation

The spatial boundaries for the cumulative transportation impact analysis correspond to the transportation study area for the Springfield Alternative, while the temporal boundaries include the No-build and Build Conditions, as discussed in Section 7.2.9. As presented in Chapter 7, the Springfield No-build Condition vehicular analysis considered the projected growth in the region based on the future planned developments, background growth, and changes in travel patterns resulting from planned roadway improvements as agreed in the Springfield Site Transportation Agreement (Appendix A). The transit analysis considered the projected growth in the region based on MWCOG's travel demand model, also presented in Chapter 7. These sources provide an estimate of future vehicle and transit trips through the build year of the consolidated FBI HQ at the Springfield site and include present and reasonably foreseeable Springfield cumulative projects noted in Section 8.3.2.2, as well as other reasonably foreseeable projects listed in Section 7.2.9.1. The No-build Condition for the Springfield Alternative was developed by adding these trips from projected growth and reasonably foreseeable projects onto existing traffic and transit conditions, thereby also including the trips and impacts of past projects.

The Build Condition added the new employee trips generated by the consolidated FBI HQ to the No-build Condition, based on the maximum projected person trip generation following the Springfield Site Transportation Agreement. The study considered the maximum employee person trips and maximum mission briefing center person trips. The person trips were separated into vehicle, transit, bicycle, and pedestrian trips and analyzed by mode.

The cumulative impacts for the Springfield Build Condition were studied as part of the transportation analysis, which relied on local and regional growth. There would be impacts from the Springfield Alternative as follows: direct, long-term, adverse parking impacts; direct, long-term, adverse traffic impacts; direct, long-term, adverse transit bus operations impacts; and direct, long-term, beneficial pedestrian impacts. There would be no measurable impacts to transit capacity, bicycle, and truck impacts. The recommended mitigation described in Section 7.2.9 would minimize the adverse traffic and bus operations impacts such that there would be an improvement over the No-build Condition and, therefore direct, long-term, and beneficial impacts. The recommended mitigation would also improve bicycle impacts to direct, long-term, and beneficial, but would reduce parking impacts to direct, long-term, and adverse.

When considered together with other past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a moderate beneficial increment to the adverse cumulative transportation impacts.

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8.3.3.10 Greenhouse Gas Emissions and Air Quality

The general spatial and temporal boundaries for cumulative impacts described in section 8.3.1 apply to GHG emissions and air quality, although impacts from stationary and mobile sources are more localized. Additional impacts to air quality during construction of the Frontier Drive Extension, Springfield Town Center and/or Springfield Metro Center II would occur. Because of the proximity of these sites to the Springfield Alternative, the combined emissions of PM10 and PM2.5 could create elevated concentrations in localized areas of sensitive receptors. The intensity of impacts would be highly dependent on the exact details of the construction sequence for the FBI HQ and these other projects, all of which are currently not known. Impacts would be minimized because all major projects in the area would incorporate construction air quality BMPs.

Due to increases in driving and average employee distance traveled to the site, there could be an estimated 13 percent increase in mobile source GHG emissions from FBI employee/contractor commuting relative to the JEH No-action Alternative, resulting in minimal direct, long-term, adverse impacts to GHG emissions. Because there are no data on GHG emissions generated by other past, present, and reasonably foreseeable projects, these impacts do not contribute to the cumulative scenario. The Springfield Alternative and associated transportation mitigations and utility infrastructure improvements would not contribute any long-term impacts to air quality. No long-term operational air quality cumulative impacts are anticipated. Stationary source impacts would be addressed through the appropriate stack design for emissions sources associated the consolidated FBI HQ campus, and locating building fresh air intakes away from potential areas of air quality impact. In terms of mobile source impacts, future development was considered in the development of the traffic data used in the intersection air quality impact screening.

When considered together with other past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment to adverse cumulative air quality impacts.

8.3.3.11 Noise

Impacts to noise are predominantly localized, but because noise carries over distances, the spatial and temporal boundaries described in Section 8.3.1 above apply. All past, present, and reasonably foreseeable projects identified in Section 8.3.2 would contribute to the acoustic environment in the proximity of the Springfield site.

Impacts to the acoustic environment from past projects primarily stems from railway operations as well as facility operations and subsequent resident, employee, and visitor transit. Based on the suburban setting of the Springfield site, all ongoing noise from operations from past projects is consistent with other land uses and the site acoustic environment. As a result, impacts from past projects to noise are indirect and minor. It is anticipated that identified current and reasonably foreseeable projects have the potential to increase the noise levels of the Springfield Alternative and adjacent area in a manner similar to that described for the Springfield Alternative in chapter 7. Each of the identified projects would have short-term, adverse impacts to noise primarily as a result of construction activities associated with each project.

Under the Springfield Alternative, there would be indirect, long-term noise impacts that would result from the combined effects of adding a major government campus along with mixed-use, residential, commercial or retail as well as associated traffic. These impacts would most likely be minor and would be consistent with existing noise uses, compatible with existing Fairfax County and other applicable noise ordinances, and would not substantially change the overall ambient noise levels of the area. Similar to the projects above, transportation mitigations and utility infrastructure improvements associated with the alternative would result in direct, short-term adverse impacts to noise from the operation of construction equipment. Overall cumulative impacts to noise would be both short and long-term and adverse.

When considered together with other past, present, and reasonably foreseeable projects, the Springfield Alternative would contribute a minimal increment of both short- and long-term impacts to adverse cumulative noise impacts.

8.3.3.12 Infrastructure and Utilities

Because no measurable impacts to infrastructure and utilities are anticipated at the Springfield site, there would be no cumulative impacts to these infrastructure and utilities under this alternative.

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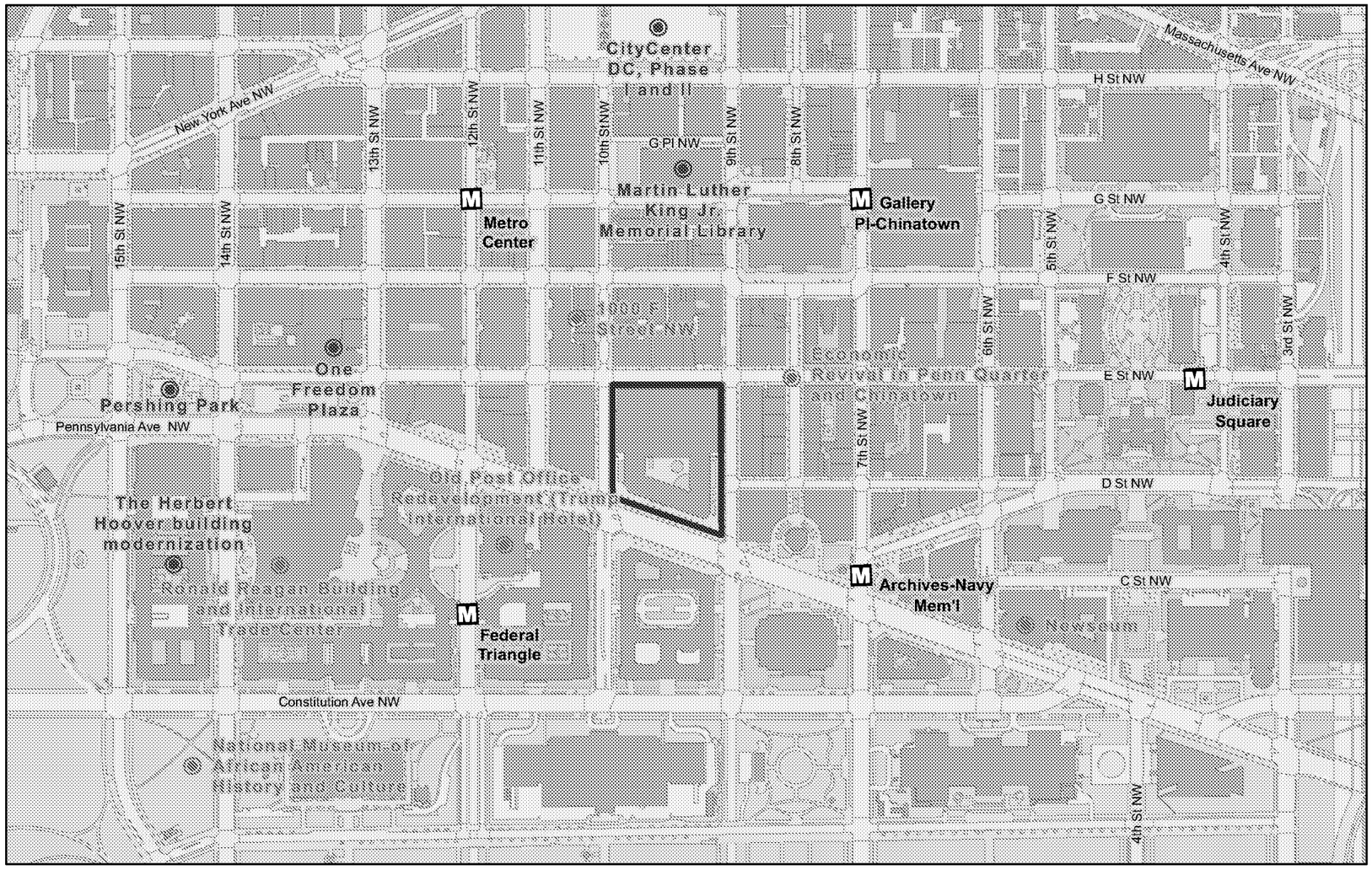
Figure 8-4: JEH Cumulative Projects



Sources:
ESRI (2013), GSA (2013), DC GIS (2013)

8.4 JEH Exchange and Reasonably Foreseeable Development Scenarios

The exchange of the JEH parcel is common to all action alternatives. As such, to assess cumulative impacts for the Proposed Action, the impacts described in this section would need to be coupled with each of the action alternatives as described in Sections 8.1 to 8.3.

8.4.1 Projects Contributing to Potential Cumulative Impacts

To identify which past, present, and reasonably foreseeable projects would be considered in the cumulative analysis, temporal and spatial boundaries were determined. Although the boundaries for each impact topic may differ because of the nature of the resource or value, all analyses considered the same initial spatial and temporal boundaries for the JEH site. Differences for specific resources are noted in the cumulative analysis for the resource.

Temporally, for the JEH exchange, the past projects look as far back as the late 1990s, and forward approximately 10 years. In order for a future project to be included in the cumulative impacts analysis, it must have received development approval from the Washington, D.C., Office of Planning or have other commitments. This analysis refers to these projects as reasonably foreseeable projects. Spatially, the boundaries include the adjacent Penn Quarter District to the west, to approximately 5th Street NW, along Pennsylvania Avenue between 4th Street NW and 14th Street NW, and North to the north side of H Street NW.

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8.4.1.1 Past Projects

Past projects contributing to the cumulative impacts for the JEH parcel exchange include:

Economic Revival in Penn Quarter and Chinatown: These neighborhoods north and east of the JEH parcel have experienced economic and social revitalization going back to the implementation of the Pennsylvania Avenue Plan, under the Pennsylvania Avenue **Development Corporation (PADC),** in the early- to mid-1970s. More recent catalysts include a variety of residential, retail, restaurants, hotels, and cultural uses. Major projects include the development of the Verizon Center in 1997, housing several of the city's professional sports teams; the Harman Center for the Arts, housing the Shakespeare Theatre Company in 2007 (and the Lansburgh Theatre in 1992); the Spy Museum; the Gallery Place mixed use development in 2005; and Madame Tussauds Wax Museum.

The Newseum: Located at 555 Pennsylvania Avenue NW, two blocks east of the JEH parcel, the Newseum opened at its current location in 2008. The Newseum building contains the museum itself, with conference and office space, a restaurant, and the Newseum Residences (135 luxury apartments).

The Ronald Reagan Building and International Trade Center: Located at 1300 Pennsylvania Avenue NW, three/four blocks west of the JEH building and across from Federal Triangle. The building opened in 1998, and contains 1.4 million SF of Federal office space, a conference center, and parking.

1000 F Street NW development will house an 11-story office and retail building located near Metro Center. Construction began in 2013 and will consist of 92,160 rental SF (7,000 SF of retail; 85,160 SF feet of office space). Two levels of below grade parking with 45 spaces will be built.

National Museum of African American History and Culture is located on Constitution Ave NW, between the National Museum of American History and 15th Street, beside the Washington Monument. The 350,000-SF building opened in 2016. The building is limited to 5-acre site with 3 stories below ground and 5 stories above ground.

Old Post Office Building Rehabilitation (Trump International Hotel) opened in 2016. The Old Post Office Building, located at 1100 Pennsylvania Avenue NW, was rehabilitated to include 270 guest rooms, as well as a 5,000-SF spa and state-of-the-art fitness center. It also offers 36,000 SF of meeting and event space, including a 13,000-SF grand ballroom.

8.4.1.2 Current Ongoing and Reasonably Foreseeable Projects

In order for a future project to be included in the cumulative impact analysis, it must have received development approval from the District of Columbia, or other permitting authority, have committed funds, or have some other reasonable assurance the project will occur. This analysis refers to these projects as reasonably foreseeable projects. Current ongoing projects contributing to the cumulative impacts for the JEH parcel exchange include:

CenterCity DC, Phase I and II, is a mixed-use, transit and pedestrian-oriented neighborhood with outdoor space. The development, which encompasses three pedestrian city blocks on a 10-acre parcel contains 458 apartments, 216 condominium units, 462,085 SF of general office development, 252,023 SF of retail development, and an underground garage with approximately 1,600 spaces.

This EIS considers reasonably foreseeable projects that include plans with have permits or other development approvals. Reasonably foreseeable projects contributing to the cumulative impacts for the JEH parcel exchange include:

Martin Luther King Jr. Memorial Library redevelopment located at 901 G Street NW will be a 5-story stand-alone building. The building will occupy nearly 400,000 SF.

1301 Penn Avenue NW will be called "One Freedom Plaza" and feature a 3,000-SF roof terrace with penthouse entertainment area and restrooms, a 3,600-SF private terrace dedicated to the 12th floor tenant, a fitness center, a two-story lobby, and 175 underground parking spaces (Washington Business Journal 2015).

The Herbert Hoover building is a National Historic Landmark, located at 1401 Constitution Avenue, NW, Washington, DC that provides approximately 1 million usable square feet of space for the Department of Commerce. The building is being modernized in eight phases, with the first dedicated to the design of the entire modernization and the construction being addressed in equal segments throughout the remaining seven phases (GSA 2014f).

Pershing Park opened in 1981 just a block from the White House. The park honors U.S. Army General John Joseph "Black Jack" Pershing, who led U.S. forces to victory during the Great War. Pershing Park is where the U.S. World War I Centennial Commission intends to erect its new monument. Construction of the $30 million memorial is slated to begin in November 2017. The commission hopes to complete work on the memorial the following year, to coincide with the 100th anniversary of the end of World War I (PBS 2016, CityLab 2015).

Figure 8-4 shows a map of all past or currently ongoing and reasonably foreseeable projects in the vicinity of the JEH parcel. Table 8-4 summarizes the direct and indirect impacts of the redevelopment of the JEH parcel, as well as the cumulative impacts and the incremental contribution of RFDS 1 and RFDS 2 to the cumulative impacts for each resource topic. A more detailed discussion and analysis follows the table.

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Table 8-4: JEH Summary of Impacts

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Earth Resources			
Geology and Topography	No measurable impacts.	**RFDS 1**: no measurable impacts; no changes to the topography or geologic substrate would occur from redevelopment. **RFDS 2:** no measurable impacts. **RFDS 2**: no measurable impacts.	Cumulative impacts would be beneficial and adverse. The redevelopment of the JEH parcel would contribute a minimal increment to the overall cumulative impacts to soil resources. No cumulative impacts to geology or topography.
Soils	No measurable impacts	**RFDS 1:** no measurable impacts to soils. No soils would be disturbed during the interior renovation of the JEH building. **RFDS 2:** short-term adverse impacts to soils associated with construction activities. Existing soils would be affected by the demolition and subsequent clearing of the parcel, as well as construction activities associated with the redevelopment.	
Water Resources			
Surface Water	No measurable impacts.	**RFDS 2:** short-term adverse impacts to surface water from potential sedimentation and pollutant loading.	Cumulative impacts would be beneficial and adverse. The Springfield Alternative would contribute a minimal increment to cumulative impacts to water resources. There would be no direct or indirect impacts to either wetlands or floodplains under the Springfield Alternative, so there would not be cumulative impacts to wetlands or floodplains.
Hydrology	No measurable impacts.	**RFDS 2**: short-term, adverse impacts to hydrology as a result of temporary alterations in stormwater drainage, and the increased risk of reduced water quality from construction activities.	
Groundwater	No measurable impacts.	**RFDS 1**: no measurable impacts because no ground-disturbing activities would occur. **RFDS 2**: potential short-term, minor adverse impacts to local groundwater resources through drawdown or diversion of flow and dewatering during redevelopment construction; these impacts would not be measurable.	
Wetlands	No measurable impacts.	No measurable impacts.	
Floodplains	No measurable impacts.	No measurable impacts.	
Biological Resources			
Vegetation	No measurable impacts.	**RFDS 1:** no measurable impacts. **RFDS 2:** short-term, adverse impacts associated with the removal of one or more rows of the willow oak street trees during redevelopment of the parcel. There is the potential for indirect, long-term, beneficial impacts to vegetation as a result of landscaping and low-impact development techniques that could reduce the overall amount of impervious surface and increase the amount of vegetation within the parcel.	Cumulative impacts would be beneficial. The redevelopment of the JEH parcel would contribute a minimal increment to the cumulative impacts to biological resources.
Aquatic Species	No measurable impacts.	No measurable impacts.	
Terrestrial Species	No measurable impacts.	**RFDS 1**: no measurable impacts. **RFDS 2:** short-term, adverse impacts from construction noise and disturbance.	
Special Status Species	No measurable impacts.	No measurable impacts.	

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Table 8-4: JEH Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Land Use			
Land Use and Zoning	No measurable impacts.	**RFDS 1:** long-term, adverse impacts to land use because the property would not be developed to maximize its full development potential under the D-7 zoning designation and, because the continued existence of the JEH building in its current configuration would contradict with some planning principles for this portion of Pennsylvania Avenue and with other city plans. **RFDS 2:** long-term beneficial impacts to land use, because the parcel would be redeveloped according to applicable land use controls, and the mixed uses and configuration of the buildings and open spaces would be consistent with local plans and land use studies.	Cumulative impacts would be long-term and beneficial. The redevelopment of the JEH parcel would contribute a minimal to moderate increment to the cumulative impacts to land use.
Visual Resources			
Visual Resources	No measurable impacts.	**RFDS 1**: no measurable impacts. **RFDS 2**: long-term, beneficial impacts to visual resources due to the overall improvements in the visual quality of the redevelopment.	Cumulative impacts would be beneficial. The redevelopment of the JEH parcel would contribute a minimal to moderate increment to the cumulative impacts to visual resources.
Cultural Resources			
Archaeological	No measurable impacts.	No measurable impacts.	Cumulative impacts would be a combination of beneficial and adverse. The redevelopment of the JEH parcel would contribute minimal to moderate increment of adverse and beneficial impacts to the combination of beneficial and adverse cumulative impacts to cultural resources.
Historic	No measurable impacts.	**RFDS 1**: no measurable impacts to historic properties are anticipated due to minimal exterior alterations to the JEH building and its site. **RFDS 2**: potential for adverse effects from construction of a new building to historic properties in the APE. RFDS 2 is not expected to diminish the integrity of adjacent historic properties to the extent that they are no longer eligible for listing in the NRHP.	

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Table 8-4: JEH Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Socioeconomics and Environmental Justice			
Population and Housing	No direct impacts.	**RFDS 1:** no measurable impact to population or housing in Washington, D.C., or the Washington, D.C. MSA. **RFDS 2**: long-term impacts to population because population would increase in Washington, D.C., and the Washington, D.C. MSA. **RFDS 2:** short-term, beneficial impacts to homebuyers because housing prices would be reduced. **RFDS 2:** short-term, adverse impacts to home sellers because their home prices, independent of other factors affecting home prices, would be reduced.	Overall cumulative impacts would be short-term and beneficial to the economy, employment, and income. The redevelopment of the JEH parcel would contribute a moderate increment to the cumulative impacts to the economy, employment, and income. Because no long-term environmental justice impacts are anticipated for the redevelopment of the JEH parcel, no environmental justice cumulative impacts or cumulative impacts to children are anticipated.
Employment and Income	No direct impacts.	**RFDS 1**: long-term, beneficial impacts to income, sales, and employment in Washington, D.C., and the Washington, D.C. MSA as a result of construction-related spending on rent, food, and other services. **RFDS 2:** there would be short- and long-term beneficial impacts to income, sales, and employment in Washington, D.C., and the Washington, D.C. MSA as a result of construction, operations and retail-related spending on rent, food, and other services. **RFDS 2**: the impacts to local construction employment would depend on the total cost and anticipated construction employment, which are unknown at this time. **RFDS 1 & RFDS 2:** short-term, beneficial impacts to sales and income tax revenues. **RFDS 1 & RFDS 2:** short-term, adverse impacts to businesses near the JEH parcel as a result of a gap in full-time employment at the JEH building during the renovation or construction period and interruptions to foot traffic caused by the renovation or construction. This could result in lost sales and income to these businesses.	
Taxes	No direct impacts.	**RFDS 1 & RFDS 2:** long-term, beneficial impacts to tax revenues.	
Schools and Community Services	No direct impacts.	**RFDS 1 & RFDS 2**: short-term adverse and beneficial impacts from decreased use of local parks, recreation centers, gyms, and other community facilities during the redevelopment or construction of the JEH parcel. **RFDS 2**: long-term, adverse and beneficial impacts from the potential increased use of nearby community facilities. There is incomplete information available at this time to determine the impacts that would occur to recreation and other community facilities.	
Recreation and Other Community Facilities	No direct impacts.	Long-term, adverse and beneficial impacts to recreation resources and other community facilities could occur due to increased visitation at these sites and as a result of FBI HQ employees spending their income at these resources, respectively.	
Environmental Justice	No direct impacts.	**RFDS 2**: there could be some short-term, adverse impacts to sensitive communities living near the JEH parcel as a result of increased noise levels during the demolition and construction period. Construction crews would follow local noise ordinances, which would mitigate adverse impacts to sensitive populations. **RFDS 1 & RFDS 2**: because there would be no adverse unmitigated impacts to transportation or transit services, air-quality, or noise, during the short- or long-term, there would be no measurable impacts to sensitive populations, therefore no environmental justice impacts.	
Protection of Children	No direct impacts.	**RFDS 1 & RFDS 2:** short-term adverse impacts to nearby childcare centers from noise, traffic, and releases of odors or dust during the construction period. These impacts would not have a disproportionately high and adverse impact to children and, therefore, no mitigation of disproportionate and adverse impacts to children is required under EO 13045.	

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Table 8-4: JEH Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Public Health and Safety/Hazardous Materials			
Public Health and Safety	No measurable impacts	**RFDS 1 & RFDS 2:** long-term, beneficial impacts to emergency services and life safety as a result of the lowered risk of intentional destructive acts, removal of the firing range, and improvements to the JEH building's structure and systems. **RFDS 2:** because the future redevelopment of the parcel would include a residential component, the presence of a full-time residential population at the parcel may increase demand for emergency services. It is not anticipated that the addition of residential units at the parcel would increase demand beyond the capacity of these services.	Cumulative impacts would be short-term and adverse. The redevelopment of the JEH parcel would not contribute any increment of adverse impacts to public health and safety.
Hazardous Materials	No measurable impacts.	**RFDS 1 and RFDS 2:** short-term, adverse impacts to public health and safety would be associated with the construction required to redevelopment the parcel. Under RFDS 2, during demolition, implementation of OSHA standards, DDOT traffic control plans, and other local permitting and inspection requirements minimize the impacts to public health and safety. **RFDS 1 & RFDS 2**: short-term, adverse impacts to health and safety to workers as a result of hazardous materials being disturbed and disposed of during construction or demolition are expected. Proper implementation of a comprehensive abatement strategy would minimize potential health and safety impacts. **RFDS 2:** long-term, beneficial impacts are expected from the abatement of hazardous materials that would occur during renovation.	
Transportation			
Pedestrian Network	No measurable impacts.	**RFDS 1:** no measurable impacts to pedestrian network **RFDS 2:** long-term, beneficial impacts to pedestrians due to the creation of new pedestrian circulation options through the parcel and better connections to the existing street grid.	Cumulative impacts would be adverse. The JEH exchange would contribute a minimal increment to the adverse cumulative impacts to transportation.
Bicycle Network	No measurable impacts.	**RFDS 1**: no measurable impacts to bicycle facilities/network **RFDS 2**: long-term, beneficial impacts due to the reopening of the D Street NW ROW and other possible ROW openings.	
Public Transit	No measurable impacts.	**RFDS 1 & RFDS 2**: no measurable impacts to public transit. Long-term, major adverse impacts under the No-action Alternative would continue.	
Parking	No measurable impacts.	**RFDS 1 & RFDS 2:** indirect, short-term, adverse impacts during construction due to some existing parking spaces that would be unavailable due to construction staging or the presence of construction equipment. **RFDS 1:** no measurable long-term impacts to parking **RFDS 2:** long-term, beneficial impacts to parking due to the slight increase in public on-street parking.	
Truck Access	No measurable impacts.	**RFDS 1 & RFDS 2:** indirect, short-term, adverse impacts during construction due to potential inadequacy of truck access to the parcel. Incomplete information/no measurable long-term impacts to truck access.	
Traffic	No measurable impacts.	**RFDS 1 &RFDS 2: i**ndirect, long-term, adverse impacts to traffic due to isolated intersection impacts during the AM and PM peak hour. Additionally, there could be indirect, short-term, adverse impacts to traffic during construction because of large amounts of construction truck traffic and the staging of construction equipment or materials in the roadway at certain times of the day.	

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Table 8-4: JEH Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Greenhouse Gas Emissions and Air Quality			
Global Climate Change and GHG Emissions	No measurable impacts.	**RFDS 1 & RFDS 2:** there is incomplete data to assess the level of impact to GHG emissions given the uncertainties with regards to GHG emissions from both mobile and stationary sources.	Cumulative impacts to air quality would be adverse. The redevelopment of the JEH parcel would contribute a minimal increment to the overall adverse cumulative impacts to air quality.
Air Quality	No measurable impacts.	**RFDS 1:** long-term and adverse impacts to air quality from mobile sources **RFDS 1 & RFDS 2**: indirect, long-term, adverse impacts from on-site emissions of criteria pollutants from natural gas boilers that would be required to provide heat/hot water in the absence of steam. Off-site emissions from the Central Steam Plant could decrease. **RFDS 2**, long-term, adverse impacts to air quality from mobile source emissions. **RFDS 2**: indirect, short-term, adverse impacts during the reconstruction period from construction activities including fugitive dust.	
Noise			
Noise	No measurable impacts	**RFDS 1:** long-term, adverse impacts to noise as a result of the increased traffic levels and delays during peak periods; these impacts would not be measurable. **RFDS 2**: there could be short-term, adverse impacts associated with construction activities. **RFDS 2:** there could be long-term, adverse impacts from the increased noise levels caused by new residential and commercial uses and increased traffic levels. These impacts would be consistent with existing noise uses, compatible with existing District of Columbia noise regulations, and would not change the overall ambient noise levels of the area.	Cumulative impacts to noise would be short- and long-term adverse. The redevelopment of the JEH parcel would contribute a minimal increment to the overall cumulative impacts to noise.

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Table 8-4: JEH Summary of Impacts (continued)

Resource Area	Potential Direct Impacts	Potential Indirect Impacts	Contributing Cumulative Increment
Infrastructure and Utilities			
Water Supply	No measurable impacts.	No measurable impacts.	Cumulative impacts to utilities would be adverse. The redevelopment of the JEH parcel would contribute a minimal increment to the overall cumulative impacts to infrastructure and utilities.
Wastewater Collection	No measurable impacts.	No measurable impacts.	
Electric Power	No measurable impacts.	**RFDS 1:** no measurable impacts to electric power. **RFDS 2**: the electrical demand of the parcel could increase with the addition of residential and retail uses. This demand may be offset by the removal of high-energy intensity information technology equipment associated with current FBI HQ operations and the incorporation of energy conservation and efficiency measures into the building design. **RFDS 2**: there could be long-term, adverse impacts to electric power if the demand from future residences, offices, and retail establishments increases beyond the existing energy requirements of FBI HQ operations.	
Natural Gas	No measurable impacts.	**RFDS 1:** no measurable impacts to natural gas as demand is not expected to exceed existing capacity. **RFDS 2:** short-term, adverse impacts could occur due to potential deficiencies in service and disruptions to service while improvements are being performed to improve connections or capacity from increased demand. Over the long term, there would be no measurable impacts to natural gas service.	
Telecommunications	No measurable impacts.	No measurable impacts.	
Stormwater Management	No measurable impacts.	**RFDS 1**: no measurable impacts to stormwater management. **RFDS 2:** long-term, beneficial impacts to stormwater because of an anticipated decrease in stormwater at the parcel.	

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8.4.2 Cumulative Impacts Analysis

8.4.2.1 Earth Resources

Impacts to geology, topography, and soils tend to be generally localized, short-term, and associated with the construction phase at the site and for the transportation mitigations, so the spatial boundaries would be limited to the JEH parcel and the projects in the immediate vicinity of the project, including the 1000 F Street project, the Spy Museum, and the Old Post Office Building rehabilitation. The temporal boundaries discussed for cumulative impacts in Section 8.4.1 remain valid.

RFDS 1

Under RFDS 1, there would be no measurable impacts to earth resources, so there would be no cumulative impacts.

RFDS 2

Impacts to earth resources from the past, present, and reasonably foreseeable projects would generally not be measurable, because they entail redevelopment of existing structures and involve little additional below-ground work and limited soil disturbance. The 1000 F Street project involved new construction, including below-grade parking, so earth resources have been affected by excavation, drilling, and possibly dewatering. Given the location, however, it is likely that there has already been extensive disturbance of the geological features and soils on the site and these new impacts would likely not be measurable.

Impacts to geological resources or topography under RFDS 2 of the JEH exchange would not be measurable, so there would not be cumulative impacts to geology or topography. There is the potential for long-term, beneficial impacts to soils from landscaping and low-impact development techniques that could reduce the overall amount of impervious surface and erosion potential at the parcel. The range of beneficial impacts would vary greatly depending on the amount of landscaping and the extent of damage to the soils from previous disturbances and alterations, including construction impacts, all of which are not known based on available information. When considered together with other past, present, and reasonably foreseeable projects, the redevelopment of the JEH parcel would contribute a minimal increment to the overall mostly adverse cumulative impacts to soil resources.

8.4.2.2 Water Resources

Because of the location of the JEH parcel near the Potomac River, the spatial and temporal boundaries described in Section 8.4.1 apply for water resources.

RFDS 1

Under RFDS 1, there would be no impacts to water resources, so there would be no cumulative impacts to water resources.

RFDS 2

All past, present, and reasonably foreseeable future actions, except the construction of the Smithsonian National Museum of African American History and Culture, entail redevelopment of previously developed land. The past actions for the Newseum, the Ronald Reagan building, the International Trade Center, the Old Post Office Building rehabilitation (Trump International Hotel), and National Museum of African American History and Culture were constructed within already disturbed 100-year floodplain. All ongoing projects have the potential to result in temporary modifications to existing water resources due to construction activities. All present and future projects would alter stormwater hydrology and increase the potential for temporary sediment or pollutant loading related to construction activities. Floodplain impacts would be avoided and minimized through a flood zone building permit, compliance with applicable construction codes and flood hazard rules, and implementation of floodplain controls. With new policies in place to enhance stormwater management in the District, it is expected that current and reasonably foreseeable projects would improve stormwater management. Cumulatively, beneficial impacts may occur to stormwater management within the study area.

8.4.2.3 Biological Resources

Because impacts to vegetation and terrestrial, special status, and aquatic species are not site-specific and can be widespread, the spatial and temporal boundaries described in Section 8.4.1 apply.

RFDS 1

Under RFDS 1, there would be no measurable impacts to vegetation, aquatic species, terrestrial species, or special status species, so there would be no cumulative impacts to biological resources.

RFDS 2

Past, present, and reasonably foreseeable projects would have long-term benefits to vegetation and terrestrial species, placing new street trees and increasing vegetation on development sites. However, The National Museum of African American History and Culture replaced a large area of vegetation on the Mall with a building, resulting in a long-term, direct, adverse impact to vegetation and terrestrial species.

Under RFDS 2, the only impacts to biological resources would be to vegetation and terrestrial species. There would be indirect, short-term adverse impacts to vegetation and terrestrial species during redevelopment of the parcel, and potential long-term beneficial indirect impacts from vegetation as a result of landscaping and low-impact development techniques that could reduce the overall amount of impervious surface and increase the amount of vegetation on the parcel.

When considered together with other past, present, and reasonably foreseeable projects, the redevelopment of the JEH parcel would contribute a minimal increment to overall cumulative impacts to biological resources. This would include a contribution to both short-term, adverse cumulative impacts and long-term, beneficial cumulative impacts.

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8.4.2.4 Land Use

Land use impacts are community focused, so the spatial and temporal boundaries described in Section 8.4.1 apply to this analysis.

RFDS 1

Past, present, and reasonably foreseeable projects are compatible with the Pennsylvania Avenue Plan and other District of Columbia land use planning and development policies. Under RFDS 1, there would be there would be indirect, long-term, adverse impacts to land use, as the continued existence of the JEH building in its current configuration would continue to disagree with some planning principals for this portion of Pennsylvania Avenue, namely the stimulation of street life, diversity of uses, and the lack of pedestrian access through the parcel, especially with regards to the closed D-Street ROW, which is part of the original L'Enfant Plan.

When considered together with past, present, and reasonably foreseeable projects, the redevelopment of the JEH parcel would contribute a minimal increment of adverse impacts to the overall long-term beneficial cumulative impacts to land use.

RFDS 2

The projects considered for the cumulative impacts analysis all entail redevelopment of parcels in the vicinity of JEH. These projects, in conjunction with redevelopment under RFDS 2, would contribute to and facilitate economic and social growth in the area surrounding the parcel and contribute to a pedestrian-friendly and activated streetscape. It is assumed that the surrounding developments, as well as the redevelopment of the JEH building, would occur either in accordance with applicable local land use controls or through consultation with regulatory agencies to help ensure future development would adhere to or be compatible with Federal and District of Columbia land use planning and development policies.

Under RFDS 2, there would be indirect, long-term, beneficial impacts to land use and zoning, as the redevelopment of the JEH parcel would be more better align with current zoning and local, state, and Federal land use plans for the area. The reintroduction of the D Street ROW would result in beneficial impacts because it relates to the Plan for the City Washington. An amendment to the 2016 Pennsylvania Avenue Plan Amendment and Square Guidelines for Squares 378 & 379, approved by NCPC in January 2017, would ensure that future development of the parcel is consistent with the land use, historic preservation, and design goals of the Avenue.

When considered together with other past, present, and reasonably foreseeable projects, RFDS 2 would contribute a moderate increment to long-term, beneficial cumulative impacts to land use.

8.4.2.5 Visual Resources

The general spatial and temporal boundaries for cumulative impacts described in Section 8.4.1 apply to visual resources.

RFDS 1

Although the interior of the JEH building would be renovated, there would be no exterior alterations that would substantially alter its external visual character. Consequently, there would be no measurable impacts to visual resources under RFDS 1, so there would be no measurable cumulative impacts.

RFDS 2

The projects considered for the cumulative impacts analysis as described in Section 8.4.1 entail redevelopment of existing parcels in the vicinity of the JEH parcel. In the long term, these projects, in conjunction with potential parcel redevelopment under RFDS 2, would contribute to and facilitate the unique cultural aesthetic of the area and be consistent with land use regulations such as the Pennsylvania Avenue Plan, the Height of Buildings Act, and downtown zoning regulations.

Under RFDS 2, there could be indirect, long-term, beneficial impacts to visual resources if redevelopment on the parcel is more consistent with the unique historical and cultural character of the area than the existing structure. Additionally, the reintroduction of the D Street ROW would conform to the L'Enfant Plan.

When considered together with other past, present, and reasonably foreseeable projects, RFDS 2 could contribute a minimal to moderate increment to long-term, beneficial cumulative impacts to visual resources.

8.4.2.6 Cultural Resources

The spatial boundaries for cumulative impacts are the direct and indirect APE for the JEH parcel, and the temporal boundaries are the same as described in the contributing projects section. Because no measurable impacts to archaeological resources are anticipated under RFDS 1 or RFDS 2, there would be no cumulative impacts to archaeological resources. The following sections describe cumulative impacts to aboveground historic resources.

RFDS 1

With respect to aboveground resources, the area has changed over time. The APE includes the Pennsylvania National Historic Site, an area with a multi-layered planning and cultural history. Pennsylvania Avenue was an important street in L'Enfant's 1791 Plan, which is designated as an historic property on the National Register of Historic Places (NRHP). Although not affected by any of the projects listed in the list of cumulative actions, the integrity of the street layout under L'Enfant's plan has degraded over time as roads have been closed or realigned. The 1901 McMillan Plan sought to reinforce the L'Enfant Plan and ensure the prominence of Pennsylvania Avenue.

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There have been impacts to aboveground historic resources from other past, present, and reasonably foreseeable projects, including the Spy Museum; the Harman Center for the Arts; the Newseum; and the Ronald Reagan Building and International Trade Center. These projects are located within several historic districts. However, these projects have been subject to review by local and Federal boards and commissions and are designed consistently with the Pennsylvania Avenue Plan and other historic preservation design guidelines.

Because exterior alterations to the JEH building under RFDS 1 would be minimal, and other exterior alterations would be minor, there would be impacts to historic resources, but they would not be measurable, although D Street, a L'Enfant Plan street, would not be reestablished. Further, Section III (Priority Redevelopment [Minor Modifications]) of the 1996 Memorandum of Agreement outlines the process by which GSA and NCPC would ensure that the adaptive reuse of the JEH parcel conforms to the Pennsylvania Avenue Plan and its General and Square Guidelines (including a Zoning Commission review), all of which consider historic preservation. Given the permitting and review processes that would be required under Federal and local law that consider, among other factors, historic preservation, the minimal exterior alterations to the JEH building and its site under RFDS 1 are expected to have no measurable impacts to historic properties.

Therefore, because there would be no measurable impacts to historic properties, there would be no cumulative impacts to historic properties.

RFDS 2

Under RFDS 2, there could be indirect, long-term, adverse impacts to historic properties because the existing character of the area would be altered. However, these potential impacts would be minimized or avoided by the enforcement of the PA for this project (Appendix G), which outlines the regulatory and review processes described in this section. In addition to and independent of the requirements of the PA, redevelopment of the JEH parcel would also be subject to review by the D.C. Historic Preservation Review Board, U.S. Commission of Fine Arts (CFA), and NCPC, as well as those processes stipulated in the 1996 PADC MOA that require additional review by GSA and NCPC for their conformity to the Pennsylvania Avenue Plan and its General and Square Guidelines. Redevelopment of the JEH parcel is subject to the Shipstead-Luce Act of 1930, which requires review of private construction projects in areas of "high federal interest" by the CFA, an independent Federal agency that advises the Federal and D.C. government on matters of design and aesthetics (CFA 2016). These regulatory and procedural guidelines would avoid and minimize any potentially adverse impacts to cultural resources. D Street would be restored, which would result in beneficial impacts. Other past, present, and reasonably foreseeable projects within the Pennsylvania Avenue Plan boundary would be subject to the same regulations, thereby continuing to avoid adverse impacts within the APE. GSA previously determined that the JEH building is not eligible for the NRHP.

When considered together with other past, present, and reasonably foreseeable projects, the redevelopment of the JEH parcel would contribute a minimal to moderate increment to the combination of beneficial and adverse cumulative impacts to cultural resources.

8.4.2.7 Socioeconomics and Environmental Justice

Because socioeconomic and environmental justice effects are considered at the community level, the spatial and temporal boundaries described in Section 8.4.1 apply.

RFDS 1

Past projects, including the Economic Revival in Penn Quarter and Chinatown and its recent development of a variety of residential, retail, restaurants, hotels, and cultural uses (the Newseum, the Ronald Reagan Building and International Trade Center), likely have had long-term, beneficial and adverse impacts to population, housing, income, employment, taxes, schools, community services and facilities, environmental justice, and children in Washington, D.C., and the Washington, D.C. MSA. Construction of these past projects had short-term impacts as a result of construction spending and long-term impacts as a result of employment and population changes that occurred post-construction. Because exact changes in total employment or population of these projects is not known, it is not possible to quantitatively assess the exact cumulative impacts to socioeconomic resources that these projects have had on Washington, D.C., and the Washington, D.C. MSA. However, because these projects occurred in the past, most of their impacts are already reflected in existing conditions. Furthermore, no measurable impacts to socioeconomic resources are expected under RFDS 1.

Thus, the impact of these past projects in combination with the impacts from RFDS 1 would result in both short and long-term, indirect, adverse and beneficial impacts. Some cumulative resource impacts, such as impacts to housing, are not known, because information is not known about this alternative's potential impacts to these resources.

The development of CenterCity DC Phase I, with the addition of 458 apartments and 216 condominium units, would impact population, housing, income, employment, taxes, schools, and community services and facilities in proximity to the JEH parcel as a result of an increase to the permanent population and hotel-guests around the parcel and their spending and visitation of resources in the area around the parcel. The impacts associated with the development of CenterCity DC Phase I, in combination with impacts from RFDS 1, would result in indirect, short-term, and beneficial impacts to employment, income, and

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sales in Washington, D.C., and the Washington, D.C. MSA; short-term and adverse impacts to populations living in proximity to the projects' sites as a result of construction noise and air quality impacts and impacts to schools and community and recreation facilities; and long-term and beneficial impacts to tax revenues. It is not possible to quantitatively assess cumulative impacts to recreation resources and community facilities because information is not known.

Indirect, short-term, and beneficial cumulative impacts would be expected from all current and reasonably foreseeable construction activities in Washington, D.C., and the Washington, D.C. MSA for the same reasons mentioned for past projects. Construction would provide direct employment opportunities for construction workers as well as indirect employment for support workers throughout Washington, D.C., and the Washington, D.C. MSA. RFDS 1, in combination with other current and reasonably foreseeable projects (i.e., CenterCity DC Phase I and II, the Trump International Hotel, 1000 F Street NW, Smithsonian National Museum of African American History and Culture, and the Martin Luther King Jr. Memorial Library) represent contributions to the overall short-term, beneficial, cumulative impacts to the economy, employment and income.

Indirect, long-term, and beneficial cumulative impacts would be expected as a result of sales tax revenue and individual income tax revenue from redevelopment projects that generate new business and bring new residents to Washington, D.C., or the Washington, D.C. MSA. Because the JEH parcel would be transferred from a federally owned parcel to a privately owned parcel, this could result in an increase in property tax revenues. Current and reasonably foreseeable actions would have an indirect, short-term, and beneficial cumulative contribution in the form of sales tax from construction expenditures and possible indirect, long-term, and beneficial cumulative impacts by stimulating business and residential growth. RFDS 1 would contribute a minimal to moderate increment to increasing property tax revenues and sales tax to the cumulative scenario.

Construction activities associated with RFDS 1 and other nearby actions could result in short-term, adverse impacts to children and low-income or minority residents as a result of construction and renovation traffic, increased noise or decreased air quality. Because these impacts would be mitigated or would not disproportionately affect these sensitive populations, no environmental justice cumulative impacts or cumulative impacts to children are anticipated.

RFDS 2

Under RFDS 2, cumulative impacts resulting from the construction of past projects are the same as those identified under RFDS 1. Thus, the impact of these projects in combination with the impacts from RFDS 2 would result in both short and long-term indirect impacts.

The development of CenterCity DC Phase I, with the addition of 458 apartments and 216 condominium units, would impact population, housing, income, employment, taxes, schools, and community services and facilities in proximity to the JEH parcel because it would increase the population and hotel-guests around the parcel and their spending and visitation of resources in the area around the parcel also would increase. The impact of CenterCity DC Phase I, in combination with impacts from RFDS 2, would result in indirect, short-term, and beneficial impacts to employment, income, and sales in Washington, D.C., and the Washington, D.C. MSA; short-term and adverse impacts to populations living in proximity to the JEH parcel as a result of construction noise and air quality impacts and impacts to schools and community and recreation facilities; and long-term and beneficial impacts to tax revenues.

It is not possible to quantitatively assess cumulative impacts to recreation resources and community facilities, because information is not known.

In combination with the impacts from RFDS 2, there could be impacts to the homeownership and rental market as a result of increasing the supply of apartment and condominium units on the market. However, it is not possible to quantitatively assess cumulative impacts to the homeownership and rental markets, because information is not known.

Indirect and short-term impacts occurring as a result of all current and reasonably foreseeable construction activities would be the same under RFDS 2 as they would be under RFDS 1, resulting in short-term, beneficial and cumulative impacts to the economy, employment, and income.

Indirect, long-term, and beneficial cumulative impacts would be expected as a result of sales tax revenue and individual income tax revenue from redevelopment projects that generate new businesses and bring new residents to Washington, D.C., or the Washington, D.C. MSA. Because the JEH parcel would be transferred from a federally owned parcel to a privately owned parcel, this could result in an increase in property tax revenues. The cumulative impacts to sales and income tax revenues for Washington, D.C., as a result of spending on the demolition and construction of the JEH parcel would be similar to but greater than the cumulative impacts for RFDS 1 because spending on demolition and construction is anticipated to be greater than spending on renovation, resulting in comparably greater indirect, short-term, and beneficial impacts to tax revenues.

Cumulative impacts, as a result of all current and reasonably foreseeable construction activities (e.g., construction and renovation traffic, increased noise or decreased air quality) on children and low-income or minority residents would be the same under RFDS 2 as they would be under RFDS 1. Therefore, as any of these adverse impacts would be mitigated or these impacts would not disproportionately affect these sensitive populations, no environmental justice cumulative impacts or cumulative impacts to children are anticipated.

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8.4.2.8 Public Health and Safety

RFDS 1 and 2

Past, present, and reasonably foreseeable future actions that could impact public health and safety in the vicinity surrounding the JEH parcel include the development of the Trump International Hotel in 2016, the Smithsonian National Museum of African American History and Culture, CityCenter DC, parcels north of CityCenter at New York Avenue NW between 9th Street and 10th Street NW, a construction project at 1000 F Street NW, and the redevelopment of the Martin Luther King Jr. Memorial Library. All projects include redevelopment of previously developed land.

During construction of these projects, contractors would be required to ensure that workers receive proper safety training for operation of mechanical equipment and utilize proper safety clothing, equipment, and procedures at all times. These measures would be expected to minimize the risk of injury and the related need for emergency response; therefore, no short-term impacts to life safety would be expected. Construction-phase spill prevention and response procedures would be implemented to prevent spills of hazardous materials such as vehicle and equipment fuels and maintenance fluids, and to ensure rapid response in the event of accidental spills. Likewise, any lead, asbestos, or other hazardous materials that may be present at the site of any of these surrounding development projects would require abatement and disposal by properly licensed and trained personnel, thereby minimizing any potential short-term adverse impacts from release of these materials during demolition and construction activities. Negligible to no short-term, adverse impacts related to hazardous materials would result. In the long-term, water quality and stormwater standards, and other appropriate measures would be required to prevent runoff of pollution from the sites of these project sites. Because all of the projects previously described involve redevelopment of already developed land, they are not expected to place sufficient additional demand on fire and emergency response services to create adverse impacts. Therefore, no long-term cumulative impacts related to life safety or hazardous materials would occur as a result of either RFDS 1 or 2.

8.4.2.9 Transportation

The spatial boundaries for the cumulative transportation impact analysis correspond to the transportation study area for the redevelopment of the JEH parcel, while the temporal boundaries include the No-build and Build Conditions, as discussed in Section 4.2.9. As presented in chapter 4, the No-action vehicular analysis considered the projected growth in the region based on the future planned developments and background growth as agreed in the DDOT Scoping Form (Appendix A). The transit analysis considered the projected growth in the region based on MWCOG's travel demand model. These sources provide an estimate of future vehicle and transit trips through 2025, and include some of the present and reasonably foreseeable projects noted in Section 8.4.1.2, as well as other reasonably foreseeable projects listed in Section 4.2.9.1. These developments would generally add person trips to the No-action Condition resulting in more vehicle, transit, bicycle, and pedestrian trips in the area. Additional reasonably foreseeable projects that were not included in the analysis based on the DDOT scoping process described in Section 4.9.2.1 and included in Appendix A of the EIS. These include 1000 F Street NW, the Smithsonian National Museum of African American History and Culture, Martin Luther King, Jr., Memorial Library redevelopment, and Phase II CityCenter DC.

The No-build Condition was developed by adding these trips from projected growth and reasonably foreseeable projects onto existing traffic and transit conditions, thereby also including the trips and impacts of past projects. Impacts for the 2025 action alternatives (RFDS 1 and 2) were assessed with the projected growth from the No-action Condition, plus the addition of new trips generated by RFDS 1 and 2.

The cumulative impacts for the redevelopment of the JEH parcel were studied as part of the transportation analysis, which relied on local and regional growth. It assumed that the additional trips produced by the reasonably foreseeable projects would add to the transit and traffic networks, although mostly to the transit network based on the urban location and assumed modal split for each RFDS. There would be impacts from the redevelopment of the JEH parcel as follows: indirect, long-term, major transit capacity impacts remaining from the No-action Condition; indirect, long-term, adverse traffic impacts; and no measurable indirect pedestrian, bicycle, transit bus operations, parking, and truck impacts (pedestrian and parking impacts would be beneficial under RFDS 2). The recommended mitigation described in Section 4.2.9 would minimize the adverse traffic and transit impacts such that there would be an improvement over the No-build Condition and, resulting in no measurable impacts.

When considered together with other past, present, and reasonably foreseeable projects, the redevelopment of the JEH parcel would contribute a minimal increment to the adverse cumulative transportation impacts.

8.4.2.10 Greenhouse Gas Emissions and Air Quality

The general spatial and temporal boundaries for cumulative impacts described in Section 8.4.1 apply to GHG emissions and air quality, although impacts from stationary and mobile sources are more localized.

RFDS 1

Under RFDS 1, the potential for cumulative air quality impacts is very low during construction because of there would be limited heavy equipment use and no ground disturbance with a rehabilitation of the existing JEH building. Long-term operations could contribute to adverse mobile-source related cumulative impacts in combination with other developments that increase traffic. However, the NAAQS would not be exceeded for either stationary or mobile source emissions.

RFDS 2

Cumulative impacts to air quality would occur if other major developments in the area (such as the CenterCity project) are also under construction at the same time as the redevelopment of the JEH parcel. The potential for cumulative impacts is reduced by the lack of major development projects directly adjacent to the JEH parcel, reducing the extent of potential "overlaps" in air quality impacts between projects. It is anticipated that both the redevelopment of the JEH parcel and other projects in the area would incorporate construction air quality BMPs (i.e., as limitations on idling and dust control measures).

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Under RFDS 2, there would be indirect, long-term, adverse impacts to air quality from mobile source emissions. Indirect, short-term, adverse impacts would occur during the reconstruction period from construction activities including fugitive dust. There is insufficient data to assess the level of impact to climate change and GHG emissions from stationary sources; however, it is assumed that offsite localized air quality impacts from stationary sources could be avoided through the appropriate design of the new boiler system and associated exhaust stack(s).

When considered together with other past, present, and reasonably foreseeable projects, RFDS 2 would contribute a moderate increment to the overall adverse cumulative impacts.

8.4.2.11 Noise

Impacts to noise are predominantly localized, but because noise carries over distances, the spatial and temporal boundaries described in Section 8.4.1 apply. All past, present, and reasonably foreseeable projects identified above would contribute to the acoustic environment in the proximity of the JEH parcel.

RFDS 1

Under RFDS 1, there would be no measurable impacts to noise, so there would not be any cumulative impacts.

RFDS 2

Current and planned projects have the potential to adversely impact the acoustic environment in the vicinity of the JEH parcel in the short term. Indirect, long-term noise impacts are likely as a result of each of the projects through the introduction of new mixed-use, residential, commercial or retail development and their associated pedestrian and vehicle traffic. These impacts would likely be minor and would be consistent with the existing acoustic environment and compatible with existing District of Columbia noise regulations.

When considered together with other past, present, and reasonably foreseeable projects, RFDS 2 could contribute a minimal increment of both short- and long-term impacts to the overall adverse cumulative impacts to noise.

8.5 Climate Change and Sustainability

The consolidation of FBI HQ provides an opportunity for both sustainable and resilient campus development that would minimize environmental impacts and consumption of resources over the life-cycle of the building and development of facilities that would be resilient to incremental climate change impacts and extreme weather and flooding events from a changing climate. Given the complexity and initial capital outlay required to develop a consolidated FBI HQ, the life-cycle of the HQ building would be designed to last beyond 50 years. The design, construction, and operation of the consolidated HQ would be required to achieve, at a minimum, LEED Gold rating in the New Construction (LEED-NC) version 4 (v4) rating system, and incorporate principles of passive design, onsite management of stormwater, resource efficiency, human health and well-being, and life-cycle costing. The consolidated FBI HQ would also comply with the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 90.1–2013, Energy Standard for Buildings except Low-Rise Residential Buildings, with a maximum energy use intensity target for the campus of 130 kilo British thermal units (kBtu)/GSF/ year. The consolidated FBI HQ would also be “net zero energy-ready,” incorporating distributed generation, scalable renewable energy sources, and a microgrid into design. Depending on life-cycle cost effectiveness, and to enhance resilience and sustainability goals, the consolidated FBI HQ may also achieve the following sustainability targets:

- up to a 30 percent reduction in energy use below the ASHRAE 90.1–2013 standard;
- a minimum of 20 percent of the total amount of building electric and thermal energy as onsite renewable/alternative energy; and
- provision of up to 30 percent of domestic hot water demand with solar hot water.

It is expected that the project’s GHG emissions (and therefore its contribution to climate change) would be greatest during the build year of the project and should diminish over time. This trend would result from the improving energy efficiency of products and technology as well as changes in behavior such as commuting patterns.

Designing to manage the risks posed by long-term climate change is a core principle of this project. Extreme weather events and a changing climate present real costs to both operations and infrastructure; this would only become more pronounced through the life-cycle of the project. Therefore, climate change vulnerabilities must be addressed early and integrated through the project’s delivery, occupancy, operation and maintenance to ensure reliability and survivability of campus facilities and infrastructure. Incorporating climate resilience is paramount due to the mission critical functions located at the HQ which are sensitive to interruption, replacement and relocation, and would constitute a significant Federal investment.

For this project to be climate resistant over time, climate protection levels (CPL) must be developed by the exchange partner and incorporated into project design, construction, operations and maintenance. The goal of CPLs is to ensure that this critical asset remains viable and operational over time under projected climate conditions, which include long-term climatic changes (e.g., longer, hotter summers) and more extreme weather events (e.g. heat waves, hurricanes, floods). This would also mitigate the limitations of current codes used in the design, build, and compliance process of structures and sites which are based on past events, rather than a changing future climate.

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8.5.1 Key Strategies to Manage Climate Change Risks

The extent to which the consolidated FBI HQ would meet its sustainability goals would be determined during the design process. Several key strategies have been identified that may be incorporated into the final facility design in order to manage climate change risks.

1. Integration of architectural form and optimization of building enclosure (above and below grade and detailing) for long-term performance/durability and selected materials or systems
2. Optimization of building orientation, footprint, and envelope design to mitigate solar loads
3. Optimization of site for projected extreme precipitation loads for long-term performance/ durability and known regional/local planning development /land use changes which may contribute to site loads
4. Utilization of available onsite renewable energy resources
5. Site/facility design focused on flexibility and adaptability to allow modifications to enhance its ability resist or accommodate climate extremes in temperature or precipitation

Additional strategies to achieve the project's energy conservation goals include but are not limited to: geothermal heat pumps, solar photovoltaic, combined heat and power, fuel cells, LED lighting, daylighting and/or activity sensors to reduce occupant-related energy consumption, and high-efficiency HVAC systems such as a dedicated outside air system or a chilled beam system. The consolidated FBI HQ would also provide electric charging stations for a minimum of 50 percent of the fleet vehicles and connect the charging stations to the site's microgrid. The campus would also prioritize Energy Star®-qualified, Electronic Product Environmental Assessment Tool, or Federal Energy Management Program designated products for products in categories covered by any of these programs.

8.5.2 Regulatory Framework

Compliance with the following statutes and guidance would help ensure a sustainable and resilient consolidated FBI HQ campus. A complete list of applicable environmental and planning regulations is found in Section 1.2.2.

- EO 11988, *Floodplain Management*: Requires Federal agencies to avoid both the long- and short-term adverse impacts associated with occupancy within and modification of floodplains, and to avoid direct and indirect support of floodplain development when there is a practicable alternative.
- EO 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*: Requires future Federal investments within and affecting floodplains to meet the level of resilience defined within the EO, to improve the nation's resilience to flooding and better prepare the nation for the impacts of climate change.
- EO 13693, *Planning for Federal Sustainability in the Next Decade*: Requires Federal agencies to maintain leadership in sustainability and GHG emission reductions by reducing, where cost effective over the life-cycle of the facility, building energy use and intensity, water use efficiency and management (including stormwater management), and reducing mobile source GHG emissions from agency fleet vehicles.
- Energy Policy Act of 2005: Provides both requirements and incentives for entities to increase energy efficiency and use renewable and alternative energy sources.
- Energy Independence and Security Act of 2007: Designed to increase U.S. energy security by increasing the production and consumption of renewable and alternative fuel sources and reducing dependence on energy sources originating outside the United States. Additionally, Section 438 requires Federal agencies to reduce stormwater runoff from Federal development projects by implementing green infrastructure or low impact development practices.
- The Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings (Guiding Principles): GSA is a signatory on this memorandum of understanding and is therefore committed to take the lead in the design, construction, and operation of high performance and sustainable buildings that reduce costs over the life-cycle of a facility; improve energy efficiency and water conservation; provide safe, healthy, and productive built environments; and promote sustainable environmental stewardship.
- CEQ Final Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews: In August 2016, CEQ issued this guidance that recommends NEPA documents consider both the impact of the changing climate on the project (such as changes in environmental resource conditions, increased flooding risk, and more extreme temperatures, to the extent such information is available for the project area), and the impact of the project on direct and indirect GHG emissions, taking into account the available data and tools. The final guidance recommends considering mitigation measures to lower GHG emissions (such as commitments to increased energy efficiency).

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8.5.3 Climate Change and Environmental Effects

The following sections describe impacts associated with climate change for natural environmental resources, specifically, earth resources, water resources, and biological resources. These resources have been identified because there is an available body of scientific research to support the analysis.

Climate projections are based on assumptions concerning future emissions of GHGs as well as climate change policies. Therefore, there are limitations and uncertainties associated with these projections as well as the associated responses by ecosystems. Furthermore, knowledge of site-specific responses to climate change, including flooding, are limited due to the resources required to study and model various projections of climate change for the individual conditions present at each site. The text qualitatively discusses the impacts of climate change and potential changes in precipitation and inland flooding, including severity and frequency of storm events. The text is intended to support decision making concerning the FBI HQ consolidation and to make the proposed project more resilient against environmental impacts.

The JEH parcel and the Greenbelt and Landover Alternatives are within the Northeast Region of the 2014 National Climate Assessment, while the Springfield Alternative is within the Southeast Region. The Springfield Alternative is on the border of the Northeast and Southeast regions, and as such the climate of the site is assumed to be similar to that projected for the Northeast region, therefore the following sections are based on data for the Northeast Region only.

8.5.3.1 Earth Resources

Earth resource impacts from the Proposed Actions would not have a measurable impact to climate change; however, climate change would have an impact to earth resources within and in proximity to the sites evaluated in this EIS, and may further exacerbate adverse impacts identified in this EIS. This section includes a qualitative discussion of the impacts of climate change, and potential increases in soil erosion and soil composition at each site.

Climate change is expected to lead to a more vigorous hydrological cycle, including more total rainfall and more frequent high intensity rainfall events. Rainfall amounts and intensities increased on average in the United States during the 20th century, and according to climate change models, they are expected to continue to increase during the 21st century. These rainfall changes, along with expected changes in temperature, solar radiation, and atmospheric carbon dioxide (CO2) concentrations, would have substantial adverse impacts to soil erosion rates, and could alter the soil composition through the loss of organic matter. These impacts are particularly apparent in previously disturbed soils, where the structure has been previously altered, and in soils with a predisposition to higher erosion rates; however, climate change impacts could be apparent in all soil types (Nearing *et al*. 2015, Blume 2011). Soils at the JEH parcel and each of the site alternatives have been disturbed due to past development. Future changes in the climate could exacerbate soil erosion, particularly for those soil associations at the Greenbelt and Landover Alternatives which have moderate erosion potential.

8.5.3.2 Water Resources

Water resource impacts from the Proposed Actions would not have a measurable impact to climate change; however, climate change would have an impact to water resources within and in proximity to the sites evaluated in this EIS, and may further exacerbate adverse impacts identified in this EIS. This section includes a qualitative discussion of the impacts of climate change, and potential increases in precipitation, storm frequency and intensity, and flooding as well as changes to weather patterns and associated increases in intense precipitation events and inland flooding at each site. Adaptation to climate change in the form of mitigation measures and possible site design elements is highlighted.

The Northeast region has already experienced extreme storm and precipitation events such as Superstorm Sandy, Hurricane Irene, and the June 2012 derecho. Heavy storm events deliver large amounts of water within short periods of time, and give rise to the potential to overwhelm both natural and engineered water resources systems. Based on available climate change information, storm intensity and the frequency of heavy storm events are both expected to increase thereby impacting water resources (Georgakakos *et al*. 2014, Walsh *et al*. 2014).The percentage of total precipitation from heavy precipitation events is likewise expected to increase (Seneviratne *et al*. 2012). Although there is some uncertainty concerning specific regional annual total storm precipitation trends, there is a high degree of certainty that heavy precipitation events would increase in the future throughout the United States (Walsh *et al*. 2014), and there is evidence that the intensity of these precipitation events has been increasing.

The definition of extreme and heavy precipitation events can vary according to geographic location and study; however, both refer to changes in the intensity and frequency of precipitation events. Gradations of precipitation extremes can be defined by frequency (by percentile), return period, or an absolute value (Groisman *et al*. 2002, Karl *et al*. 2008, Karl *et al*. 2009). For example, extreme events could include rainfall equal to or above the 99th percentile of daily events (i.e., the heaviest 1 percent of events) and heavy events could include precipitation within the 95th percentile.

Extreme events are the occurrence of a weather or climate variable above or below a threshold value. The threshold values occur near the upper or lower bounds of the range of observed variable values (IPCC 2012, Seneviratne *et al*. 2012). The definition of extreme events is typically specific to a certain region and can vary among research studies.

Frequency refers to the number of times a precipitation event recurs within a given time interval (Seneviratne *et al*. 2012).

Intensity refers to the rate at which precipitation falls within a given time interval (NOAA 2013b).

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In the Northeast region, there was a 71 percent increase in the amount of precipitation falling during extreme precipitation events between 1958 and 2010. (Karl *et al*. 2009, Walsh *et al*. 2014). These recent increases in the intensity of precipitation events are expected to continue in the future. Assuming that the GHG emissions that drive these changes continue their upward trend, these heavy precipitation events would occur approximately three times as often during the 2081-2100 time period (Walsh *et al*. 2014). Generally, winter storm intensity and frequency have also increased in the mid-latitudes over the 1949 to 2010 time period (Walsh *et al*. 2014). Rainfall intensities have increased such that "the amount of rain that was expected to occur once in 100 years, could now occur on average once every 60 years" (NOAA 2013a). Depending on the climate projection within the Climate Resilience Evaluation and Awareness Tool (CREAT), the intensity of the 100-year storm over all site alternatives is projected to increase over the 2026-2045 time period by a low of 3.12 percent to a high of 10.71 percent and over the 2051-2070 time period by a low of 6.07 percent to a high of 20.84 percent (USEPA 2015j). Based on North American Regional Climate Change Assessment Program model simulations for the high emissions scenario, the annual mean of heavy precipitation events (i.e., greater than 1 inch, for this study) is projected to increase by approximately 15 to 18 percent for the 2041-2070 time frame compared to 1980-2000 period (NOAA 2013a).

The United State Environmental Protection Agency (USEPA) CREAT projects climate changes under three scenarios, Hot/Dry, Central, and Warm/Wet (USEPA 2015j). Projections are based on the Coupled Model Intercomparison Project Phase 5 (CMIP5) dataset which is produced from coupled atmosphere-ocean general circulation models studied, run, validated, compared, and analyzed by the international climate modeling community. The CREAT shows that annual precipitation would increase over the three modeled climate scenarios with the smallest increases occurring under the Hot/Dry scenario (i.e., hotter and drier conditions) and the largest increases occurring under the Warm/Wet scenario (i.e., less warming but increased precipitation) (USEPA 2015j). Throughout all site alternatives, precipitation increases ranged from 0.17 percent to 6.18 percent for the 2026-2045 time period and 0.34 percent to 12.06 percent for the 2051-2070 time period for all scenarios. Other projections show that annual mean precipitation would increase by 0.008 inches/day by 2050-2074 (USGS 2014).

According to the mean of 30 CMIP5 climate models provided by the U.S. Geological Survey (USGS) National Climate Change Viewer, the annual mean runoff for the Middle Potomac-Anacostia-Occoquan hydrologic unit (where all the site alternatives are located) would not change from the current runoff rate of that ranges from 1.0 inches/month to 1.1 inches/month over all the site alternatives (USGS 2014). Other individual models show a range from a decrease of 0.4 inches/month to an increase of 0.3 inches/month. Georgakakos *et al*. (2014) state that both streamflow and stormwater runoff increased in the Northeast region over the last half-century and are expected to increase in the future. Increases in the intensity and frequency of precipitation events and more frequent flooding in the future could result in increased stormwater runoff containing heightened levels of pollutants and sediments from soil erosion into local waterways (Georgakakos *et al*. 2014, NCPC 2014).

Overall, the magnitude of river floods has increased in the Northeast region according to the 2014 National Climate Assessment; however, specific localized trends vary depending on land use, soil moisture, river channel and flow, and flood control infrastructure (Georgakakos *et al*. 2014, Walsh *et al*. 2014). The trend toward increased riverine flooding generally reflects the observed increases in heavy precipitation events because these events generally result in more stormwater runoff and therefore potentially more flooding (Walsh *et al*. 2014). Localized flash flooding events are frequent in the region and are expected to increase as heavy precipitation events increase (Georgakakos *et al*. 2014, NOAA 2013a, Walsh *et al*. 2014). Typically in urban and suburban areas with more impervious area, surface stormwater runoff moves quickly into receiving waters, potentially leading to flooding (Georgakakos *et al*. 2014, NOAA 2013a). The increased volume of runoff in developed areas would be expected to result in an increase in riverine flooding and/or flash flooding.

The Federal Flood Risk Management Standard (FFRMS) requires that all future Federal investments in and affecting floodplains meet the level of resilience as established by the standard, which may include elevating the structure or, where appropriate, designing it to withstand or otherwise quickly recover from a future flood event. The FFRMS was applied to the Greenbelt Alternative to estimate future flood risks along Indian Creek and to ensure that the Greenbelt Alternative would consider the increased risk of flooding associated with climate change. Using a hydraulic model, 3 feet of elevation, as designated in the Freeboard approach for Critical Actions, was added to the FEMA revised preliminary floodplain base flood elevations to account for future flood risks. The additional vertical and horizontal spatial extent of floodplain is similar to the revised preliminary floodplain, and results in approximately 29.1 acres of floodplain within the site boundary. This total is an addition of 1.2 acres over the floodplain acreage of the revised preliminary FIRM, on which it is based. To the south and east of the site the FFRMS floodplain would be substantially expanded to encompass additional acres of open space surrounding a tributary of Indian Creek as well as two buildings in the Franklin Park Development.

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Mitigation

Adaptation to climate change for the consolidation of FBI HQ at the selected site would be in the form of mitigation measures and possible site design elements, particularly for the Greenbelt Alternative. The EISA, EOs 13693 and 11988, and the FFRMS address stormwater runoff control and retention; water use efficiency and management, including the reduction of water use and the capture and reuse of water; and the use of natural features and natural processes. These objectives should be the basis for mitigation and design to minimize the environmental impacts of more intense and frequent precipitation events and potential flooding in the future and to provide resilience. Mitigation measures for water resources include stormwater management BMPs, such as low-impact development. The use of conservation easements to preserve open space around the sites could provide protection from flooding and prevent flood hazards. Ultimately, successful mitigation would require a combination of BMP types, control techniques, and design measures. The design of the site must initially consider the most accurate floodplain and higher base flood elevations as recommended in the FFRMS. This would ensure that all buildings and structures are designed and constructed to withstand flooding. Site design and associated BMPs and practices should be optimized for the projected future increases in the intensity and frequency of extreme precipitation events. Lastly, any successful plan to accommodate the effects of climate change must incorporate adaptive management. The design elements and mitigation measures must have the ability to adjust to new and changing conditions, provide resiliency, and protect human safety and health.

8.5.3.3 Biological Resources

Biological resource impacts from the Proposed Actions would not have a measurable impact to climate change; however, climate change would have an impact to biological resources within and in proximity to the sites evaluated in this EIS, and may further exacerbate adverse impacts identified in this EIS. This section includes a qualitative discussion of the impacts of climate change, and potential changes to species distribution, altered biological timing, and extinction at each site.

Climate change is expected to have an effect on ecosystem, plants, and animals. Most plants and animals have adapted to specific climate conditions, such as the amount of rainfall, average temperature, and the timing of the seasons. Any change in the climate of an area can affect the plants and animals living there, as well as the makeup of the entire ecosystem. The Northeast region has already experienced extreme storm and precipitation events such as Superstorm Sandy, Hurricane Irene, and the June 2012 derecho. Based on available climate change information, increases in the intensity and frequency of weather events, and more frequent heat waves could result in species, including iconic species, vanishing from regions where they have been prevalent, altered timing of biological events (such as migration and reproduction), and species extinction (Groffman *et al.* 2014). Vegetation modeling suggests that much of the United States would experience a shift of species composition in the future as a result of changes in weather patterns associated with climate change (Groffman *et al.* 2014).

8.6 Unavoidable Adverse Impacts

Unavoidable adverse impacts would result from implementation of any of the action alternatives. Most adverse effects would be limited to short-term disruptions or disturbances to resources during construction, which would occur under the No-action Alternative at the Greenbelt Alternative, and under all action alternatives from construction and use of FBI HQ at the Greenbelt, Landover, or Springfield Alternatives. Site clearing, excavation, and construction of buildings, parking, and roads would result in mostly adverse impacts to soils, water resources, vegetation, wildlife, health and safety, and traffic during construction activities, with short-term adverse impacts to air quality and the acoustic environment from use of construction equipment.

Continued use of the buildings and site development would have unavoidable adverse impacts to geology, water resources/stormwater systems, wetlands and floodplains associated aquatic species (Greenbelt Alternative only), health and safety, air quality, and the acoustic environment.

Long-term, adverse impacts could occur on the recreational resources, the visual environment, and some utilities at all sites that would be developed, due to the increase in recreational users, increase in structure size and height and required lighting, and the need to extend utility service lines. Increased traffic resulting from employees commuting to and from FBI HQ would also result in unavoidable adverse impacts. Construction activities cause noise which could disturb special status species; however, the special status species that could be present would either not be present at the areas designated for construction or avoid the area due to noise and human interaction. There would be no direct adverse effects on historic structures, because there are none within the boundaries of the alternative sites, and indirect, visual impacts to any historic structures in the vicinity of the sites would be minimal and would not impact any potential historic resource to the extent that it would diminish its integrity.

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8.7 Relationship Between Short-term Uses and Long-term Productivity

Short-term uses of the biophysical components of the human environment include direct impacts, usually related to construction activities, which occur over a short-term period of construction. Long-term uses of the human environment include those impacts that occur over a period extending beyond construction, including permanent resource loss. This loss is tempered by the already developed state of the alternative sites, so there would be less of a trade-off of long-term productivity where productivity of resources has already been affected.

The EIS identifies potential short-term, adverse impacts to the natural and human environments as a result of construction activities, which are described in Section 8.1. However, there would be increases in long-term productivity associated with some resources. Redevelopment of the JEH parcel or development of any of the site alternatives would be expected to increase the long-term economic productivity of the sites. The addition of landscaped areas under each action alternative would also result in long-term reduction of erosion and an increase in soil productivity, improvements in vegetation cover, and an increase in productive wildlife habitat. Installation of new stormwater controls and BMPs would provide long-term enhancements to water quality. Implementation of stormwater control practices would result in a site that is adaptable to the projected changes in stormwater volume and quantity.

8.8 Irreversible and Irretrievable Commitments of Resources

An irreversible or irretrievable commitment of resources refers to impacts or losses to resources that cannot be reversed or recovered, even after an activity has ended and facilities have been decommissioned. A commitment of resources is related to use or destruction of nonrenewable resources, and the impacts that loss would have on future generations. Construction and operation of the proposed FBI HQ would involve the irreversible and irretrievable commitment of materials, energy, biological resources and soil, landfill space, and human resources. The impacts to these resources would be permanent.

Materials. Material resources irretrievably used for a consolidated FBI HQ would include steel, concrete, and other building materials. Such materials are not in short supply and would not be expected to limit other unrelated construction activities. The preferential use of recycled building materials would reduce the overall amount of materials used for building construction.

Energy. Energy resources used for a consolidated FBI HQ would be irretrievably lost. These include fossil fuels (e.g., gasoline, diesel, natural gas) and electricity. During construction, gasoline and diesel fuel would be used for the operation of construction vehicles and equipment. Long-term operation of the facilities would use electricity generated by combusting fossil fuels, both for primary and backup power. When the new consolidated FBI HQ is compared to the current energy usage of JEH and associated leased buildings, energy usage would be reduced over the life-cycle of the building due to energy efficiency, possible use of fuel cells and renewable energy sources.

Biological Resources and Soils. Construction and operation of a consolidated FBI HQ would result in some irretrievable loss of vegetation, wildlife habitat, and soil resources, limited to the areas that have not yet been developed at each alternative. All sites except for Greenbelt have little to no undeveloped area. The Greenbelt Alternative has approximately 2 acres of undeveloped land along the edge of the existing parking lot that would be disturbed under that alternative. Although the addition of trees, shrubs, landscaped areas, improved stormwater infiltration, and other low-impact development features would represent a net improvement in the overall health of biological resources and soils at each site, the loss of specific individual specimens in limited areas on each site would be permanent.

Landfill Space. The generation of construction and demolition debris and subsequent disposal of that debris in a landfill would be an irretrievable, adverse impact. Construction contractors would be expected to recycle debris that is generated to the greatest extent possible. Recycling wastes would reduce irretrievable impacts to landfills. Consolidation of FBI HQ at either the Greenbelt or Landover Alternatives would result in landfilled debris from the current paved lots that exist. The future redevelopment of the JEH parcel under RFDS 2 and the Springfield Alternative would generate waste from the demolition of buildings containing hazardous material, including asbestos that would need to be disposed of properly, not landfilled.

Human Resources. The use of human resources for construction is considered an irretrievable loss only in that it would preclude such personnel from engaging in other work activities.

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Sent: Tuesday, September 5, 2017 11:50 AM
To: [redacted]
Subject: UNET to FBINET Uploaded Files
Attachments: Cover_and_Table_of_Contents.pdf

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FBI HQ Consolidation

GSA

FBI Headquarters

Consolidation

FINAL

Environmental Impact Statement

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FBI HQ Consolidation

DRAFT

Federal Bureau of Investigation (FBI)

Headquarters Consolidation

Final Environmental Impact Statement

PREPARED BY:

U.S. General Services Administration (GSA) National Capital Region (NCR)

COOPERATING AGENCIES:

Federal Bureau of Investigation

National Capital Planning Commission

National Park Service

February 2017

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The United States (U.S.) General Services Administration (GSA), with the Federal Bureau of Investigation (FBI), the National Capital Planning Commission (NCPC), and the National Park Service (NPS) as cooperating agencies, prepared this Final Environmental Impact Statement (EIS) to guide the evaluation of alternatives for a new permanent location for a proposed consolidated FBI Headquarters (HQ).

The proposed action encompasses two parts:

- acquisition of a consolidated FBI HQ at a new permanent location; and
- exchange of the current FBI Headquarters, located in the J. Edgar Hoover (JEH) building at 935 Pennsylvania Avenue, Washington D.C., including the potential transfer of jurisdiction of a portion of the public right-of-way (ROW) along Pennsylvania Avenue from NPS to GSA.

The proposed action would allow GSA to leverage its current assets in exchange for property to support the space consolidation efforts of GSA and FBI. The exchange would convey the JEH parcel to the private sector, whose redevelopment would be consistent with local land use controls and redevelopment goals for Pennsylvania Avenue. The consolidated headquarters facility would be built by a developer chosen by GSA and FBI on one of the following three sites:

- Greenbelt: This site is known as the Greenbelt Metro Station and is located near the intersection of Interstate (I)-495 and the Greenbelt Metrorail Station (exit 24) in Prince George's County, Maryland.
- Landover: This site is known as the former Landover Mall and is located along Brightseat Road near the intersection of I-495 and Landover Road (exit 17) in Prince George's County, Maryland.
- Springfield: This site is known as the GSA Franconia Warehouse Complex (GSA warehouse complex) and is located along Loisdale Road just south of the Franconia-Springfield Parkway overpass and east of I-95 in Fairfax County, Virginia.

This Environmental Impact Statement evaluates the direct and indirect impacts of the proposed action for each site alternative, as well as the indirect impacts associated with future development at JEH. GSA also evaluates a No-action Alternative where the FBI would remain in its current facilities, and consolidation would not occur at any of the three alternative sites. This EIS has been prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508 [1986]), and GSA's Public Buildings Service (PBS) NEPA Desk Guide (1999). NEPA requires all Federal agencies to prepare an EIS for actions with potentially significant environmental impacts. Primary issues addressed in this EIS include impacts to transportation, water resources, and socioeconomics.

Concurrent with the preparation of the EIS, GSA is engaging with local, state, and Federal agencies concerned with historic preservation to identify historic properties that may be potentially affected by the consolidation of the FBI Headquarters or the exchange of the J. Edgar Hoover parcel, and to resolve any adverse effects of the proposed action through consultation. This consultation is being carried out under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 300101 *et seq*, and in accordance with th Public Law 104-134 which transferred the responsibilities of the Pennsylvania Avenue Development Corporation (PADC) to GSA, National Park Service (NPS), and NCPC.

Agencies and members of the public are encouraged to provide written comments on the Final Environmental Impact Statement during the 30-day review period (March 17 - April 17, 2017).

Please send written comments on the Draft Environmental Impact Statement to:

U.S. General Services Administration
Attention: Ms. Denise Decker, NEPA Lead
Office of Planning and Design Quality
301 7th Street SW, Room 7644
Washington, D.C. 20407
fbi-hq-consolidation@gsa.gov

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b7E -1 per FBI

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Sent: Tuesday, September 5, 2017 11:50 AM
To: [redacted]
Subject: UNET to FBINET Uploaded Files
Attachments: Chapter_3_Impact_Evaluation_Methodology.pdf

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3.0 Impact Evaluation Methodology

This chapter outlines the approach used to evaluate impacts for each resource topic and includes descriptions of the data sources, study area, methods and assumptions, and relevant regulatory environment and permitting requirements applicable to each alternative. The introduction provides an overview of the approach to assessing impacts applicable to all resource topics.

3.1 Introduction

In accordance with Council on Environmental Quality (CEQ) regulations, direct, indirect, and cumulative impacts are assessed for each of the alternatives evaluated in the Final Environmental Impact Statement (EIS). Direct impacts are defined as those that are caused by the action and occurring at the same time and place; indirect impacts are defined as those reasonably foreseeable impacts caused by the action but occurring later in time or farther removed in distance. They include effects related to induced changes in the pattern of land use, population density or gth rate, and related effects on air and water and other natural systems (40 Code of Federal Regulations [C.F.R] §1508.8). Cumulative impacts are those that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions (40 C.F.R §1508.7).

These impacts are described in the following terms for each resource topic examined in the Final EIS. This EIS does not attempt to assign one overall intensity, type or duration for each resource topic under each alternative but to characterize a plurality of impacts. Analysis was quantitative where possible. However, because the alternatives have been developed at a conceptual/planning-level, impacts may be described qualitatively. Throughout this EIS, conservative assumptions were made where appropriate to ensure that the intensity of impacts was adequately assessed.

3.1.1 Intensity

Intensity refers to the severity of impacts. The EIS uses two intensity thresholds and also identifies where impacts cannot be assessed because the best available information is too speculative to draw reliable conclusions.

Impacts Cannot Be Assessed: indicates that incomplete or unavailable data exist to make a final conclusion with regard to intensity and type, per 40 C.F.R §1502.22. Potential impacts are stated conditionally and qualitatively.

No Measurable Impact: indicates that the impact is localized and not measurable at the lowest level of detection.

Major Impact: indicates the effect is severely adverse, highly noticeable, and considered to be significant. Beneficial and adverse impacts that are measurable, but not major, are not assigned an intensity.

3.1.2 Type

Type describes the beneficial or adverse nature of the impact. Impacts that improve the state of a resource are considered beneficial, while impacts that degrade a resource are considered adverse.

3.1.3 Duration

Duration describes the temporal considerations of how long the impacts are expected to last. Short-term impacts are defined as either those associated with the construction period or those lasting less than 1 year; long-term impacts are defined as those occurring throughout the operational period of the consolidated Federal Bureau of Investigation (FBI) Headquarters (HQ).

3.1.4 Context

Context refers to the spatial and social scale over which impacts would occur. National Environmental Policy Act (NEPA) regulations require analyzing the significance of an action within several contexts, from the macro level (society, national) through the micro level (locality). The Final EIS evaluates impacts at the site/parcel, locality, and/or regional level for each resource topic, as appropriate. In this chapter, the spatial scale(s) at which each resource topic is evaluated is specified in that resource's study area section.

3.1.5 Significance

As required by section 102(2)(C) of NEPA, the Final EIS must assess the significance of impacts. A determination of significance requires considerations of both the context and intensity of an impact. 40 C.F.R §1508.27 outlines the considerations used when evaluating the significance of an impact for both the natural and human environment. The Final EIS categorizes significant impacts as major, adverse impacts.

The exchange of the J. Edgar Hoover (JEH) parcel is a component of each action alternative. The real estate transaction transferring the JEH parcel from Federal Government ownership into private ownership would not have any direct impacts at the same time and place as the Proposed Action. However, indirect impacts may occur later in time as a result of any future redevelopment of the JEH parcel. Agencies identify future conditions or activities that are reasonably foreseeable in order to understand the indirect impacts that may occur.

Direct Impacts: Occur at the same time and place as the Proposed Action.

Indirect Impacts: Occur later in time or are farther removed in distance but still reasonably foreseeable.

Cumulative Impacts: Result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

EXCHANGE OF JEH

- The exchange of the JEH parcel is a component of the Greenbelt, Landover, and Springfield Alternatives.
- The exchange itself would not result in any direct impacts.
- Reasonably Foreseeable Development Scenarios (RFDSs) are used to estimate indirect impacts from the exchange of JEH.

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IMPACT SUMMARY APPROACH

In sections 4.2, 5.2, 6.2, and 7.2, the type, duration, and intensity of impacts to each resource are summarized in gray text boxes.

Impacts that are conditional upon the design of the consolidated FBI HQ or upon processes and decisions beyond the government's control are not summarized in these text boxes.

3.1.6 Direct and Indirect Impacts

To assess the potential indirect impacts from the exchange of JEH to a private Exchange Partner, the Final EIS identifies two reasonable foreseeable development scenarios (RFDSs) that are components of each action alternative. The RFDSs in the Final EIS are an estimate of what could be reasonably developed on the JEH parcel in the foreseeable future based on the Pennsylvania Avenue Plan of 1974, as amended; D.C. zoning requirements; and the Final Square Guidelines for the parcel dated January 2017. It is important to underscore that the RFDSs have been developed for analysis purposes only, and they are not the General Services Administration's (GSA's) suggestions or proposals for future use or design of the JEH parcel. Because GSA would no longer control the JEH parcel once the exchange occurs, the analysis of the RFDSs is less extensive than the site alternatives. The indirect impacts resulting from the exchange of the JEH parcel are discussed in section 4.2. The direct and indirect impacts resulting from the consolidation of FBI HQ are described in sections 5.2, 6.2, and 7.2 for the Greenbelt, Landover, and Springfield sites, respectively. Cumulative impacts for each site alternative as well as the JEH parcel, including those associated with climate change, are discussed in chapter 8, *Cumulative Impacts.*

3.2 Earth Resources

Potential impacts to earth resources are related to geologic resources, topography, and soil disturbance, including the potential for soil erosion or compaction and other soil limitations. The consolidation of FBI HQ has the potential to affect geologic resources and soils during construction and operation. Likewise, the construction of a consolidated FBI HQ and redevelopment of the JEH parcel may in turn be affected by soil and geologic conditions.

3.2.1 Data Sources

A variety of data sources were consulted in the preparation of the Final EIS. Geologic information was obtained from geologic reports and maps for Washington, D.C. (JEH parcel), Fairfax County, Virginia (Springfield) and Prince George's County, Maryland (Greenbelt and Landover); as well as the U.S. Geological Survey (USGS) Physiographic Divisions in the conterminous United States (U.S.). Soil data were obtained from the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Survey spatial and tabular data for Washington, D.C. (JEH parcel), Fairfax County (Springfield), and Prince George's County (Greenbelt and Landover). Additionally, detailed soil data for the Greenbelt, Landover, and Springfield Alternatives were obtained from Geotechnical Feasibility Reports prepared for each site in 2015. These reports include information on site and subsurface conditions, the general suitability of subsurface conditions for site development, and the presence of any volatile organic compounds (VOCs), radon or other evidence of environmental contamination obtained from a series of test borings drilled 40 to 75.5 feet below ground surface (bgs). Information on topography was obtained from the USGS National Elevation Dataset (NED) 1-meter resolution raster datasets for Fairfax County, Virginia (Springfield) and Prince George's County, Maryland (Greenbelt and Landover); as well as the Washington, D.C. Geographic Information System (GIS) 2-foot elevation contours.

3.2.2 Study Area

The study area for earth resources includes all land within the boundaries of the site alternatives and the JEH parcel, as well as those areas where the recommended transportation mitigation measures would be implemented. Impacts to earth resources resulting from the implementation of utility infrastructure improvements were evaluated generically based upon planning-level information provided by each utility provider. The specific location of any required utility improvements would be identified during the design and permitting process.

3.2.3 Methodology and Assumptions

Following the review of available data, the impacts to earth resources were evaluated in terms of disturbance, erosion susceptibility, and compaction potential.

Short- and long-term impacts were assessed by comparing available information on existing topography, soils, and geologic conditions and processes with available information on construction and operation of the project. Potential impacts include changes to the local topography that would occur beyond that which would result from natural erosion and deposition. Potential impacts to geology include changes from construction activities, including excavation for buildings, temporary access roads, and staging areas (temporary and permanent).

The following thresholds were used to determine the degree of impacts to geologic resources, topography, and soils in the study areas:

No Measurable Impact: Soils, topography, and/or geologic resources would not be disturbed or measurably altered from existing conditions.

Adverse: Disturbance to soils, topography, and/or geologic resources would occur over localized areas and result in short-term changes to the soil character or local geologic characteristics. Impacts to undisturbed areas would be minimal. Erosion and/or compaction would occur in localized areas, but would be controlled through best management practices (BMPs) to minimize impacts and restore site conditions. Mitigation would be relatively simple to implement and would likely be successful.

Major Adverse: Disturbance would occur over a large area. Impacts to geology or soils would be readily apparent and would result in short- and long-term changes to the character of the geology or soils over a large area, both inside and outside of the project boundaries. Erosion and compaction control would be required to offset adverse impacts, and mitigation/restoration would be required when project activities are completed.

Beneficial: Beneficial impacts are those that would improve or reverse deterioration of geologic resources, and soil erosion, compaction, and other soil disturbances impacts. Because of the nature of the Proposed Action, beneficial impacts are not expected.

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3.3 Water Resources

Potential impacts to water resources are related to impacts to the quality, quantity, and uses of surface water and groundwater; surface water flow and hydrology; and the areal extent, functions, and values of wetlands and floodplains. The construction and operation of a consolidated FBI HQ has the potential to cause both adverse and beneficial impacts to water resources as described in the following sections.

3.3.1 Data Sources

The analysis of potential impacts to water resources is based on a review of existing literature; available spatial data; Federal, state, and local regulations; water quality standards; information provided by GSA and other agencies; and professional judgment. The following data sources were consulted for the affected environment for each alternative and the JEH parcel:

- **FEMA Floodplains:** The Federal Emergency Management Agency (FEMA) defines a floodplain as "any land area susceptible to being inundated by floodwaters from any source" (FEMA 2015a). Floodplains and areas subject to coastal storm surges are shown as high-risk areas or Special Flood Hazard Areas on FEMA Flood Hazard Boundary Maps (FHBMs) and Flood Insurance Rate Maps (FIRMs). These are official community maps issued by FEMA that provide a depiction of flood hazards for each community and for properties located within them, including flood hazard boundaries and base flood elevations. FIRMs and FHBMs for the area surrounding each site analyzed in the Final EIS were used to determine the presence of floodplains or high flood risk areas on or near each site.
- **National Wetlands Inventory (NWI):** The U.S. Fish and Wildlife Service (USFWS) maintains the NWI to provide map data and other resource information to produce timely and relevant wetland management and decision support tools (USFWS 2016). The NWI Wetlands Mapper, an online tool that integrates digital map data with other wetlands information, was used to determine the presence of wetlands on or near each of the alternative sites analyzed in the EIS.
- **National Hydrography Dataset (NHD)**: The USGS NHD is used to portray a map depiction of surface water features. The NHD represents the national drainage network with features such as rivers, streams, canals, lakes, ponds, coastline, dams, and stream gages (USGS 2015). The NHD was used to map surface water systems and determine the presence of surface water bodies on or near each of the alternative sites analyzed in the EIS.

3.3.2 Study Area

The study area for impacts to water resources includes all water resources within the boundaries of the site alternatives and the JEH parcel, as well as those areas where the recommended transportation mitigation measures would be implemented. Impacts to water resources resulting from the implementation of utility infrastructure improvements have been evaluated generically based upon planning-level information provided by each utility provider. The specific location of any required utility improvements would be identified during the design and permitting process. Indirect impacts are also evaluated qualitatively for larger waterways downstream of these areas that may be impacted by changes in water quality and volume from these sources. The Potomac River is included for all locations. The Anacostia River is considered for the JEH parcel, the Greenbelt Alternative, and the Landover Alternative. The Landover Alternative also considers Cattail Branch and Beaverdam Creek, and the Springfield Alternative considers downstream impacts to Long Branch and Accotink Creek.

3.3.3 Methodology and Assumptions

The impact threshold is determined primarily by comparing the effect of the action alternatives on the resource to a relevant standard based on applicable or relevant/appropriate regulations or guidance, relevant literature and research or best professional judgment. Conclusions were based on overall impacts to water resources occurring within the study area, and a determination of impact duration, intensity, and context was ascribed to each alternative.

3.3.3.1 Surface Water, Hydrology, and Groundwater Resources

The following thresholds were used to determine the degree of impacts to surface water, hydrology, and groundwater resources in the study areas.

No Measurable Impact: Chemical, physical or biological impacts to water resources, including stormwater hydrology, would not be detectable, would meet water quality standards or criteria, and would be within historical or desired conditions. All permit requirements would be met.

Adverse: Chemical, physical or biological impacts to surface water, hydrology, and groundwater resources, including stormwater hydrology, would be detectable and would have observable negative consequences on hydrologic connectivity, organisms or natural ecological processes on a local scale. All permit requirements would be met.

Major Adverse: Chemical, physical or biological impacts to surface water, hydrology, and groundwater resources, including stormwater hydrology, would be frequently altered from the historical baseline or desired conditions, and would have observable negative consequences on a regional scale. Water quality standards would not be met, and the success of mitigation could not be guaranteed.

Beneficial: For water resources, beneficial impacts would be those that, when compared to existing conditions, result in changes to chemical, physical or biological effects on surface water, hydrology, and groundwater resources, including stormwater hydrology that would result in positive trends toward compliance with water quality standards and stormwater management criteria; and improve hydrologic regimes by reducing flashiness, increasing stormwater filtration, improving aquatic habitat or creating other improvements.

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3.3.3.2 *Wetlands*

Several factors are considered when evaluating impacts to wetlands, including size, wetland integrity, and connectivity.

Size: The intensity of impacts to wetlands would depend on the size of the wetlands affected. A small area of impact in a large wetland would be likely to have less of an effect than a large area of impact in a small wetland. The change in the size of a wetland, as a result of an impact, would also influence the integrity and connectivity of the wetland and vice versa.

Integrity: Highly intact wetlands with little prior disturbance would be more susceptible to impacts from direct development than those that were previously degraded by development or other activities. The loss of the functions and values of a higher quality wetland would be a greater loss than those of a lower quality wetland.

Connectivity: The relationship and hydrologic connection of wetlands to other wetlands or waters of the U.S. is also important in determining the degree of impact or project benefits. Impacts to areas with more complex associations of wetlands would be more likely to affect the connectivity of the area than impacts to areas with fewer natural community types.

The following thresholds were used to determine the degree of impacts to wetland resources in the study areas:

No Measurable Impact: There would be no detectable effects on size, integrity or connectivity of wetlands.

Adverse: The impact would be sufficient to cause a measurable or perceptible effect on one of the three parameters (size, integrity, and connectivity) but would be localized in terms of area and the nature of the impact. Permanent loss of wetland acreage could occur; however, this would not occur over large areas, and the overall viability of the wetland would not be affected. Mitigation would likely be necessary and would likely be successful. Wetland functions or values would not be degraded in the long term.

Major Adverse: The impact would result in a measurable effect on all three parameters (size, integrity, and connectivity) or a permanent loss of large wetland areas. The impact would be substantial and highly noticeable. The character of the wetland would be changed so that the functions or values typically provided by the wetland would be substantially altered. Mitigation would be necessary and may not be successful.

Beneficial: The impact would be sufficient to cause a measurable effect on one or more of the three parameters (size, integrity, and connectivity) or would result in a permanent restoration of wetland acreage. The character of the wetland would be changed so that the functions or values typically provided by the wetland would be restored or improved.

3.3.3.3 *Floodplains*

Floodplains are the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands. For this assessment, the minimum threshold for a floodplain is an area that is subject to temporary inundation by the one percent chance annual flood. The establishment of impervious surfaces, buildings or other structures in floodplains generally introduces barriers that could affect floodplain function both onsite and downstream and could increase the risk of damage to life and property. Barriers could also affect the natural dispersal of plants and animals, and impact the connectivity of those communities that are important for the ability of the floodplain to provide beneficial functions and values.

Impacts to floodplain functions and values were assessed for all sites. These assessments are based on the known and potential 100-year and 500-year floodplains within the study area, review of existing literature and studies, and professional judgment. The severity of impacts to floodplains would depend largely on the size of the impacted area and the watershed. A small area of impact in a large floodplain would be likely to have less of an effect than a large area of impact in a small floodplain. The change in the size of a floodplain as a result of an impact would also influence the integrity and connectivity of the floodplain and vice versa.

The following thresholds were used to determine the degree of impacts to floodplains in the study areas:

No Measurable Impact: There would be no detectable effects on floodplains.

Adverse: Impacts would result in a detectable and measurable, but relatively localized, change to floodplain functions and values. Impacts could be consequential, and mitigation measures would likely be needed, but would likely be successful.

Major Adverse: Impacts would result in a change to floodplain functions and values that would have substantial consequences on a regional scale. Extensive mitigation measures would be needed to offset any adverse effects, and their success would not be guaranteed.

Beneficial: The effect on floodplains would be measurable or perceptible and would result in a permanent restoration of floodplain areas. The character of the floodplain would be changed so that the functions or values typically provided by the floodplain would be restored and/or improved.

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3.3.4 Relevant Regulatory and Permitting Requirements

To avoid and minimize adverse impacts to water resources, there are permitting and regulatory processes that would apply across the water resource categories described in the following sections. Section 3.3.4.1 describes the regulatory environment for the redevelopment of the JEH parcel with regard to water resources. Section 3.3.4.2 describes the regulatory environment and mitigation strategies for the consolidation of FBI HQ at a new, suburban site. These sections specifically highlight regulatory requirements applicable at a Federal level as well as for the State of Maryland because of the presence of multiple water resources at the Greenbelt site. The Commonwealth of Virginia has similar state and local permitting requirements and environmental controls. However, given the minimal level of water resource impacts anticipated under the Springfield Alternative, requirements guiding coastal resource management, stormwater management, and erosion and sediment control regulations are described in this section for the Springfield site.

3.3.4.1 Regulatory Requirements for the Redevelopment of JEH

Regulatory requirements for the redevelopment of the JEH parcel include D.C. Municipal Regulations (DCMR), stormwater management BMPs, and GSA's floodplain management guidelines.

Future redevelopment of the JEH parcel would be subject to 21 DCMR §§1150–1158. This regulation establishes criteria to protect designated groundwater resources and provides enforcement and monitoring requirements. It requires that all groundwaters be free from pollution in the form of oil, carcinogens, toxicants, and other substances in concentrations that might present a health hazard or render the groundwater unusable. Additionally, it requires all groundwaters to be free from domestic, industrial, agricultural or other human-induced, non-thermal components of discharges in concentrations which, alone or in combination with other substances or components of discharges:

- Are harmful to plants, animals or other organisms;
- Are carcinogenic, mutagenic, teratogenic or toxic to human beings;
- Are acutely toxic to biological species of the aquatic community within surface waters affected by the groundwater at the point of contact with surface waters;
- Pose a serious danger to the public health, safety or welfare;
- Create or constitute a nuisance; or
- Impair the reasonable and beneficial use of adjacent waters within and outside the District.

Future redevelopment would also be subject to the District of Columbia 2013 Rule on Stormwater Management and Soil Erosion and Sediment Control (21 DCMR §5 [2013]), which amends regulations in DCMR 21-5 relating to stormwater management. The rule details stormwater management performance standards and practices for major land-disturbing activities and projects consisting of major substantial improvements. Construction or other activities that disturb 5,000 SF or more of land must retain the initial 1.2 inches of stormwater either onsite or through a combination of onsite and offsite retention. In addition, these projects must maintain peak discharge rates. Major substantial improvement activities are described as renovations of existing structures with a combined footprint of 5,000 SF or more. These activities must retain the first 0.8 inch of stormwater volume either onsite or through a combination of onsite and offsite retention. These performance standards are required by the Municipal Separate Storm Sewer System (MS4) permit. Achievement of these performance standards are accomplished through use of various categories of BMPs that allow for increased stormwater infiltration and water storage. A stormwater management plan that outlines the BMPs, land cover, and actions that would be implemented to meet these requirements must be submitted. The Washington, D.C. Department of Energy and Environment (DDOE) defines several categories of stormwater management BMPs. These BMPs would reduce impervious surfaces and increase opportunities for infiltration of precipitation and stormwater runoff, thereby retaining stormwater and reducing runoff. These BMPs include: green roofs, rainwater harvesting, impervious surface disconnection, permeable pavement systems, bio-retention, filtering systems, infiltration, open channel systems, ponds, wetlands, storage practices, proprietary practices, and tree planting and preservation (DDOE 2013). Soil erosion and sediment control BMPs include: road stabilization, sediment barriers, dikes and diversions, sediment traps and basins, downdrains and flumes, inlet and outlet protections, dewatering, site preparation techniques, and soil stabilization with vegetation (DOH 2003). Examples include silt fences, dry and wet swales, riprap, piping of stormwater, and stream restoration. Implementation of low-impact development (LID) techniques would also prevent stormwater impacts and provide benefits.

Under Executive Order (EO) 11988, Federal agencies

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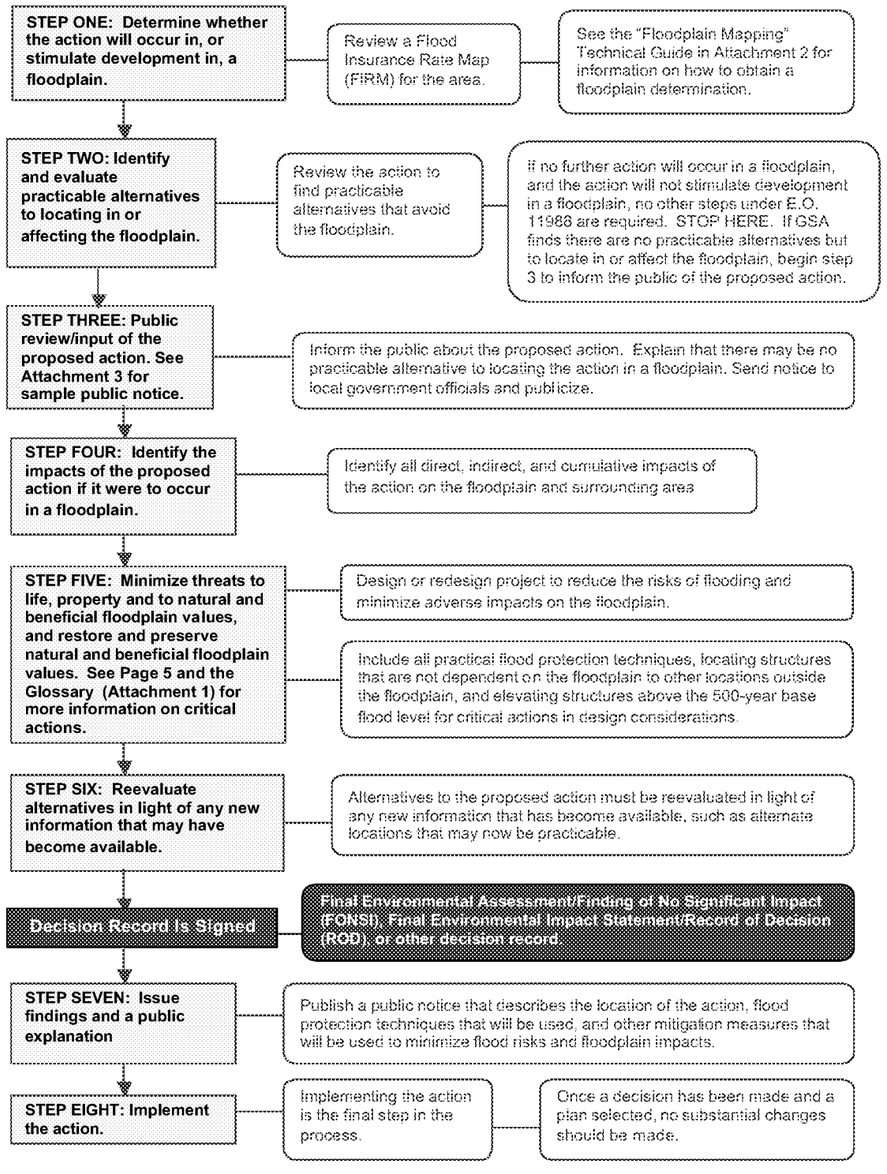
Figure 3-1: GSA's Eight Step Floodplain Evaluation Process



are required to avoid impacts to floodplains and to reduce the risk of flood damages. The Floodplain Management Desk Guide provides GSA guidelines on floodplain management in accordance with EO 11988. Development at the JEH site following the exchange of the parcel from Federal Government ownership into private ownership would not require compliance with GSA floodplain management guidelines; however, GSA must still comply with EO 11988 and analyze the potential floodplain impacts and flood risks from the action to ensure that floodplain impacts and risks are avoided or minimized after the exchange. In compliance with GSA's Floodplain Management Desk Guide, GSA has evaluated the Proposed Action in accordance with the eight-step process required for actions that stimulate development in a floodplain, as shown in figure 3-1.

Step 1: Federal actions require floodplain compliance under EO 11988. The exchange of the JEH parcel from Federal Government ownership into private ownership is the critical Federal action that necessitates this compliance. The JEH parcel is located partially within the 100-year and 500-year floodplains, based on the best available information provided by FEMA's effective FIRM, as shown in section 4.1.2.

Step 2: Public involvement occurred during the public scoping process for the Draft EIS and has continued throughout the NEPA process. A detailed description of public involvement in the site selection process and public and agency scoping activities is provided in chapter 9, *Public Involvement*.

Step 3: Indirect impacts from future redevelopment were estimated based on the two RFDSs. Ultimately, the Exchange Partner is responsible for identifying design alternatives to minimize impacts to the floodplain. The only practicable alternative to the exchange of the JEH parcel is the No-action Alternative; however, this does not accomplish the need for the Proposed Action.

Step 4: Because the JEH parcel is already developed, there would be no net loss of the beneficial natural values of the floodplain from future redevelopment. The Exchange Partner would be required to adhere to appropriate building practices for construction in a floodplain, such as not changing the natural flood channel, developing a flood management plan or adhering to building codes for construction in a floodplain. Therefore, there would be no measurable impact to floodplains.

Step 5: The building practices outlined in step 4 would ensure that threats to life, property, and natural and beneficial floodplain values would remain minimal.

Step 6: Exchange of the JEH parcel would not directly impact floodplains, but there would be an indirect impact from any future development on the parcel after the property has been exchanged. Indirect impacts to floodplains are estimated based on two RFDSs as described in the Draft EIS. The Exchange Partner would be responsible, as required by DDOE, for implementing any BMPs and developing design alternatives. In compliance with GSA's Floodplain Management Desk Guide, GSA would inform the bidder/buyer of the property that the property is located within the 100-year and 500-year floodplains.

Step 7: Public notification regarding the location of an action in the 100-year floodplain at the JEH parcel would not be provided following selection of an action alternative because the Federal Government is not the proponent for the redevelopment of the JEH parcel.

Step 8: The action would be implemented after the Record of Decision (ROD) has been signed.

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3.3.4.2 *Regulatory Requirements for the Consolidation of FBI HQ*

Surface Water, Groundwater, and Hydrology

To avoid and minimize adverse impacts to water resources, there are permitting and regulatory processes that apply across water resource categories. Section 404 of the CWA (33 C.F.R, Parts 320–330) outlines permit guidelines that require proposed projects to follow the mitigation sequence of avoid, minimize, and compensate. Impacts must first be avoided to the extent practicable, then unavoidable impacts must be minimized, and finally, if impacts are unavoidable, compensation would be required. Compensatory mitigation includes onsite, offsite or a combination of options usually within the watershed where impacts are proposed. Mitigation measures include restoration, creation, enhancement or preservation methods. Compensatory mitigation projects require development of a mitigation plan.

Federal projects are subject to various regulations requiring reduction in stormwater runoff. A consolidated FBI HQ would be developed in accordance with Section 438 of the Energy Independence and Security Act (EISA) of 2007, which details stormwater runoff retention standards. EISA requirements for stormwater involve the replication of the natural hydrology and water balance of the site typically by retaining to the 95th percentile of rainfall events. Runoff leaving a project site with a footprint greater than 5,000 SF must have the same temperature, rate, volume, and flow duration as predevelopment stormwater runoff, to the maximum extent technically feasible (EISA, Section 438). These performance standards could be attained through onsite stormwater management practices that mimic natural processes, including the use of sustainable design and building practices, LID, and green infrastructure tools. Many BMPs and LID practices use natural processes such as infiltration, evaporation, and storage to restore natural hydrology. Strategies and practices that may be implemented for the consolidated FBI HQ include, but are not limited to: a reduction of impervious surfaces, revegetation, rain gardens, rainwater harvesting and reclamation, bio-swales, bio-retention basins, permeable pavers, a green roof on a portion of the HQ Building, reuse of greywater (including stormwater and/or condensate tower blowdown), and/or preservation and improvement to floodplains and riparian areas. A system to capture, store, and reuse stormwater would result in a reduction of stormwater runoff to surrounding surface waters thereby preventing additional erosion.

Additionally, EO 13693, *Planning for Federal Sustainability in the Next Decade,* requires appropriate green infrastructure features on federally owned property to help with stormwater management. Other Federal, state, and local regulations govern stormwater management in the project area, including the Maryland Stormwater Management Act of 2007 and state regulations for stormwater management under Code of Maryland Regulations 26.17.02. Similar to EISA, these regulations also require a project to maintain predevelopment stormwater runoff characteristics. Additional minimum control requirements include the maintenance of 100 percent of predevelopment groundwater recharge volume and channel stability.

Projects must also comply with state regulatory requirements for stormwater management and erosion and sediment controls under the CWA as well as state laws described below. In Maryland, stormwater management is guided by the Stormwater Management Act of 2007 and state regulations under Code of Maryland Regulations 26.17.02. All sediment and erosion control and stormwater management plans must comply with the state's Standards and Specifications for Soil Erosion and Sediment Control (MDE 2011a). All construction activities that result in land disturbance greater than 5,000 SF are required to use sediment and erosion control and stormwater management BMPs, including non-structural BMPs and other environmental site design techniques, to the maximum extent possible. In Virginia, all sediment and erosion control and stormwater management plans must comply with the Virginia Erosion and Sediment Control Law (Virginia Code §62.1-44.15:61) and Regulations (9 VAC 25-840-30 *et seq*.) and the Virginia Stormwater Management Law (Virginia Code §62.1-44.15:31) and Regulations (9 VAC 25-870-21 *et seq*.) as administered by the Virginia Department of Environmental Quality (VADEQ). These regulations also require compliance with the general permit for stormwater discharge from construction activities, stipulations in the site erosion and sediment control plan, the project-specific stormwater pollution prevention plan (SWPPP), and other applicable Federal nonpoint source pollution mandates such as Section 313 of the CWA and Federal consistency under the Coastal Zone Management Act (CZMA). All construction activities that result in a total land disturbance of equal to or greater than 2,500 SF in a Chesapeake Bay Preservation Area or lands that have been locally designated as resource management areas must comply with the aforementioned Virginia erosion and sediment control requirements. Construction activities include clearing and grading; installation of staging areas, parking lots, roads, buildings, utilities, borrow areas, soil stockpiles; and related land-disturbing activities. The Fairfax County Chesapeake Bay Preservation Ordinance outlines performance requirements, such as minimizing impervious surfaces and minimizing land disturbance, in addition to compliance with state and local stormwater and sediment and erosion control regulations.

Impacts associated with stormwater pollutant loading potential would be minimized through adherence to the provisions of the General Construction Permit, SWPPP, and implementing BMPs that address site- and activity-specific water resource protection needs. Further guidance and strategies for managing stormwater and associated sediment erosion can be found in the various Watershed Implementation Plans associated with the Chesapeake Bay Total Maximum Daily Load (TMDL). Stormwater and sediment and erosion control management involve planning and design principles and BMPs to control both stormwater volume and water quality. Principles to be considered include conservation of natural features, protection and avoidance of natural resources and sensitive areas including soils, minimization of disturbance, stormwater runoff control, expeditious soil stabilization, and onsite sediment retention.

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Mitigation Measures

Any remaining hydrological impacts could be mitigated through structural and nonstructural stormwater management measures. Stormwater BMPs use natural processes such as infiltration, evaporation, and transpiration to retain and store runoff. LID incorporates these processes to mimic predevelopment hydrology. LID techniques include pervious pavement, green roofs, rain gardens, rain cisterns, and bioswales. Examples of structural BMPs include bio-retention, infiltration trenches, retention ponds, and swales. Nonstructural BMPs include conservation of natural areas, vegetated swales, and disconnection of runoff from impervious areas and redirection to pervious areas. Environmental site design is the use of these nonstructural stormwater management BMPs and site design techniques to achieve natural stormwater runoff and reduce impacts to natural resources. Another option is the retrofitting of existing stormwater BMPs to improve retention or detention capacity and water quality treatment. Retrofitting examples include the addition of constructed wetlands, plantings, and pool storage to existing detention basins. The design of sediment and erosion control must support the stormwater management plan. Designs must consider natural features and drainage and implement controls appropriate for the conditions and planned work. Categories of sediment and erosion control are those for grading and stabilization, water conveyance, erosion control (structural), filtering, dewatering, and sediment trapping. BMP examples are silt fences, matting, revegetation, inlet and outlet protection, riprap, and check dams. Water conveyance BMPs range from swales and berms to diversion pipes and drains. Dewatering practices include sediment tanks, filters, and subsurface drains. Discharges of dewatered groundwater would require a National Pollutant Discharge Elimination System (NPDES) General Construction Permit.

As detailed by the Maryland Department of the Environment (MDE), example BMPs for development activity in non-tidal wetlands, wetland buffers, streams, and 100-year floodplains include:

- Place or store fill, construction material or debris outside the boundary of the water resources and in a location and a manner that does not alter the surface or subsurface flow into or out of the resources.
- Use mats or operational techniques to prevent damage to the resources when heavy equipment is in use.
- Use appropriate vegetation for stabilization.
- Restore original grades and elevations to temporarily disturbed areas following construction.
- Prohibit instream activity in Indian Creek from March 1 through June 15 to protect aquatic species.
- Use stormwater management practices to control stormwater runoff from the construction site.

Various stormwater and erosion and sediment control BMPs and LID techniques could reduce potential contamination of groundwater through the processes of infiltration and filtration. One example could be to construct a temporary groundwater treatment system to reduce groundwater pollutants prior to discharge.

Leadership in Energy and Environmental Design

Implementation of Leadership in Energy & Environmental Design (LEED) strategies and practices to achieve a Gold rating has the potential to improve future stormwater management through retention, reuse, and water quality enhancements. The new HQ would be required to achieve LEED Gold, in compliance with GSA policy. Mitigation of stormwater impacts and achievement of the necessary level of stormwater retention would require the implementation of multiple types of stormwater BMPs.

The LEED program has credits intended to manage stormwater quality and quantity, as well as overall water efficiency, to minimize or avoid adverse impacts to water and earth resources. LEED certification requires the creation and implementation of an Erosion and Sedimentation Control Plan for all construction activities as a prerequisite. The Erosion and Sedimentation Control Plan would be required to conform to the erosion and sedimentation requirements of the 2012 U.S. Environmental Protection Agency (USEPA) Construction General Permit or local erosion and sediment control standards and codes, whichever is more stringent. The Erosion and Sedimentation Control Plan would ensure pollution from construction activities is minimized or avoided by controlling soil erosion, waterway sedimentation, and airborne dust generation by accomplishing the following objectives:

- Prevent loss of soil during construction by stormwater runoff and/or wind erosion, including protecting topsoil by stockpiling for reuse.
- Prevent sedimentation of storm sewer or receiving streams.
- Prevent polluting the air with dust and particulate matter.

Wetlands

Federal agencies must comply with several guidelines and regulations regarding wetland management.

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These rules emphasize a process of wetland avoidance, minimization, and compensation. EO 11990, *Protection of Wetlands*, requires Federal agencies to consider alternatives to wetland sites and to limit potential damage if an activity affecting a wetland cannot be avoided. Specifically, Section 1 of the EO states that an agency is required to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." The Public Buildings Service (PBS) Wetland Impact Management Desk Guide provides guidance on wetlands regulations and management of impacts to wetlands, including permits. GSA activities in a wetland should also abide by guidelines found in Action Decision Memorandum 1095.5, Consideration of Wetlands in Decisionmaking.

Other Federal, state, and local regulations govern disturbance and wetland management on the site. According to USEPA guidelines, the U.S. Army Corps of Engineers (USACE) regulates development in jurisdictional wetlands pursuant to Section 404 of the CWA (33 C.F.R Parts 320–330). Section 404 specifically regulates the discharge of dredged and fill material into wetlands and other waters of the U.S. through a permitting process. Further clarification of waters of the U.S. is provided in the 2015 Clean Water Rule. The placement of dredged or fill material is only allowed if no other practicable and less damaging alternative exists, and if waters of the U.S. would not be degraded. The 2015 Clean Water Rule refines the definition of waters of the U.S. Under the rule, waters adjacent to jurisdictional waters within a minimum of 100 feet and within the 100-year floodplain to a maximum of 1,500 feet of the ordinary high water mark are also considered jurisdictional and covered under the CWA.

In Maryland, MDE provides protection for wetlands and wetland buffers and regulation of construction and development in wetlands through the Code of Maryland Regulations (Title 26, Subtitles 23 and 24) and the Non-tidal Wetlands Protection Act.

Mitigation Measures

Any impacts to wetlands during construction could be minimized through the implementation of sediment and erosion control BMPs such as use of sediment barriers, timber matting, and vehicles with low pressure tires. Following construction, any temporary wetland disturbance would be mitigated through restoration of the original wetland contours and revegetation with native species. Wetland impacts from erosion and sedimentation could be minimized or avoided through the use of permanent stormwater management and LID measures such as those previously discussed. If impacts are unavoidable, mitigation would be required to offset the filled wetlands and replace lost functions and values.

In Maryland, mitigation and monitoring would be required for any authorized impacts to wetlands and/or the associated 25-foot wetland buffer. Submission of a mitigation proposal along with the joint permit application would be required if the Proposed Action would result in the loss of more than 5,000 SF of wetlands. Wetland mitigation for unavoidable losses through the Maryland Wetlands and Waterways program requires "no net loss" for non-tidal wetland acreage, functions, and quality. The non-tidal wetland program has regulations similar to those authorized under Section 404 of the CWA with some differences. The Maryland program requires a 25-foot wetland buffer, which includes activity restrictions, around non-tidal wetlands. Maryland also regulates isolated wetlands as well as the alteration of wetland vegetation and hydrology during an action. Permanent, unavoidable loss of wetland acreage or functions is mitigated through the creation, restoration, preservation or enhancement of non-tidal wetlands. Acreage replacement ratios determine the amount of wetland mitigation required for all types of non-tidal wetlands. Some examples of replacement ratios are: 1:1 for herbaceous emergent wetlands; 2:1 for scrub-shrub and forested wetlands; and 1:1 for permanent conversion of forested wetlands to herbaceous emergent wetlands (MDE 2011b). The use of wetland restoration should always be the first compensatory mitigation option considered.

Floodplains

Federal agencies must comply with several guidelines and regulations regarding floodplain development and management. These rules attempt to balance the need for development with a process of floodplain avoidance, minimization, preservation, and restoration. EO 11988, *Floodplain Management,* requires Federal agencies to "avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative." Specifically, Section 1 of the EO states that an agency is required "to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities." The EO also requires an examination of impacts to floodplains and the potential risk involved in placing facilities within floodplains as well as protection of floodplain values.

EO 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,* and the associated Federal Flood Risk Management Standard (FFRMS) reinforce the guidelines stated in EO 11988. FFRMS encourages the consideration of existing natural features during the development of alternatives. In accordance with this EO, the alternatives planning process considered the natural character of the Greenbelt site in the configuration of site elements in the conceptual site plan, as recommended by FFRMS. Additionally, the FFRMS guides agencies to use a higher flood elevation to ensure that proposed projects account for uncertainties associated with climate change.

In Maryland, regulations put forth under the Code of Maryland Regulations 26.17.04 restrict the alteration of ,and construction within, waterways, including changes to the 100-year floodplain of free-flowing waters. A project that proposes these changes must obtain a permit. Floodplain disturbance should not increase the average shear stress of a reach unless channel stability is retained, should not reduce the natural meander width of the stream, should not alter the hydraulic functions of the floodplain, and must provide a minimum of 1 foot of freeboard above the 100-year frequency flood event.

The Prince George's County floodplain ordinance is similar to MDE regulations and meets the requirements put forth by FEMA. The Prince George's County ordinance also discourages

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floodplain development. However, development is allowed in certain situations with a permit. Any loss of floodplain storage must be mitigated by an equal amount of compensatory volume. Prince George's County regulates development within the 100-year floodplain by requiring a permit for activity that would affect a floodplain.

In addition to Federal, state, and local regulatory requirements, GSA has its own guidance on development on or near floodplains.

GSA's Eight-Step Floodplain Evaluation Process

In compliance with GSA's Floodplain Management Desk Guide, GSA has evaluated the Greenbelt Alternative in accordance with the eight-step process required for actions that stimulate development in a floodplain, as shown in figure 3-1.

When there is no feasible alternative to floodplain development, GSA must minimize adverse impacts, use mitigation measures as described by the eight-step process, and notify Federal, regional, state, tribal, and local floodplain management agencies and the public to allow for legal review and comments. The responsibilities of GSA include consideration of alternatives to avoid development, and if not feasible, minimization of adverse impacts and notification of the public detailing the need for the proposed floodplain development. Additionally, GSA activities in a floodplain should abide by guidelines found in Action Decision Memorandum (ADM) 1095.7, *PBS Floodplain Management,* and its companion appendix, *PBS Desk Guide for Floodplain Management*.

Step 1: The footprint of the Greenbelt Alternative would occur partially within 100-year riverine floodplains, based on the best available information provided with the effective FEMA FIRM, as described in section 5.1.1.7.

Step 2: Public involvement occurred during the NEPA public scoping process. A presentation of the site and potential site constraints, including floodplains, was made to the public. A detailed description of public involvement in the site selection process and public and agency scoping activities is provided in chapter 9, *Public Involvement.*

Step 3: Practicable alternatives to locating the Proposed Action in a floodplain include the No-action Alternative, the Landover Alternative, or the Springfield Alternative. The affected environment at the Landover and Springfield sites and consequences resulting from the Proposed Action for each alternative are examined in chapters 6, *Landover Site*, and 7, *Springfield Site,* respectively. Indirect impacts from future redevelopment associated with the Proposed Action at the JEH parcel can only be estimated based upon the RFDSs. It would be the ultimate responsibility of the Exchange Partner to identify potential building alternatives to minimize impacts to the floodplain.

Step 4: Most of the area surrounding the Greenbelt site is already developed. For those undeveloped areas that would be impacted, the Federal, state, and local regulations and permitting requirements discussed in this chapter provide firm guidance on floodplain management and development and associated protection against the loss of life or property. A main element of these regulations is the process of avoidance, minimization, preservation, and restoration. Any future development in the area following the consolidation of FBI HQ at the Greenbelt site would be required to follow these rules, which would minimize impacts and protect lives, property, and floodplain functions and values.

Step 5: Measures to reduce unavoidable impacts and restore floodplain values would be considered. The conceptual site plan for the Greenbelt site implements some of these measures, including the avoidance of placing buildings within the floodplain, and the reduction of the required standoff of campus elements from the secure perimeter; however, clearing and the construction of perimeter fencing would occur in the floodplain.

Step 6: Site-specific development alternatives for the Greenbelt site would not be identified until and unless the site is officially selected for the Proposed Action.

Step 7: If one of the action alternatives is chosen, public notification regarding siting of the consolidated FBI HQ in a portion of the 100-year floodplain at the Greenbelt site would be provided at that time. Mitigation measures and flood protection techniques would be presented.

Step 8: This step would occur after the decision document has been signed. The public would have an additional opportunity to comment on the Final EIS and decision document.

Permitting Requirements for Water Resources

Alterations to streams, wetlands, and floodplains and in some cases wetland or stream buffers require Federal, state, and local permits. Requirements for Maryland are discussed in this paragraph because the consolidation of FBI HQ at the Greenbelt site has the potential to alter a stream or floodplain and would be the only site that could require a Section 404 permit. There is no potential alteration at the Springfield site; therefore, Virginia requirements are not discussed. In addition to a USACE Section 404 permit, a project must also obtain Maryland Non-tidal Wetlands and Waterways authorization (Waterway and 100-Year Floodplain permit), a Waterway Construction authorization, and a Water Quality Certification (Section 401) to ensure compliance with the state water quality standards, protect the water quality of the surface waters on- and off-site, and protect wetlands and floodplains. Permits are required for disturbance to non-tidal wetlands, any portion of the 25-foot wetland buffer, streams, and associated floodplains as well as any action that would "change the course, current, or cross-section of a non-tidal stream or body of water." Activities that require a Waterway and 100-Year Floodplain Permit include: filling, grading, destroying or removing vegetation, excavating or dredging, changing existing drainage patterns or flood retention capacity, and disturbing the water level or water table (MDE n.d.). To receive authorization for these activities from USACE and Maryland, a "Joint Federal/ State Application for the Alteration of any Floodplain, Waterway, Tidal or Non-tidal Wetland in Maryland" would need to be completed and submitted. The joint authorization ensures that construction activities protect fish habitat, prevent erosion, and do not alter flood risks to upstream and downstream land. A permit or authorization is provided by MDE in cooperation with

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Federal, state, and local agencies. Under CWA Section 401, a State Water Quality Certification is also required and is typically part of the non-tidal wetlands and waterways authorization. Because the consolidation of FBI HQ at the Greenbelt site has the potential to alter a stream or floodplain, the submittal would require an engineering analysis, description of environmental impacts of the action, and measures to reduce or prevent adverse impacts. The application process attempts to prevent or reduce impacts and, as such, requires applicants to provide reasons why the impacts are necessary and unavoidable in addition to showing how impacts would be minimized. Construction also requires erosion and sediment control and stormwater management plan approvals. Prince George's County also requires permits for alteration of streams, wetlands, and floodplains.

Both the CWA and state surface water quality standards offer protection for surface waters and require permits for discharges to waterways and approval of stormwater management and pollution prevention plans. To regulate the discharge of pollutants from projects that would disturb 1 or more acres of land in either Maryland or Virginia, the project must apply for and obtain a General Permit for Stormwater Associated with Construction Activity before construction begins. For the Springfield Alternative, construction activities would be covered under the General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities, and the Virginia Stormwater Management Program General Permit for Discharges of Stormwater from Construction Activities (9 VAC 25-870-1 *et seq*.). This permit is related to MS4s and construction activities for the control of stormwater discharges from MS4s and land-disturbing activities under the Virginia Stormwater Management Program. No surface water, wetland or floodplain impacts are expected at the Springfield site; however, if impacts to these resources are identified during the design and construction process, a Virginia Water Protection (VWP) Permit from VADEQ would be required in addition to the other general permits. The Maryland NPDES stormwater program requires construction activities (e.g., clearing, grading, and excavating) that disturb 1 acre or more to obtain coverage under a General Permit for Stormwater Associated with Construction Activity for stormwater discharges. In addition to this Federal/state NPDES permit, the Greenbelt site would need to obtain a general county permit for stormwater because the proposed disturbance would affect more than 1 acre of land. Furthermore, the Proposed Action must comply with sediment and erosion control and stormwater management plans, including developing a specific stormwater pollution prevention plan. Possible permitting requirements for groundwater include an NPDES General Construction Permit for discharges of dewatered groundwater, if necessary.

Through the Chesapeake Bay TMDL, Maryland, Prince George's County, and Federal land have specific sediment and nutrient limits allocated by sector (e.g., agriculture, urban/suburban, and wastewater) that must be met for water quality standards to be met within the bay. Sediment targets are met through a focus on the implementation of urban stormwater management projects outlined in various Watershed Implementation Plans. Prince George's County regulates riparian areas with slopes greater than 15 percent, depending on soil characteristics, as well as perennial and intermittent streams as defined in Section 24-101 of the Prince George's County Code. USACE regulates perennial, intermittent, and ephemeral streams but not ditches or drainages located in uplands as defined in both the CWA and the 2015 Clean Water Rule.

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA), signed by Congress in 1972 and administered by the National Oceanic and Atmospheric Administration (NOAA), is designed to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone" (16 U.S.C. §1451 *et seq*.). Section 307 of the CZMA outlines provisions for Federal consistency with the CZMA. It requires Federal actions that would have reasonably foreseeable effects on coastal land or water uses and natural resources to be consistent with the enforceable policies of each state's federally approved coastal management program. Federal actions must be consistent to the maximum extent practicable with the enforceable policies of a state coastal management program. After the issuance of the ROD, GSA would prepare a Federal consistency determination in conjunction with the design process for the consolidated FBI HQ campus.

The District does not have a designated coastal zone and is exempt from the conditions of the CZMA, including development of a Coastal Zone Management Plan and associated policies. Therefore, Federal agencies do not need to prepare a Federal consistency determination under the CZMA for actions taken in the District.

Prince George's County is within the Maryland coastal zone, and therefore Federal actions require submission of a Federal consistency determination to ensure that the proposed Federal action is consistent with state coastal management policies. The Maryland Department of Natural Resources (MDDNR) administers the state's CZMA program, which is composed of state, regional, and local agencies that work under state laws, policies, and objectives to protect and restore coastal resources while also allowing for appropriate development. If the Greenbelt or Landover Alternatives are identified as the Preferred Alternative, a coastal zone consistency determination would be required. CWA Section 404 permits must be consistent with the Coastal Zone Management Program guidelines.

Fairfax County is within the Virginia coastal zone, and therefore Federal actions require submission of a Federal consistency determination to ensure that the

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Resource Protection Areas (RPAs): Coastal resources including tidal wetlands, certain non-tidal wetlands, tidal shores, and a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow.

Resource Management Areas (RMAs): Those areas of Fairfax County not included within an RPA that require proper management to protect water quality.

proposed Federal action is consistent with enforceable policies of the state's coastal management policies. These policies include the requirements of the Virginia Erosion and Sediment Control Handbook, Third Edition (1992), and stormwater management criteria consistent with water quality protection provisions of the Virginia Stormwater Management Regulations, the Virginia Chesapeake Bay Preservation Act, and the Chesapeake Bay Preservation Area Designation and Management Regulations. VADEQ administers the Chesapeake Bay Preservation Act (Virginia Code §62.1-44.15:67 *et seq*.) and Chesapeake Bay Preservation Area Designation and Management Regulations (§9 VAC 25-830-10 *et seq*.) The Act requires that the counties and municipalities near tidal waters in the Commonwealth incorporate general water quality protection measures into their comprehensive plans, and zoning and subdivision ordinances. The Act and regulations address nonpoint source pollution by defining and protecting Chesapeake Bay Preservation Areas. The regulations use a resource-based approach that recognizes differences between various land forms and treats them differently. Fairfax County designates corridors of environmentally sensitive land as Resource Protection Areas (RPAs), which are considered coastal resources. RPAs include tidal wetlands, certain non-tidal wetlands, and tidal shores. RPAs also include a 100-foot vegetated buffer area located adjacent to and landward of these features and along both sides of any water body with perennial flow. RMAs, which require less stringent performance criteria, but whose proper management protects water quality within the Chesapeake Bay watershed, include those areas of the county not included in the RPAs. Federal actions in Fairfax County are required to be consistent with the performance criteria of the Chesapeake Bay Preservation Act and Regulations on lands analogous to locally designated RPAs and RMAs as provided in §9 VAC 25-830-130 and 140.

3.4 Biological Resources

Potential impacts to biological resources are related to impacts to vegetation, aquatic wildlife species, terrestrial wildlife species, and special status species. The construction and operation of a consolidated FBI HQ has the potential to cause both adverse and beneficial impacts to biological resources as described in the following sections.

3.4.1 Data Sources

The analysis of potential impacts to biological resources was based on a review of existing literature; available databases and information regarding ecoregions; state and county data, including Natural Heritage Program data; analysis of aerial photography; and site visits.

3.4.2 Study Area

The study area for impacts to biological resources includes all land within the boundaries of the site alternatives and the JEH parcel, as well as those areas where the recommended transportation mitigation measures would be implemented. Impacts to biological resources resulting from the implementation of utility infrastructure improvements have been evaluated generically based upon planning-level information provided by each utility provider. The specific location of any required utility improvements would be identified during the design and permitting process. Indirect impacts are evaluated for aquatic species downstream of these areas where habitat that may be impacted by changes in water quality and volume from these sources occurs.

3.4.3 Methodology and

Assumptions

Direct impacts to vegetation and wildlife occur when vegetated areas that include plant and wildlife habitats are cleared for the construction of buildings and roads. Indirect impacts to vegetation and wildlife consist of a reduction in onsite habitat diversity and suitability for use by plants and wildlife.

The following guidelines are used to determine the intensity of adverse impacts to biological resources:

No Measurable Impact: There would be no changes to biological resources that would noticeably alter the abundance, distribution, quantity or quality of existing populations.

Adverse: Changes to biological resources would be readily measurable in terms of abundance, distribution, quantity or quality of populations and could occur over a large area. Mitigation measures could be necessary to offset adverse impacts and would likely be successful. Viability of wildlife or plant populations would likely not be affected in the long term and the community, if left alone, would recover.

Major Adverse: Impacts to biological resources would be readily apparent and would substantially change wildlife populations over a large area in and out of the study areas. Extensive mitigation would be needed to offset adverse impacts, and success would not be assured.

Beneficial: A change to biological resources would be readily measurable in terms of abundance, distribution, quantity or quality of populations. Populations of plant and wildlife species could change substantially over a large area.

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3.4.4 Relevant Regulatory and Permitting Requirements

3.4.4.1 Endangered Species Act

Analysis of the potential for impacts to special status species is required by the Endangered Species Act (ESA) of 1973 (16 U.S.C. §1531 *et seq*.) and protects critically imperiled species from extinction as a "consequence of economic growth and development untempered by adequate concern and conservation." It is administered by two Federal agencies: USFWS and NOAA. To be considered for listing, the species must meet one of five criteria (section 4(a)(1)):

1. There is the present or threatened destruction, modification, or curtailment of its habitat or range.

2. There is an over-utilization for commercial, recreational, scientific, or educational purposes.

3. The species is declining due to disease or predation.

4. There is an inadequacy of existing regulatory mechanisms.

5. There are other natural or manmade factors affecting its continued existence.

Species are listed according to the following designations:

Endangered (E): any species that is in danger of extinction throughout all or a significant portion of its range.

Threatened (T): any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Candidate (C): a species under consideration for official listing.

In addition to the ESA, state agencies have programs to protect endangered and threatened species. Each state administers its own conservation and protection program and provides species lists through their natural heritage program. In Maryland, MDDNR administers the natural heritage program, in accordance with the Nongame and Endangered Species Conservation Act (Annotated Code of Maryland 10-2A-01) and Code of Maryland Regulations 08.03.08, which contain the official state list of threatened and endangered species. MDDNR ranks each special status species according to its rarity in the State of Maryland. In Virginia, the natural heritage program is administered by the Virginia Department of Conservation and Recreation (VADCR). VADCR categorizes special status species according to conservation status, which indicates the secure or imperiled status of each species, as well as a legal status that mirrors the Federal designation. In addition, Virginia Code Chapter 39 §3.1-1020 through 1030 authorizes the Virginia Department of Agriculture and Consumer Services (VDACS) to conserve, protect, and manage endangered and threatened species of plants and insects.

3.4.4.2 Migratory Bird Treaty Act

Migratory birds are protected under the Migratory Bird Treaty Act of 1918 (MBTA) (16 U.S.C. 703-712; 40 Stat. 755) as amended. "[I]t shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried or receive for shipment, transportation, carriage or export, any migratory bird, any part, nest or egg of any such bird or any product, whether or not manufactured, which consists or is composed in whole or part, of any such bird or any part, nest or egg thereof…"(16 U.S.C. 703). Any take of a migratory bird would require a permit from USFWS. The regulations governing migratory bird permits are found in 50 C.F.R Part 13 (General Permit Procedures) and 50 C.F.R Part 21 (Migratory Bird Permits).

3.4.4.3 Preventing Bird Strikes

According to the American Bird Conservancy, up to a billion birds die in collisions with glass each year (2015). Under each action alternative, the risk of in-flight bird collisions would increase due to the implementation of new buildings with windows at the Landover and Greenbelt sites, and a taller building with more windows than the current warehouses at the Springfield site. The information needed to evaluate impacts related to bird strikes would not be available until the design phase. However, as part of the LEED Gold accreditation for this project, GSA, in cooperation with the Exchange Partner, may implement interior and exterior lighting and material modifications and a facade monitoring plan required for credit SSpc55 (Bird collision deterrence) to reduce bird injury and mortality from in-flight collisions with the HQ Building and other facility components. The intent of this credit is to reduce bird injury and mortality from in-flight collisions with buildings. It requires the development of a building facade and site design strategy to make the building and site structures visible as physical barriers to birds based on the calculated Bird Collision Threat Rating for the building facades on the campus that ensures the amount of high collision threat potential reflective or transparent glass building materials do not exceed a specified percentage of the overall building facade area. This credit also specifies that exterior building fixtures that are not necessary for safety, building entrances, and circulation shall be automatically shut off from midnight until 6 AM, and that luminaire uplight ratings are within specified limits. Lastly, this credit requires the development of a three-year post-construction monitoring plan to routinely monitor the effectiveness of the building and site design in preventing bird collisions (USGBC 2016b).

LEED Bird Collision Deterrence Credit SSpc55: The intent of this credit is to reduce bird injury and mortality from in-flight collisions with buildings. It requires the development of a building facade and site design strategy to make the building and site structures visible as physical barriers to birds.

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Maryland Forest Conservation Act (FCA)

The Maryland Forest Conservation Act (FCA) of 1991 provides a set of minimum standards that developers must follow when designing a new project that affects forest land. These standards minimize the loss of Maryland's forest resources during land development by making the identification and protection of forests and other sensitive areas an integral part of the site planning process. Of primary interest are areas adjacent to streams or wetlands, those on steep or erodible soils or those within or adjacent to large contiguous blocks of forest or wildlife corridors. Any activity requiring an application for a subdivision, grading permit or sediment control permit on areas 40,000 SF (approximately 1 acre) or greater is subject to the FCA and would require a Forest Conservation Plan prepared by a qualified professional unless granted an exemption by the state or local FCA program coordinators (MDDNR 2016a). In their comments on the Draft EIS, MDDNR indicated that the agency would play a lead role in FCA review for the Greenbelt or Landover Alternative, due to the eventual Federal ownership of the land, and Federal agency involvement during the planning and design process. MDDNR would coordinate with the M-NCPPC and Prince George's County staff in those efforts. MDDNR's review under the Forest Conservation Act would occur in coordination with the Maryland Department of Environment who would evaluate impacts to waters of the U.S.

Maryland Scenic and Wild Rivers Program

The Maryland Scenic and Wild Rivers Program of 1968 provides recognition of rivers, portions of rivers, and related land areas around rivers in Maryland as locations that possess outstanding scenic, geologic, ecologic, historic, recreational, and agricultural qualities, as well as fish, wildlife, and culture resource values. Therefore, it is the policy of the state to:

1. preserve and protect the natural values of these rivers,

2. enhance their water quality, and

3. fulfill vital conservation purposes by wise use of resources within their surrounding environment.

To fulfill these policies, the Maryland Scenic and Wild Rivers Program is mandated to inventory and assess all rivers within the State of Maryland for their eligibility for inclusion as either a scenic or wild river, and to prepare river resource management plans for any river designated scenic and/or wild by the Maryland General Assembly, so that river-related resources, issues, and existing conservation programs are identified and recommendations are made on the recreational use of the river and the conservation and protection of special riverine features (MDDNR 2016b).

Virginia Endangered Plant and Insect Species Act

The 1979 Endangered Plant and Insect Species Act of the Code of Virginia (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes the Virginia Department of Agriculture and Consumer Services to conserve, protect, and manage endangered and threatened plant and insect species. Virginia Endangered Plant and Insect Species Program personnel cooperate with USFWS; the Virginia Department of Conservation and Recreation, Division of Natural Heritage; and other agencies and organizations on the recovery, protection or conservation of threatened or endangered species, and designated plant and insect species that are rare throughout their worldwide ranges.

Virginia Natural Area Preserves Act

The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217) authorizes Virginia DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare, threatened, and endangered species; significant natural communities; geologic sites; and other natural features).

3.5 Land Use Plans, Planning Studies and Zoning

Potential impacts to land use and zoning are determined by analyzing the consolidation of FBI HQ at each site as it relates to the visions for future development found in existing land use plans, changes in density and use, induced development, spurred revitalization or increased vacancy. Such changes are typically a function of the scale of the proposed development, proximity of other uses to the project site, existing zoning, the availability of vacant or underutilized land, the condition of surrounding buildings, and outside development forces.

While the affected environment for zoning is described for each of the site alternatives, development on a federally controlled site is not subject to zoning. However, GSA and the Exchange Partner would cooperate with state and local officials throughout the development process. This EIS assumes there is no measurable impact to zoning for the redevelopment of the JEH parcel because each RFDS scenario is predicated on compliance with the applicable D-7 Zoning regulations.

3.5.1 Data Sources

To evaluate impacts to land use and zoning, data were obtained from Washington, D.C., Prince George's County, Maryland, Maryland Department of Planning, and Fairfax County, Virginia. These data were used in conjunction with the local and regional land use plans described in the Final EIS to draw qualitative conclusions about impacts under each alternative.

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3.5.2 Study Area

The study area for impacts to land use, planning studies, and zoning includes all land within the boundaries of the site alternatives and the JEH parcel, as well as those areas within 0.25 mile of each site. Additionally, the use and any other defining features of parcels whose acquisition may be required to implement the transportation mitigation measures is considered. Likewise, land use impacts resulting from the implementation of utility infrastructure improvements have been evaluated generically based upon planning-level information provided by each utility provider. The specific location of any required utility improvements would be identified during the design and permitting process. When considering impacts under planning studies, a broader geographic context is examined, whose boundaries are based on each plan's boundaries.

3.5.3 Methodology and Assumptions

The determination of direct land use impacts associated with the FBI HQ consolidation is based on physical changes to the actual development site and consistency with existing land use plans, zoning or policies. The determination of indirect land use impacts associated with the Proposed Action are based on changes that occur within adjacent parcels or a larger study area induced or because of the Proposed Action, including commercial, retail, and residential changes and the related effects on regional plans and initiatives.

Land use and zoning impacts attributable to a project are determined by the extent to which changes to the site and the surrounding area, including changes in density, use, and zoning are compatible with future land use/comprehensive plans. Such changes are typically a function of the scale of the proposed development, proximity of other uses to the project site, existing zoning, the availability of vacant or underutilized land, the condition of surrounding buildings, and outside development forces. The determination of direct land use impacts are based on physical changes to the actual development site and consistency with existing land use plans, zoning or policies. The determination of indirect land use impacts are based on changes that occur within adjacent parcels or a larger study area, including commercial, retail, and residential changes and the related effects on regional plans and initiatives.

The following guidelines are used to determine the intensity of impacts to land use and zoning:

No Measurable Impact: The use of the parcel would not change from the existing condition.

Adverse: Changes to land use on the site would be incompatible with adjacent or nearby land uses and would be inconsistent with future land use and comprehensive plans, but limited in intensity or scale.

Major Adverse: Changes to land use on the site would substantially conflict with land use over a large area surrounding the site, and would constrain or inhibit the effective implementation of future land use and comprehensive plans.

Beneficial: Changes to land use on the site would be compatible with surrounding land uses and would support the effective implementation of future land use and comprehensive plans.

3.6 Visual Resources

Potential impacts to visual resources are related to changes in aesthetics/visual resources that occur when (1) features are altered, introduced, made less visible or are removed, such that the resultant effect on public views is perceptibly incongruous with the existing established character of the landscape; and (2) access to public views is substantially diminished or eliminated by screening or blocking of the affected view, and/or physical access to public viewing positions is substantially restricted or eliminated.

Visual resources include scenic areas, vistas or thoroughfares, and locations that provide natural-appearing or aesthetically-pleasing places or views. This includes natural views such as shorelines and manmade views such as unique buildings, landscaping, parks, and other types of cultural features. Typically, visual resource descriptions focus on those that are recognized as highly valued. For instance, they may be specific places, vistas, and scenic overlooks identified by a visitor's association. However, visual resources are also recognized as views and vistas that people are accustomed to seeing and often take for granted as a general part of the landscape. Visual resources are an important part of the quality and sensory experience of an area. Users often encounter an area first and foremost through a visual interaction or their "view" of a place. Views are generally composed of, and often described in terms of foreground, middle-ground, and background depending on the site.

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3.6.1 Data Sources

Information on topography within the visual resources study area for the Greenbelt, Landover, and Springfield Alternatives was obtained from the USGS National Elevation Dataset (NED) 1-meter resolution raster datasets for Prince George's County, Maryland (Greenbelt and Landover) and Fairfax County, Virginia (Springfield). The estimated number of stories for the HQ Building was informed by several factors, including the Floor Area Ratio (FAR) for the HQ Building developable area for each site and heights of comparable government campuses in the National Capital Region (NCR). The maximum building height assumes a 20-foot floor-to-floor height for the first story of the HQ Building and 15 feet for each subsequent story.

3.6.2 Study Area

For the consolidation of FBI HQ, the study area for visual resources includes the Greenbelt, Landover, and Springfield Alternatives and the 0.25-mile viewshed surrounding each alternative, corresponding with the indirect Area of Potential Effects (APE) for each site as defined in section 3.7.2. The study area also includes those areas where the recommended transportation mitigation measures would be implemented. Impacts to visual resources resulting from the implementation of utility infrastructure improvements have been evaluated generically based upon planning-level information provided by each utility provider. The specific location of any required utility improvements would be identified during the design and permitting process. Indirect visual impacts resulting from the redevelopment of the JEH parcel are described qualitatively for views along Pennsylvania Avenue between the White House and Capitol Building.

3.6.3 Methodology and Assumptions

The visual resources of a project site include the features and characters of its landforms, vegetation, water surfaces, and physical modifications caused by human activities, which give the landscape its visually aesthetic qualities. The proposed methodology to analyze the visual resources and aesthetics of the three sites includes the following steps:

Step 1: Determine if any scenic resources, views, and/or vistas exist within the viewshed of the FBI HQ Building.

Step 2: Determine whether the project would have effects on the identified visual resources, views, and/or vistas during both construction and operation.

Step 3: Determine whether the project would create a new source of substantial light, shadow, and/or glare that would adversely affect daytime or nighttime views in the area.

Step 1 was accomplished by modeling the viewshed within 1 mile of each site alternative using ArcMap's spatial analysis toolbox and viewshed tools. The primary viewshed parameter is the estimated height of the HQ building, using a conservative assumption of 20 feet for the 1st story floor-to-floor height (which would include special spaces such as the Mission Briefing Center) and 15 feet floor-to-floor height for each additional story. As the tallest element of the consolidated FBI HQ campus, the HQ Building has been used to estimate visual impacts. Any visual impacts from the parking structures at each site would be included in the viewshed analysis for the HQ building. Potential impacts were then evaluated based on site reconnaissance and observation, applicable planning document review, public input, research activities for evidence, and visual simulations using ArcScene and ArcMap modeling.

Using ArcScene, a sun-shadow analysis model was used to determine shadows that would be cast by the HQ Building at each site alternative using sunlight for a given date and time. Shadows cast by the HQ Building could extend outside the site boundary and adversely impact the visual character of the surrounding neighborhoods. The analysis for each site applied the estimated height of the HQ Building to the entirety of its developable area to visualize the worst-case scenario for shadows from the HQ campus throughout the year. The sun-shadow analysis was computed one hour after sunrise and one hour before sunset during the summer solstice (June 20) and winter solstice (December 21) to capture shadow extremes within a year. The shadow analysis is a high level analysis for a campus that has not yet been designed; sections 5.2.5, 6.2.5, and 7.2.5 describe how shadow impacts would be avoided and minimized during the design process.

The following guidelines are used to determine the intensity of impacts to visual resources:

No Measurable Impact: There would be no changes to the existing visual character of the site and its environs.

Adverse: An adverse impact occurs when the building(s) would have a resultant effect on public views that appear out of place, discordant or distracting when compared with the inherent, established character of the landscape. The magnitude of an adverse visual impact depends on the site's visual sensitivity and the magnitude of the proposal. Changes would be noticeable and could be distracting or visually co-dominant with other features (attention would be drawn to the change about as frequently as to other features in the landscape).

Major Adverse: Changes would be the focus of attention and would tend to become the subject of the view.

Beneficial: A beneficial effect occurs when the project would complement, improve or enhance the character (including quality and value) of the landscape. Changes would be noticeable and could be visually co-dominant with other features, but would be appropriate to the context of the landscape and contribute to overall landscape features.

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3.7 Cultural Resources

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Advisory Council on Historic Preservation (ACHP), "Protection of Historic Properties" (36 C.F.R Part 800) as amended August 5, 2004. GSA has initiated consultation under Section 106 of the NHPA to identify any affected historic properties, and seek ways to avoid, minimize or mitigate any adverse effects to these resources.

3.7.1 Data Sources

Information on cultural resources was obtained from a variety of sources. Digital data and hard copy maps and reports were obtained from the Washington, D.C. Historic Preservation Office (DC SHPO), the Maryland Historical Trust (MHT), and Virginia Department of Historic Resources (VDHR) information systems and libraries. This research was complemented by site surveys to identify additional potential historic properties that would be affected by the Proposed Action.

3.7.2 Study Area

Each of the study areas for cultural resources contains an area defined as the APE connected to the Section 106 process. The APE is defined in the regulations implementing the Section 106 review process as "The geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking." [36 C.F.R §800.16(d)]. The APE for this project consists of two distinct areas to account for potential direct and indirect impacts to historic properties at each site. The Primary APE comprises the project site in its entirety where there is potential for direct impacts from the construction of the consolidated FBI HQ or indirect impacts from the exchange of the JEH parcel. The Indirect APE consists of a 0.25 mile radius from the project site boundary for potential indirect impacts from the construction of a consolidated FBI HQ. The Indirect APE for the JEH parcel is larger given the prominence and visibility of the JEH parcel along Pennsylvania Avenue, and includes the entirety of the Pennsylvania Avenue National Historic Site and National Mall Historic District.

In accordance with the regulations implementing Section 106 of the NHPA, GSA has determined the APE of the Proposed Action in consultation with DC SHPO, MHT, and VDHR.

3.7.3 Methodology and Assumptions

While direct and indirect impacts to cultural resources under NEPA are not described with identical terminology as effects on historic properties under NHPA (i.e., no effect, no adverse effect or adverse effect), there is a similarity. NHPA requires Federal agencies to consider the effects of their actions (termed "undertakings" under NHPA) on historic properties at the earliest possible planning stage so as to preserve a full range of alternatives to avoid, minimize or mitigate adverse impacts to historic properties. An impact is considered "adverse" when an undertaking alters any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places (NRHP) in a manner that would diminish the integrity of the resource's location, design, setting, materials, workmanship, feeling or association.

Additionally, "adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative (36 CFR § 800.5(a)(1))." The goal is the avoidance, minimization or mitigation of adverse effects. Within the APE, potential effects can be either direct or indirect. Direct effects are actions that occur to the historic property itself. Indirect effects are those that may change the character of the historic property's use or physical features within the property's setting and can be audible, atmospheric or visual.

For the Final EIS, the following equivalents would be used for impacts to cultural resources under NEPA and effects on historic properties under NHPA:

No Measurable Impact: The impact is at the lowest level of detection with neither adverse nor beneficial consequences. For purposes of Section 106, the determination of effect would be no effect on historic properties.

Adverse: For aboveground historic properties, impacts would alter character-defining features, elements or landscape patterns, but would not diminish the integrity of the structure or landscape to the extent that its NRHP eligibility is jeopardized. For archaeological resources, the site(s) would be disturbed, but not obliterated. The determination of effect for Section 106 would be an adverse effect.

Major Adverse: For structures and landscapes, impacts would alter character-defining features, elements or landscape patterns, diminishing the integrity of the structure or landscape to the extent that it is no longer eligible for listing in the NRHP. For archaeological resources, the site(s) would be obliterated. The determination of effect for Section 106 would be an adverse effect.

Beneficial: The character-defining features of the historic property would be stabilized/preserved in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, and would not diminish the attributes that contribute to their eligibility for listing in the NRHP.

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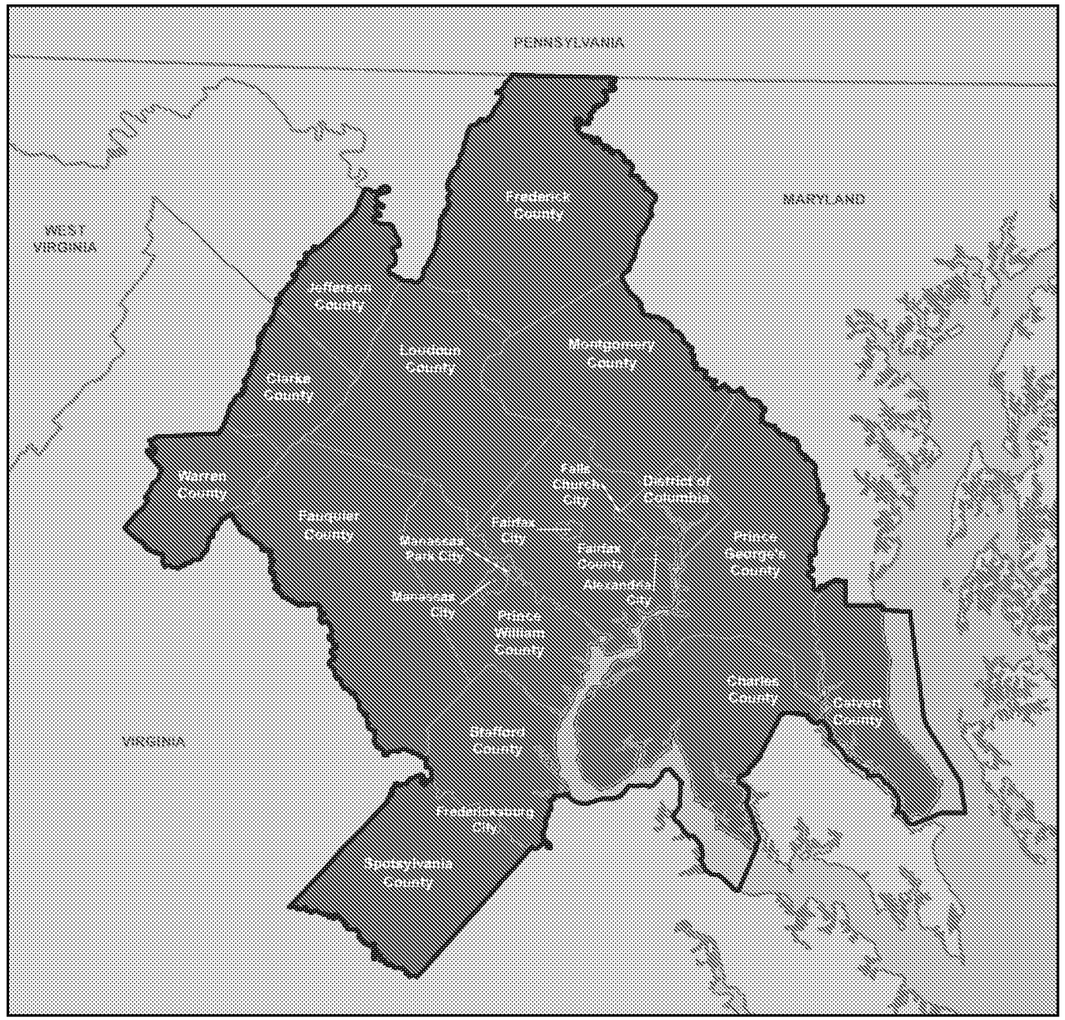
Figure 3-2: Washington-Arlington-Alexandria Metropolitan Statistical Area.



3.8 Socioeconomics and Environmental Justice

Socioeconomic impacts are related to changes in population, demographics, and economics. Impacts are considered in the context of the local economy within the county in which the site alternative resides and the region of influence (ROI). Impacts to businesses that provide services to residents and commuters, such as retail establishments, food facilities, and others, are evaluated qualitatively. Impacts to the quality of life of residents, specifically housing, schools, and public facilities, and community services, such as police, fire, and medical services, are also described qualitatively. Benchmarks for some impacts, such as population, housing, and construction employment, have been created by identifying the greatest annual change over a recent historical period or using the latest statistics on these resources to create a quantitative threshold for the magnitude of impacts to each resource. Environmental justice impacts and impacts to children are assessed based on whether an action would disproportionately and adversely impact these sensitive populations.

3.8.1 Data Sources

The primary data source used for localized data on demographics and housing characteristics is the U.S. Census Bureau (U.S. Census). The U.S. Census' 5-year annual average estimates provided by the American Community Survey (ACS) were used to show historic population trends, racial and ethnicity characteristics, income levels, and poverty statistics. Statistics in all sections may report information for 2013 as a 5-year annual average statistic of information obtained between 2009 and 2013. Information presented in this way is identified as the annual average that occurred over this period. Population projections were obtained from the Metropolitan Washington Council of Governments (MWCOG). Current and historical employment statistics and unemployment rates were collected from the U.S. Department of Labor's Bureau of Labor Statistics - Local Area Unemployment Statistics. Assumptions on the number of construction workers that would be required for the projects were based on an approach contained in the recent Development of St. Elizabeth's Campus Environmental Impact Statement (St. Elizabeth's EIS), which identified a multiplier of construction workers required per square foot of developable space. Average construction workers' salaries were also obtained from this document. Information on sales taxes, income taxes, property taxes, and state and county tax revenue was collected from state departments of revenue; the counties within the ROI; the District of Columbia; and relevant research sites, laws, and reports.

Schools and childcare centers within 1 mile of each of the site alternatives were identified based on field reconnaissance and Google maps. Information on educational enrollment statistics at the county level was obtained directly from schools or school districts. Potential impacts to children were analyzed by reviewing the proximity of schools, childcare centers, and neighborhoods to the site alternatives and the potential for children to be impacted by construction, traffic, noise, and air quality impacts.

Information on community services such as police, fire, and medical services, recreation services, and community facilities such as churches and libraries was obtained from GIS and local government, county, and private organizations' websites.

Demographic and poverty information at the census tract level was used to assess environmental justice impacts. U.S. Census data on census tracts within 1 mile of the site alternatives were collected. Census tracts that had a poverty level greater than benchmark identified in section 3.8.3.4 were identified as low income populations. Census tracts that contained a total minority (Black or African American, American Indian and Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, Hispanic or Latino, some other race or two or more races) population that were greater than the benchmarks identified in section 3.8.3.4 were identified as minority areas. All of the census tracts identified as either a minority area or a low-income area were identified as sensitive populations for the impact analysis.

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3.8.2 Study Area

The ROI for socioeconomics and environmental justice is defined as the geographical area within which the principal direct and indirect socioeconomic effects of actions associated with project-related activities are likely to occur, and where most consequences for local jurisdictions are expected. For the socioeconomic analysis included in the Final EIS, the ROI is defined as the Washington-Arlington-Alexandria Metropolitan Statistical Area (Washington, D.C. MSA).[1] The MSA encompasses the primary area where the potential for project direct, indirect, and induced social and economic impacts is likely to be highest and the area within which the construction workforce for the proposed alternatives would primarily be drawn. The geographic scope of the Washington, D.C. MSA encompasses 22 counties and independent cities that make up the Washington, D.C. metropolitan region (U.S. Census Bureau 2003). Figure 3-2 outlines the boundary of the Washington, D.C. MSA.

3.8.3 Methodology and Assumptions

The analysis of potential impacts to socioeconomic resources (population, housing, employment, income, taxes, schools and community services, recreation and other community facilities, environmental justice, and the protection of children) was completed using a localized approach specific to each site location. Information was obtained for this analysis on the counties or Washington, D.C. within which the alternatives were located along with the Washington, D.C. MSA and the Commonwealth of Virginia and the State of Maryland.

3.8.3.1 Population, Housing, Employment, Income, and Taxes

Recent historic extreme changes in population, housing, and construction employment or the latest statistics on these resources were used to determine the level at which significant impacts to these resources would occur. Recent historic extreme changes in population, employment, and housing were determined based on the total year-over-year changes of these resources during a recent historical period. In addition, the most recent values for housing, population, and employment were used to determine additional impacts to these resources. If a change in population is less than the greatest recent historical extreme, then this change is not considered significant, and no impacts were assessed because a change in population in and of itself is not adverse or beneficial. If estimating a quantitative change in population as a result of the project was not possible, then a qualitative description of potential impacts from a changing population is provided. The adverse or beneficial nature of an impact resulting from a change in population is included in the discussion of impacts to housing, employment, income, recreation, and community services because a change in population impacts these resources in different ways. No measurable impact was determined if the total net change in a resource, such as housing, before and after the action alternative would be zero.

The most recent income and tax revenue values were used to describe impacts to the tax revenues at the county, state, and regional level. Because the total number of employees relocating their residence as a result of the FBI HQ Consolidation, and the locations to which they may move, are not known, there cannot be a quantitative analysis of these impacts. Therefore, there are no established hard thresholds for impacts to these resources. All spending associated with construction or renovation is assumed to be new dollars spent in the regional economy. Impacts to sales, employment, and income would have both direct and indirect impacts to the local economy. Direct impacts would result from dollars spent on construction at the site, and this spending would be concentrated within the construction industry. Indirect impacts would result from purchases of goods and services and salary payments by those businesses that have been contracted to support or provide materials for the construction under this alternative. Induced impacts would occur throughout Washington, D.C. and the Washington, D.C. MSA as a result of spending by employees or construction workers that receive income as a result of an alternative. The St. Elizabeth's EIS used the Regional Input-Output Modeling System (RIMS) II model to determine the number of construction workers and construction worker salary that would be associated with the redevelopment of the St. Elizabeth's site. The amount of developable square footage of this site along with the number of construction workers needed to develop the site along with their average salaries was used for the FBI HQ EIS analysis to determine how many construction workers (along with their average salaries) would be required for the alternatives under analysis in this FBI HQ Final EIS. On average, in the St. Elizabeth's EIS, there were 0.0028 jobs per gross square foot (GSF) of developable space, and each construction worker earned $46,902.37 on average annually (adjusted for inflation to 2015 dollars).

[1] *The current Washington-Arlington-Alexandria Metropolitan Statistical Area (Washington, D.C. MSA), as defined by the U.S. Census, contains the following 22 counties or independent governments: Frederick County, Maryland; Montgomery County, Maryland; Washington, D.C.; Calvert County, Maryland; Charles County, Maryland; Prince George's County, Maryland; Arlington County, Virginia; Clarke County, Virginia; Fairfax County, Virginia; Fauquier County, Virginia; Loudoun County, Virginia; Prince William County, Virginia; Spotsylvania County, Virginia; Stafford County, Virginia; Warren County, Virginia; Alexandria city, Virginia; Fairfax city, Virginia; Falls Church city, Virginia; Fredericksburg city, Virginia; Manassas city, Virginia; Manassas Park city, Virginia; and Jefferson County, West Virginia (U.S. Census 2003).*

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Table 3-1: Population. 2000, 2009-2013[a]

County/Area	2000	2009-2013[1]	Percent Change, 2000-2013
Washington, D.C. MSA	5,119,490	5,759,330	12.5%

[a]This statistic is an annual average statistic from 2009-2013.
Source: U.S. Census Bureau (2013a, 2000a)

Table 3-2: Population Projections, 2020-2040

County/Area	Year					2020 – 2040	
	2020	2025	2030	2035	2040	Total Change	Percent Change
Washington, D.C. MSA	5,945,206	6,277,833	6,564,198	6,820,892	7,042,966	1,097,760	34%

Source: MWCOG (2014a)

Table 3-3: Racial Characteristics, 2009-2013[a]

County/Area	Total Population	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some other race alone or Two or more races	Minority Population[b]
Washington, D.C. MSA	5,759,330	56.1%	25.5%	0.4%	9.3%	0.1%	8.7%	51.7%

[a]These statistics are annual average statistics from 2009-2013.
[b]This is the total population minus the population of persons identifying themselves as non-Hispanic white alone. Minority population is separate from race and includes the Hispanic ethnicity.
Source: U.S. Census Bureau (2013)

Table 3-4: Housing Supply, 2009–2013[a]

Geographic Area	Total Number of Housing Units	Percent Change in Number of Housing Units (2000 to 2013)	Total Number of Occupied Housing Units	Total Number of Vacant Housing Units	Percent of Total Housing Units that are Vacant	Total number of Renter-Occupied Units	Percent of Housing Units Available for Rent
Washington, D.C.	2,249,459	N/A	2,091,301	158,158	7.60%	725,793	5.30%

[a] These statistics are American Community Survey five year estimates based on data gathered between 2009 - 2013.
Note: "N/A" indicates that information on housing was not available.
Source: U.S. Census Bureau (2013b, 2010a, 2000a)

Table 3-5: Employment and Income, 2001, 2009–2013[a]

Geographic Area	Employed Labor Force 2013 (number)	Employment Change 2001 - 2013 (percent)	Median Household Income, 2009 – 2013	Percentage of People Living Below Poverty, 2009-2013
Washington, D.C. MSA	3,092,700	+ 13.1%	$90,540	8.2%

[a]These statistics are American Community Survey five year estimates based on data gathered between 2009 - 2013.
Source: U.S. Census Bureau (2013a); BLS (2013)

The following guidelines were used to determine the degree of impacts to housing, employment, income, and taxes in the study areas:

No Measurable Impact: No measurable impact would occur if impacts would be limited to a small geographic area or if impacts would not be expected to substantively alter social, fiscal, and/or economic conditions of any individual(s), group(s), business(es), government(s) or community(ies).

Adverse: An adverse impact to housing, employment, income or taxes would occur if there is no capacity to sustain a change in these resources or if a change in these resources would negatively affect one or more some individual(s), group(s), business(es), government(s) or community(ies). For example, an increase in available housing would slightly decrease housing prices, which would result in an adverse impact to home sellers because their home prices, independent of other factors affecting home prices, would be reduced.

Major Adverse: Major adverse impacts would be readily detectable and observed, extend to a wide geographic area, possibly regionally, and would have a substantial influence on social and/or economic conditions of individuals, groups, businesses, governments or communities. A major adverse change in population, housing or employment would occur if the change in these resources is greater than the greatest positive or negative year-over-year change in recent history in the site-specific county or the ROI. A major impact to income and taxes would occur if the impacts to these resources are anticipated to result in a greater than 10 percent total decrease in the total income and taxes in the site-specific county or the ROI from the latest year for which information is available for these resources.

Beneficial: A beneficial impact to housing, employment, income or taxes would occur if a change in these resources would positively affect one or more individual(s), group(s), business(es), government(s) or community(ies). For example, an increase in available housing would provide additional housing for local residents and slightly decrease housing prices by increasing housing supply, benefiting home buyers because housing prices would be reduced.

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3.8.3.2 *Washington, D.C. Metropolitan Statistical Area*

Information provided on the Washington, D.C. MSA is common to all affected environments and is presented here for reference.

Population

The population in the Washington, D.C. MSA increased at a rate of 12.5 percent between 2000 and 2013, peaking at 5.8 million as of the latest U.S. Census information in 2013 (see table 3-1).[2]

MWCOG,[3] which contains a slightly different boundary from the Washington, D.C. MSA, forecasts that the population of the metropolitan area would grow by 1.8 million people by 2040, resulting in a total population of 7,042,966 in 2040, which represents a 34 percent increase in population from 2010 (see table 3-2).

Between 2009 and 2013, 56 percent of the average annual population of the Washington, D.C. MSA, identified themselves as white alone. Approximately 26 percent of census respondents identified themselves as Black or African American alone in the Washington, D.C. MSA. The remaining 18 percent of respondents in the Washington, D.C. MSA identified themselves as other minority populations. Table 3-3 summarizes the racial composition of the Washington, D.C. MSA.

Housing

There were approximately 2.3 million housing units in the Washington, D.C. MSA in 2013. The Washington, D.C. MSA had a housing unit vacancy rate of 8 percent on average annually, between 2009 and 2013 (see table 3-4).

Employment and Income

Between 2001 and 2013, the total employed labor force (including Armed Forces) increased by approximately 13 percent in the Washington, D.C. MSA. In 2013, the total employed labor force in the Washington, D.C. MSA, was 3,092,700 people. The median household income in the Washington, D.C. MSA was $90,540 during this period. Table 3-5 presents employed labor force, median household income, and the percentage of all people living below poverty in the Washington, D.C. MSA.

Within the Washington, D.C. MSA in 2013, Federal employment was the largest industry by total number of jobs, at 10 percent of all jobs, followed by the health care and the social assistance industry, which made up 9 percent of all jobs. Total jobs in the construction industry were not reported for 2013. Table 3-6 summarizes the total number of jobs, by industry, in 2013 and the total change in jobs for each industry between 2001 and 2013 for Washington, D.C. and the Washington, D.C. MSA (BEA 2013).

3.8.3.3 *Schools and Community Services, Recreation, and Other Community Facilities*

Social impacts are those that may be borne by

[2] The current geographic boundaries for the MSA represent the boundaries as they existed in 2000. However, the geographic boundaries for counties and cities included in these combined area statistics have likely changed between 1900 and 2010. Therefore, the statistics in table 3-1 and in the supporting paragraph are reflective of the total population of these areas as their boundaries existed at the time their statistics were recorded and are not based on the boundaries that existed in 2010.

[3] The population projection model is based on the 1983 definition of the Metropolitan Statistical Area (MSA) that includes the District of Columbia, Calvert County, Charles County, Frederick County, Montgomery County, and Prince George's County in Maryland; and Alexandria, Arlington County, Fairfax, Fairfax County, Falls Church, Loudoun County, Manassas, Manassas Park, Prince William County, and Stafford County in Virginia (MWCOG 2015a). The 1983 definition of the MSA is not the current Washington, D.C. MSA definition used in this document. current geographic boundaries for the MSA represent the boundaries as they existed in 2000. However, the geographic boundaries for counties and cities included in these combined area statistics have likely changed between 1900 and 2010. Therefore, the statistics in table 3-4 and in the supporting paragraph are reflective of the total population of these areas as their boundaries existed at the time their statistics were recorded and are not based on the boundaries that existed in 2010.

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Table 3-6: Jobs by Industry, 2013

Industry	Washington, D.C. MSA	
	2013	Percent Change 2001-2013
Total employment	4,019,399	16.4%
Farm employment	10,752	-12.5%
Forestry, fishing, and related activities	3,273	(D)
Mining	(D)	(D)
Utilities	8,309	(D)
Construction	(D)	(D)
Manufacturing	57,571	(D)
Wholesale trade	71,248	(D)
Retail trade	316,461	3.6%
Transportation and warehousing	86,532	(D)
Information	93,241	(D)
Finance and insurance	160,815	(D)
Real estate and rental and leasing	188,198	(D)
Professional, scientific, and technical services	(D)	(D)
Management of companies and enterprises	(D)	(D)
Administrative and waste management services	251,942	(D)
Educational services	129,519	(D)
Health care and social assistance	347,852	(D)
Arts, entertainment, and recreation	(D)	(D)
Accommodation and food services	(D)	(D)
Other services, except public administration	285,699	21.1%
Federal, civilian	389,596	15.5%
Military	66,531	-15.9%
State and local	314,560	17.0%

Note: (D) indicates data not shown to avoid disclosure of confidential information, but the estimates for this item are included in the totals.
Source: BEA (2013)

individuals, groups, businesses or communities who could experience a change in their social structure and context under the action alternatives. These resources are reviewed in the affected environment section at the county level andr within a 1-mile radius of the alternative sites and a 0.25-mile radius of the JEH parcel. These resources are not analyzed at the level of the Washington, D.C. MSA. Qualitative impacts to schools for each alternative have been determined based on changes in the school age population that would result from relocating employees that could lead to a change in student enrollment and changes in taxes that could fund schools. Impacts to community services, recreation resources, and community facilities have been determined qualitatively based on the ability of these resources to adapt to changes resulting from the FBI HQ consolidation and funding of these resources. Short and long-term impacts for these resources are divided into impacts that happen temporarily (short-term) and would eventually stop vs. impacts that are expected to continue into the future with no end date (long-term). The following guidelines were used to determine the degree of impacts to schools, community services, recreation, and other community facilities in the study areas[4]:

No Measurable Impact: No measurable impact would occur if impacts would be limited to a small geographic area or if impacts would not be expected to substantively alter the social, fiscal, and/or economic conditions of these resources.

Adverse: An adverse impact to schools, community services, recreation resources, and other community facilities would occur if there is no capacity to sustain a change in these resources or if a change in these resources would negatively affect current users of these resources.

[4] Specific impacts to schools, community services, recreation, and other community facilities may not be assesed due to incomplete information. .

Major Adverse: Major adverse impacts would be readily detectable and observable, extend to a wider geographic area, possibly regionally or would impact many individuals, groups, businesses, and communities. These impacts would have a substantial influence on the social, fiscal, and/or economic conditions of these resources.

Beneficial: A beneficial impact to schools, community services, recreation resources, and other community facilities would occur if a change in these resources would positively affect current users of these resources.

3.8.3.4 Environmental Justice and Protection of Children

On February 11, 1994, President Clinton issued EO 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. EO 12898 directs agencies to address environmental and human health conditions in minority and low-income communities so as to avoid the disproportionate placement of any adverse effects from Federal policies and actions on these populations. As defined by the Environmental Justice Guidance under NEPA (CEQ 1997a), “minority populations” include persons who identify themselves as Asian or Pacific Islander, Native American or Alaskan Native, Black (not of Hispanic origin), or Hispanic. Race refers to census respondents’ self-identification of racial background. Hispanic origin refers to ethnicity and language, not race, and may include persons whose heritage is Puerto Rican, Cuban, Mexican, and Central or South American.

Section 1-1 of EO 12898 requires the identification of minority populations where the percentage of minorities in an affected area either exceeds 50 percent or is meaningfully greater than in the general population or other appropriate unit of geographic analysis. For the purposes of this analysis, if the total percentage of minorities in a census tract is

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10 percent greater than the population of minorities within that census tract's respective county or district, then it is considered to have a meaningfully greater minority population than in the general population. Washington, D.C., Prince George's County, MD, and Fairfax County, VA, all had minority population levels that were above 50 percent minority when a 10 percent threshold was applied. Therefore, the benchmark value of 50 percent was used for census tracts under all of the alternatives. Low-income populations are identified using the Census Bureau's statistical poverty threshold, which is based on income and family size. The Census Bureau defines a "poverty area" as a census tract with 20 percent or more of its residents below the poverty threshold. A census tract is a small geographic subdivision of a county and typically contains between 1,500 and 8,000 persons (U.S. Department of Commerce 2000).

EO 13045, *Protection of Children from Environmental Health and Safety Risk,* requires Federal agencies, to the extent permitted by law and mission, to identify and assess environmental health and safety risks that might disproportionately affect children. This EO, dated April 21, 1997, further requires Federal agencies to ensure that their policies, programs, activities, and standards address these disproportionate risks. EO 13045 defines environmental health and safety risks as "risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breathe, the food we eat, the water we drink and use for recreation, the soil we live on and the products we use or are exposed to)." The following guidelines were used to determine whether or not there would be an environmental justice impact or an impact that violated EO 13045 to low-income populations, minority populations or populations of children within a 1-mile radius of the site alternatives.

Environmental Justice: An environmental justice impact is considered to have occurred if the impact from an action alternative disproportionately and adversely affects a minority or low-income community.

Protection of Children: An impact to a population of children is considered to have occurred if the impact from an action alternative disproportionately and adversely affects a population of children.

3.9 Public Health and Safety/ Hazardous Materials

The Final EIS evaluates public health and safety risks to FBI employees and the general public that could be associated with hazardous materials or environmental contamination in the project area, as well as health and safety risks associated with the proposed construction, maintenance, and operation of the consolidated FBI HQ. This analysis also considers the overall security and accessibility of each site and the surrounding area, including the safety risks to FBI staff, visitors, and the public from intentional destructive acts. Impacts for this resource area are analyzed, using information from Phase I Environmental Site Assessments (ESAs) conducted for each of the sites, information obtained from contaminated site databases maintained by USEPA, and information provided by GSA and FBI staff familiar with the security, construction, and maintenance considerations related to each of the site alternatives.

3.9.1 Data Sources

The following data sources were incorporated into the analysis for each alternative and the JEH parcel:

Phase I ESA: Phase I ESA reports were produced by GSA in 2014 for each of the four sites analyzed in the Final EIS. The Phase I ESA reports document the potential presence of environmental contamination and hazardous materials at each site.

USEPA EnviroMapper: The USEPA EnviroMapper is a map-based interactive online search tool that enables users to search for contaminated sites and hazardous waste generators within a specified radius of a site.

RCRAInfo Search: USEPA's RCRAInfo Search is an online database maintained to provide identification and location data for specific hazardous waste handlers, as well as a wide range of information on treatment, storage, and disposal facilities regarding permit/closure status, compliance with Federal and State regulations, and cleanup activities.

CERCLIS Database: The CERCLIS database is an online database maintained by USEPA that provides information on hazardous waste sites, potentially hazardous waste sites, and remedial activities, including sites that are on the National Priorities List (NPL) or being considered for the NPL. The NPL is the list of national priorities among the known releases or threatened releases of hazardous substances, pollutants or contaminants throughout the United States and its territories.

3.9.2 Study Area

The study area for analysis of impacts to public health and safety includes the JEH parcel and the Greenbelt, Landover, and Springfield Alternatives as well as the vicinity surrounding each site, which varies in size on a site-by-site basis according to each site's proximity to known contaminated sites, sensitive land uses, and high population densities.

3.9.3 Methodology and Assumptions

The public health and safety and hazardous materials evaluation for each alternative provides a qualitative analysis of the risk to FBI HQ employees, visitors, and the general public that could be associated with hazards in the study areas, as well as the proposed construction, maintenance, and implementation of the action alternatives. Impacts to public health and safety would result from increased risk of exposure to hazardous materials, hazardous wastes, environmental contamination, construction site safety hazards or intentional destructive acts.

The following guidelines are used to determine the intensity of adverse impacts to public health:

No Measurable Impact: The impact to public health would not be measurable or perceptible. There would be no existing hazardous materials onsite and no increase in the amount of hazardous materials or hazardous wastes handled, stored, used or disposed.

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Adverse: The impact to public health and safety would be detectable and result in noticeable effects on a local scale. Mitigation measures may be necessary and would likely be successful. The action would result in an increase in the amount of hazardous materials or waste to be handled, stored, used or disposed, but all hazardous or toxic materials and/or wastes could be safely and adequately managed in accordance with all applicable regulations and policies with limited exposures or risks.

Major Adverse: The impact to public health and safety would be readily apparent and result in substantial, noticeable effects related to hazardous materials and public health on a regional scale. Extensive mitigation measures would be needed, and success would not be guaranteed. The action would result in a substantial increase (more than 100 percent) in the amount of materials or waste to be handled, stored, used or disposed, and this could not be safely or adequately handled or managed by the proposed staffing, resulting in unacceptable risk, exceedance of available waste disposal capacity or probable regulatory violation. Site contamination conditions may preclude development of the site for the proposed use. Impacts would be capable of causing imminent and substantial endangerment to human health and the environment and would represent a significant impact.

Beneficial: Improvements to public health and safety would be readily apparent. The risk of exposure to hazardous materials or other public safety hazards would be measurably reduced.

3.9.4 Relevant Regulatory Requirements

3.9.4.1 Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over 5 years, $1.6 billion was collected, and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA:

- established prohibitions and requirements concerning closed and abandoned hazardous waste sites;
- provided for liability of persons responsible for releases of hazardous waste at these sites; and
- established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions: Short-term removals are actions that may be taken to address releases or threatened releases requiring prompt response. Long-term remedial response actions permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life threatening. Long-term remedial response actions can be conducted only at sites listed on the NPL.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants or contaminants (USEPA 2015a).

3.9.4.2 Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976, which amended the Solid Waste Disposal Act, addresses solid (Subtitle D) and hazardous (Subtitle C) waste management activities. The Hazardous and Solid Waste Amendments of 1984 strengthened RCRA's waste management provisions and added Subtitle I, which governs underground storage tanks (USTs).

Regulations promulgated pursuant to Subtitle C of RCRA (40 C.F.R Parts 260-299) establish a "cradle-to-grave" system governing hazardous waste from the point of generation to disposal. RCRA hazardous wastes include the specific materials listed in the regulations (commercial chemical products, designated with the code "P" or "U"; hazardous wastes from specific industries/sources, designated with the code "K"; and hazardous wastes from nonspecific sources, designated with the code "F") and materials that exhibit a hazardous waste characteristic (ignitability, corrosivity, reactivity or toxicity) designated with the code "D."

Regulated entities that generate hazardous waste are subject to waste accumulation, manifesting, and recordkeeping standards. Facilities that treat, store or dispose of hazardous waste must obtain a permit, either from USEPA or from a state agency that USEPA has authorized to implement the permitting program. Subtitle C permits contain general facility standards such as contingency plans, emergency procedures, recordkeeping and reporting requirements, financial assurance mechanisms, and unit-specific standards. RCRA also contains provisions (40 C.F.R Part 264 Subpart S and Part 264.10) for conducting corrective actions that govern the cleanup of releases of hazardous waste or constituents from solid waste management units at RCRA-regulated facilities.

Although RCRA is a Federal statute, many states implement the RCRA program. Currently, USEPA has delegated its authority to implement various provisions of RCRA to 48 of the 50 states, including Maryland, Virginia, and Washington, D.C.

Most RCRA requirements are not industry-specific, but apply to any company that generates, transports, treats, stores or disposes of hazardous waste (USEPA 2015b).

3.9.4.3 Firing Range Safety

To protect the health and safety of FBI HQ employees and visitors to the campus, the proposed firing range, located in the lower level of the Visitor Center, would comply with the following standards to avoid and minimize adverse safety impacts:

- Department of Justice, Immigration and Naturalization Service/National Firearms Unit,

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Firing Range Design Standard

- GSA's PBS-P100, Facilities Standards for the Public Buildings Service
- International Building Code (current at date of Exchange Partner award)
- National Institute for Occupational Safety and Health (NIOSH), Technical Information #76-130, Lead Exposure and Design Considerations for Indoor Firing Ranges. NTIS #PB266-426 (Available from the NIOSH publications department).
- 29 C.F.R §1910.1025, Lead Exposure
- U.S. Army, ER 210-3-2 Army Range Programs
- Mil-hdbk 1027/3B "Range Facilities and Miscellaneous Training Facilities Other Than Buildings"
- Army Regulation 385-63/MCO 3570.1B, "Range Safety"
- U.S. Air Force, ETL 11-18 Small Arms Range Design and Construction
- U.S. Department of Energy, Office of Health, Safety and Security "Range Design Criteria"

Additionally, brass casings would be collected, stored, and recycled. A wet bullet trap system, which minimizes bullet fragmentation and consequently the creation of airborne lead dust, would be used to collect casings, and an auger conveyance system would transfer spent bullets to a drum for collection and proper disposal. The firing range would be served by a separate HVAC system.

3.10 Transportation

Potential impacts to transportation are analyzed for the major transportation system components or modes of transportation, which include traffic, public transit (Metrorail and bus), pedestrian environment, bicycle facilities, parking, and truck access. Impacts to transportation are evaluated based on changes to vehicle delay, intersection capacity, vehicle queuing, and safety.

3.10.1 Study Area

The vehicular traffic study area for each site alternative generally includes the area that encompasses all analyzed intersections, but it does not have a clearly defined boundary because not every intersection was analyzed within the general areas described for each site. The JEH parcel study area, on the other hand, has a definitive study area edge due to the concentration of intersections in the urban downtown area. The vehicular study area of the alternative sites incorporates all of the intersections agreed upon for detailed study by GSA and the local and state transportation agencies, as well as the adjacent merge/diverge/weaves along I-495 and/or I-95 for the existing ramps that would serve the proposed FBI vehicle trips at the site alternatives. The vehicular traffic study area for each site includes intersections between the proposed sites and regional highway network or last major decision point before entering a freeway facility. The determination of intersections to include for detailed study further considered the intersections along roadways reasonably anticipated to carry a substantial portion of employee vehicle traffic based on trip generation data.

The vehicular study areas for each of the sites include the following number of intersections:

- Greenbelt – 13 intersections
- Landover – 24 intersections
- Springfield – 32 intersections
- JEH – 32 intersections

The study area analyzed for the other transportation modes for each site alternative generally includes all areas within a 0.5-mile buffer of the site, except for bicycles, which would include all areas within 1-mile of the site. Note that the JEH study area for other transportation modes is the same study area as the vehicular transportation study area noted above. A 0.5-mile radius was chosen in consultation with the Washington Metropolitan Area Transit Authority (WMATA) for transit and is an industry standard for analyzing those pedestrian trips which are comfortably accessible to transit, and is also commonly used as a typical walk-shed. The Metrorail impact evaluation for the JEH parcel and the Landover site was refined from the 0.5-mile radius to more effectively evaluate impacts. Given its location in downtown Washington, D.C., there are numerous Metrorail entrances for those stations within 0.5 mile of the JEH parcel, so only those entrances closest to the parcel for each Metrorail line were included in the analysis. At the Landover site, there are no Metrorail stations within 0.5 mile of the site, so impacts were evaluated for the closest Metrorail Station, which is just under 2 miles from the site. To be consistent among non-vehicular traffic modes and because employees may consider walking up to 0.5 mile to find parking, parking impacts were also evaluated within a 0.5-mile radius from the site. Based on feedback received during the Draft EIS process, bicycles were evaluated within a 1-mile radius of the site because bike-sheds are typically larger than walk-sheds.

3.10.2 Future Analysis Conditions

In addition to evaluating the existing condition of each transportation system component for each site and for the JEH parcel, the Final EIS examines three future conditions as described in the following sections. Based on preliminary planning, which projected 2022 for the build year for the Consolidated FBI HQ and 2025 for the private redevelopment of the JEH parcel, GSA performed a traffic analysis in the Draft EIS for Greenbelt, Landover, Springfield, and the privately redeveloped JEH parcel. Subsequent to the publication of the Draft EIS, GSA refined this estimate based on detailed schedules that consider each site's anticipated availability. The traffic analysis in the Final

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LOCAL AND STATE AGENCIES CONSULTED IN DEVELOPING THE TRANSPORTATION STUDY AREAS INCLUDE:

- FHWA
- DDOT
- Maryland SHA
- M-NCPPC
- Prince George's County
- City of Greenbelt
- Fairfax County DOT
- VDOT

EIS has been updated to reflect revised build years for the Consolidated FBI HQ at the Greenbelt site as 2025, for the Consolidated FBI HQ at the Landover site as 2023, and for the Consolidated FBI HQ at the Springfield site as 2027. The assumed build year for the JEH parcel in the Final EIS continues to be 2025, the same as what was assumed for the Draft EIS. The Draft EIS transportation analysis shows that minimal traffic and transit impacts are expected under both RFDSs. GSA does not expect these results to change substantially as a result of a different build year for the private redevelopment of the parcel. Regardless of the build year, the Exchange Partner would be required to complete a permitting process with the District Department of Transportation (DDOT) that would identify and mitigate any additional traffic or transit impacts not foreseen in the Final EIS analysis.

3.10.2.1 No-build Condition

The No-build Condition describes the future condition at each Consolidated FBI HQ site alternative without the addition of FBI employee trips and provides a baseline for comparison to evaluate the transportation impacts at the site alternatives from the consolidation of FBI HQ, and from the redevelopment of the JEH parcel. It assumes that future conditions would be different from current conditions as a result of future development and changes in the transportation network in the vicinity of each site. These are changes that would occur regardless of whether the site is selected for the Consolidated FBI HQ. Changes in traffic and transit use from the Existing Condition are forecasted based on the addition of trips generated by planned development projects with approved site plans by the local jurisdiction and background growth, and take into consideration proposed improvements or changes to the existing roadway and transit network. The No-build Condition is analogous to the No-action Alternative; however, it is unique in that impacts associated with non-project related actions, such as planned roadway improvements and planned developments, are detailed and quantified to provide a comprehensive baseline against which impacts from the consolidation of FBI HQ can be assessed.

The No-build condition in the Draft EIS and Final EIS remains the same at the Greenbelt site. In the Draft EIS, the No-action Alternative had assumed that the entirety of the Greenbelt Metro Station would be redeveloped as a mixed-use community based on development approvals already in place. However, based on public and agency comments on the Draft EIS, the No-action Alternative in the Final EIS assumes the Greenbelt site would continue to operate as surface parking for the Greenbelt Metro Station and parkland owned by the State of Maryland. The No-build Condition in the Final EIS uses the same analysis assumptions as the Draft EIS, including the same street network and intersection locations as the Build Condition, and the incorporation of the square footage associated with the portion of the North Core development that would be implemented if FBI HQ were consolidated at the Greenbelt site, west of Greenbelt Station Parkway and east of the rail line. These adjustments allow a comparison of the transportation impacts for the Greenbelt site between the No-build and Build Conditions.

For the JEH parcel, a No-action Alternative is studied instead of the No-build Condition, reflecting FBI remaining at the JEH parcel, and assumes the existing level of FBI employee trips in addition to background growth and roadway and transit improvements.

3.10.2.2 Build Condition

The Build Condition describes the future condition at each site with the addition of FBI employee trips and without any mitigations. The methodology used to analyze the Build Condition is described in detail in sections 3.10.4.2 and 3.10.4.3.

3.10.2.3 Build with Mitigation Condition

To address impacts to the transportation system caused as a result of the Proposed Action, consolidation of the FBI HQ sites, mitigation measures are recommended in this section for each mode of transportation analyzed. The goal of the proposed mitigations is to improve the functioning of each transportation system component to an equal or greater level described for the No-build Condition. Where road widening or other improvements are proposed that would impact areas outside of the existing road right-of-way (ROW) to mitigate adverse traffic impacts, the affected area is expressed in acres, based on the estimated linear length of improvement multiplied by the number of additional lanes, assuming a lane width of 12 feet. During the design engineering process, the affected area may be reduced to optimize these improvements and avoid and minimize impacts to other resources.

3.10.3 Regulatory Requirements and Agreements

3.10.3.1 National Capital Planning Commission Guidance

The National Capital Planning Commission (NCPC) has developed parking guidelines for the development of Federal facilities in the NCR as stated in the Transportation Element of NCPC's Comprehensive Plan for the National Capital (NCPC 2016a). In response to regional congestion and air quality levels, NCPC has recommended that parking be provided only for those Federal employees who are unable to use other travel modes. To accomplish this goal,

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NCPC has created parking ratio goals for Federal facilities based on their location in the NCR to available transit services, walking distances and conditions in the surrounding area, and other criteria. Parking ratios are the number of parking spaces available per employee population. Suburban facilities within 2,000 feet of Metrorail should have one parking space for every three employees (1:3) according to NCPC, with special consideration given to facilities near end-of-line Metrorail stations. Suburban facilities beyond 2,000 feet of Metrorail should have 1.0 parking space for every 1.5 employees (1:1.5), phasing to two parking spaces for every employee.

3.10.3.2 Jurisdictional Agreements

Prior to initiating the transportation analysis, it was essential to determine what analysis tools, data parameters, and assumptions would provide the basis of the analysis. In coordination with GSA, the project team met with the appropriate state transportation and local planning agencies in Maryland, Virginia, and Washington, D.C. to come to an agreement on the assumptions to follow for each site. These transportation agreements were summarized in the DDOT Scoping Form and the Site Agreements for Greenbelt, Landover, and Springfield. Subsequent to the publication of the Draft EIS, additional scoping and coordination with each jurisdiction was accomplished to inform the development of the Final EIS, as documented in Appendix A.

DDOT, through its comprehensive transportation review process (DDOT 2012), requires that a scoping form be approved prior to analysis outlining the agreed upon level of detail, the data parameters, and type of analysis. In the case of the alternative sites, similar parameters and assumptions were agreed to within Site Agreements coordinated with the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the Maryland State Highway Administration (Maryland SHA) in the case of the Greenbelt and Landover sites, and with the Virginia Department of Transportation (VDOT) and the Fairfax County Department of Transportation (FCDOT) in the case of the Springfield site. These parameters and assumptions include a study area, trip generation, trip distribution, modal split, analysis years, analysis methods, and No-action Alternative/No-build Condition transportation assumptions (background growth, planned developments, and planned roadway improvements).

Because access to the Greenbelt, Landover, and Springfield sites is available by interstate, the site agreements with Maryland and Virginia include guidance to analyze the interstate facilities. This guidance includes which software to use, the specific facilities to study, the time period and EIS condition, and pass/fail analysis threshold.

Appendix A contains all jurisdictional agreements.

3.10.4 Transportation Impact Analysis Process

The transportation impact analysis process covers the collection of data, the formulation of key assumptions, and the analysis of selected facilities. The process of analyzing transportation impacts starts by collecting data such as vehicle volumes, traffic signal timings, and transit passengers. Analysis assumptions must then be crafted to cover the trip generation, modal split, and trip distribution. Once the assumptions are determined, the collected data can then be evaluated using a transportation planning toolbox to determine how well each transportation facility functions. The next sections explain each of these components of the transportation impact analysis process.

3.10.4.1 Data Collection and Analysis

Data collection is an integral component to discerning transportation impacts. A variety of data was collected for the transportation analysis, including sidewalk locations and conditions; bicycle paths and facilities; transit services, locations, and ridership; types and locations of parking; truck access locations; and traffic counts, roadway lane geometry, and traffic signal timings.

Analysis of the pedestrian network within the study area includes examining the state of sidewalk and trail or foot path accommodations, how well they are maintained, and the amount of use they can support due to elements such as width and/or Americans with Disabilities Act (ADA) compliance (see Section 3.10.4.3 for more information regarding ADA) at intersections. Other considerations when analyzing the pedestrian network include the width or character of roadways between sidewalks, the frequency of crosswalks, walkway connections, and how the pedestrian network may be fragmented by various barriers within a study area.

The bicycle network within a study area is also analyzed when assessing overall transportation impacts. This analysis includes the review of bicycle lanes and facilities as well as Bikeshare services, multi-use paths, and roadways with bicycle accommodations such as signage and sharrows. Sharrows are shared lane arrow pavement markings, but not actual marked bicycle lanes. Similar to the analysis of pedestrian networks, analyzing bicycle networks is necessary to determine gaps in the network and where additional facilities or path connections would support the network.

A large portion of transportation planning deals with the analysis of public transit which includes Metrorail, rail, local and commuter bus, shuttles, ridesharing (slugging), and carsharing. In order to analyze transportation impacts to Metrorail and rail, a large volume of data is collected in the areas of station location, accessibility, frequency of service, infrastructure, ridership (number of entries and exits), and capacity. As for local, commuter, and intercity bus service, an assessment is made to determine the number of service providers, number of bus routes, frequency of service, ridership by bus route if available, and travel direction on the various routes, as well as ridership calculated at the bus stop level if available. This analysis also includes shuttle and circulator service as well.

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Parking and truck access are essential elements of transportation planning because they determine things such as vehicle capacity, the impacts of parking on surrounding properties, safety, and the likelihood for delay at access points. Types of parking can include pay-to-park lots, surface lots, parking garages, and on-street parking.

Lastly, a critical component of transportation planning is vehicular traffic and congestion. Because many land uses produce vehicle trips that need to be accommodated, traffic data for a given study area is crucial to discern transportation impacts of development. Traffic analysis includes analysis of overall capacity, delay, and queue length. Interstate or freeway components require additional analysis including merge, diverge, and weave analysis. In addition, controlled access facilities require analysis of gate entry processes to ensure a queue of vehicles does not interfere with other traffic operations.

Traffic data for the consolidated FBI HQ sites were collected during the spring and fall of 2014 and the early winter of 2015, with traffic counts obtained as recently as March 2015 and pedestrian, parking, and bicycle observations collected through May 2015. Data for the JEH parcel were collected as early as the summer of 2014 through the early winter of 2015. The intersection counts were obtained between the hours of 6:30 AM and 9:00 AM and 4:00 PM and 7:00 PM. Intersection counts include vehicular, truck, bicycles, and pedestrian volumes. Automated Traffic Recorder (ATR) counts were collected for interstate mainlines, some interchange ramps not counted as part of the intersection counts, and other select roadway segments over at least a 24-hour weekday period in November 2014 and January 2015. The traffic counts collected were used in combination with traffic signal timings obtained from Maryland SHA for the Maryland sites, DDOT for the JEH parcel site, and VDOT for the Springfield site. Traffic counts were recorded on non-holiday Tuesdays, Wednesdays, and Thursdays to measure "typical" traffic conditions along the roadway network. Mondays, Fridays, and holidays tends to have lower and more variable traffic volumes because people tend to be on holiday and/or telework during this time.

3.10.4.2 Primary Transportation Assumptions: Trip Generation, Modal Split, and Trip Distribution

Once all the necessary data is collected, it serves as the baseline to forecast future transportation volumes in a given study area. This process involves three main assumptions: trip generation, modal split, and trip distribution. The trip generation step determines the number of person trips that would be generated by a particular land use based on factors such as the size of the development or the number of employees or residential units and the time of day. Once total person trip generation is calculated, the second assumption, modal split, represents how the total number of person trips are assigned to the various available transportation modes within a study area. Possible transportation modes include single-occupancy vehicles (SOVs), carpools/vanpools/high-occupancy vehicles (HOVs), bicycles, walking, commuter bus, local bus, Metrorail or commuter rail. Lastly, trip distribution represents the identification of each origin and destination for each person trip generated. This process determines the number of trips apportioned across the transportation network. A more detailed explanation of these three assumptions is provided at the end of this section. As mentioned at the beginning of section 3.10, the transportation impact analysis considers impacts across several different conditions and depends on the three primary assumptions of trip generation, modal split, and trip distribution to forecast the future trip volumes for each condition.

The No-build Conditions followed separate processes depending on the site and are described in chapters 4-7. The Build Condition was similar for each site; therefore, the specific assumptions and resulting calculations are summarized in the following section.

Build Condition Trip Generation

The process of trip generation calculation is based on forecasting the number of AM and PM peak hour trips generated by the proposed development. There are several proposed trip generators for the site, including an estimated 11,000 (11,016) FBI HQ employees, a 500-seat Mission Briefing Center, and a fleet of pool cars, according to FBI. It is also assumed that the approximately 400 non-seated contractors providing custodial, food, fitness center, health, and other services would travel outside the peak hours. Based on an estimate for commuter-based pool-car use, there would be less than five trips produced during either the AM or PM peak hour. Therefore, because of their small number, no trips were added to the trip generation

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calculation for commuter-based pool-car use. The process for forecasting the FBI employee and Mission Briefing trips is discussed next.

Many employees choose to or are scheduled to begin or end work earlier or later than the peak hours, to avoid traffic, to schedule shared childcare responsibilities, to take advantage of quiet time at work, and other reasons. The Institute of Transportation Engineers (ITE) *Trip Generation Manual* has identified estimates for peak hour trip generation rates for different types of office buildings based on various studies; however, most of these studies are in suburban rather than urban environments, "having little or no transit service, nearby pedestrian amenities or travel demand management (TDM) programs" (ITE 2012). In addition, FBI employee patterns of arrivals and departures, including the number of employees who would be off-site or on field work at any given time is not typical of most office uses. For these reasons, it was determined that the future FBI trip generation rate is not accurately represented by the ITE Trip Generation Manual; therefore, a special study was undertaken to determine appropriate trip generation rates using the current FBI HQ, which houses more than 50 percent of staff. As stated in the Trip Generation Manual, "when practical, the user is encouraged to supplement the data in this document with local data that have been collected at similar sites" (ITE 2012)

Morning peak hour rates were calculated based on FBI turnstile counts obtained from the FBI representing all persons entering the JEH building (current FBI HQ). Following the guidance of the ITE Trip Generation Handbook, 2nd edition (ITE 2004), three days of turnstile counts (November 12, 2013 [Tuesday], December 4, 2013 [Wednesday], and January 9, 2014 [Thursday]) were obtained. The sample days for normal operations days were selected by the FBI. The survey results produced a peak hour count of 1,344 on November 12, 2013, 1,361 on December 4, 2013, and 1,324 on January 9, 2014, and a peak hour of 7:15 AM to 8:15 AM. To provide a more conservative forecast, the maximum count from the 3-day turnstile counts (1,361) was used, instead of the average. The turnstile counts only represent the inbound flows, but most organizations have two-way flows of workers, even in peak hours. Therefore the ITE Trip Generation Manual Corporate Headquarters land use entering/exiting percentages (AM: 93 percent entering/7 percent exiting) were used to calculate the morning outbound peak hour flow, based on the maximum count from the survey results. The total person trips (entering and exiting) divided by 5,045 (current number of FBI employees working at the JEH building) was used to develop the AM peak hour rate, which resulted in a 0.29 person trip rate (29 percent of employees arrive or leave during the AM peak hour).

Afternoon peak hour rates were calculated based on a JEH building exit-only trip generation survey. Following the ITE guidance (ITE 2004), the trip generation survey was conducted for three days (September 16, 17, and 18, 2014) on a non-holiday week, resulting in outgoing trip volumes of 1,174, 1,259, and 1,130, respectively. Based on the PM peak hour occurring between 4:30 PM and 5:30 PM, the PM rate was calculated from the trip generation survey (outbound flow) and the inbound turnstile counts from the inbound survey days.

Based on the turnstile volumes, the highest number of employees entering during the 4:30 to 5:30 PM time slot was 114. The average for the time slot was 73, higher than both the other days' values (68 and 36, respectively) for the same 1-hour period. This meant that the 114 value was skewing the values when averaged and was not a good representation of a typical evening inbound flow. Therefore, the next 15-minute slot for an hourly average (4:45 PM to 5:45 PM) was examined. The average of the 4:45 PM to 5:45 PM time slot equals the average of the three days for the 4:30 to 5:30 PM time slot, and therefore appears to be more typical of a normal operation. To follow the same process as the inbound flow, the highest value of this time slot was used, for a value of 98. Since the values for the inbound PM flows fluctuated between days and one day seemed to at least double the other two, the percent entering and exiting was adjusted to model the outbound flows in a more conservative manner. The calculated split was 7 percent inbound and 93 percent outbound. Instead the split was rounded down and up to a 5 percent inbound and 95 percent outbound split. The outbound split has the greatest impact to traffic; therefore, a higher outbound split percentage is more conservative (worst case) than a lower outbound split.

This resulted in a 0.269 person PM peak hour trip rate (26.9 percent of employees arrive or leave during the PM peak hour) where 5 percent entered and 95 percent exited the JEH building based on the 5,045 existing employees working at the JEH building. Table 3-7 summarizes the JEH building trip generation rates.

Mission Briefing Center

The Mission Briefing Center is assumed to have 500 seats, according to FBI. It is assumed that half (50 percent) of the facility capacity would arrive from off-site and that half would be onsite (walk) trips. The ITE Trip Generation Manual does not contain a "Conference Center" land use; therefore, the study followed the trip rates used by the traffic study for the Washington Convention Center published in the Old Post Office Redevelopment Transportation Study. The AM peak inbound trip generation rate reported by the Old Post Office Redevelopment Transportation Study was 0.36; the PM peak outbound trip rate was 0.29, assuming that 100 percent would be inbound in the AM peak and 100 percent outbound in the PM peak (GSA 2013b).

Total Site Forecasted Person Trips

The person trip generation representing the total number of estimated employees at the new site used the trip rates calculated through the JEH building trip generation study (table 3-7). The Mission Briefing Center uses the person trip generation rates provided by the Old Post Office Redevelopment Transportation Study. Table 3-8 contains the forecasted person trip generation assumptions for the Greenbelt, Landover, and Springfield Alternatives.

Build Condition Modal Split

Modal split is calculated by apportioning person trips to

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Table 3-7: J. Edgar Hoover Building Existing Peak Hour Person Trips

Source	Independent Variable	Time Period	IN	OUT	TOTAL
Turnstiles (11/12/13, 12/4/13, and 1/9/14)	5,045 employees	AM Peak Hour	1,361	102	1,463
Survey (9/16/14 - 9/18/14)		PM Peak Hour	98	1,259	1,357
Existing number of employees at JEH Building		5,045			
AM peak hour trip generation rate		0.290			
PM peak hour trip generation rate		0.269			

Table 3-8: Build Condition Trip Generation

Future FBI Person Trips	Time Period	Enter/Exit Percentages		Proportion of Trips during the Peak Hour	Future Employee Person Trips		
		IN	OUT		IN	OUT	TOTAL
Employees (based on JEH Turnstile Counts and Surveys)							
11,016	AM Peak Hour	93%	7%	29%	2,971	224	3,195
	PM Peak Hour	5%	95%	26.90%	148	2,815	2,963
Briefing Center (based on the Old Post Office Redevelopment Transportation Study)							
250	AM Peak Hour	100%	--	36%	90	--	90
	PM Peak Hour	--	100%	29%	--	73	73
Total People							
11,266	AM Peak Hour	--	--	--	3,061	224	3,285
	PM Peak Hour	--	--	--	148	2,888	3,036

Source: Greenbelt Site Transportation Agreement, Springfield Site Transportation Agreement, and Landover Site Transportation Agreement

DATA SOURCES FOR MODAL SPLIT STUDY

- **MWCOG Regional Travel Demand Model:** forecasts regional transportation patterns based on supply and demand for travel in the National Capital Region (NCR). The SOV and HOV modal shares were obtained from the TAZs for proxy sites forecast for the year 2025.
- **Employee Transportation Coordinators (ETCs):** The ETC for each proxy site was contacted to validate the 2025 HOV and SOV mode shares for the TAZ within which their facility is located.
- **WMATA Modal Split Study:** This studied incorporated information from WMATA's 2014 Land Use-Ridership Model (LURM), 2005 Development Related Ridership (DRR) Survey, and comparable sites. The LURM helped to inform the subway modal share and the 2005 DRR helped to craft the commuter rail/bus modal share.

the available transportation modes used to commute. The Transportation Federal Element of NCPC's Comprehensive Plan recommends that Federal sites located within 2,000 feet of a Metro station outside the District of Columbia boundary adhere to a 1 space for every 3 employees parking ratio (1:3), while Federal sites located beyond 2,000 feet of a Metro station and outside the District of Columbia boundary adhere to a 1 space for every 1.5 employees parking ratio (1:1.5). In the Draft EIS, employee parking requirements were based on NCPC's recommendations for all three sites, applying a 1:3 parking ratio to the Springfield and Greenbelt sites and a 1:1.5 parking ratio to the Landover site.

The Draft EIS also indicated the potential need for more parking at the Springfield and Greenbelt sites than would be supported under NCPC's recommended parking ratios. The combination of providing adequate parking to support the FBI mission, the fact that the sites are near end-of-line Metrorail stations, and feedback from FBI employees and other intelligence community installations dealing with employee parking issues were some of the key drivers for increasing the number of parking spaces above what is recommended in the Comprehensive Plan for the National Capital. Another concern was the potential for employees to park in local neighborhoods, park in facilities designated for WMATA or retail use, and park in areas of the site not suitable for parking if parking on the site was too limited. There was also a concern that the transportation impact analysis would underestimate employee vehicle trips; consequently, the recommended traffic mitigations would be inadequate. Lastly, during the preparation of the Final EIS, the project team noted only a small portion of the Springfield site would fall within 2,000 feet of the Franconia-Springfield Metro Station, and that the Visitors Center and secure campus perimeter would be more than 2,000 feet from the Franconia Springfield Metro Station.

The following sections provide the modal split process for the Greenbelt/Springfield and Landover sites. Table 3-9 summarizes the modal splits for each site alternative.

Greenbelt and Springfield Alternatives

Following the Draft EIS, a modal split study was conducted to provide a better estimate of future parking requirements for the consolidated FBI HQ. The study relied on multiple data sources including the MWCOG regional travel demand model, outreach to employee transportation coordinators (ETC), and a WMATA Modal Split study. The MWCOG travel demand model forecasts regional transportation patterns based on supply and demand for travel in the NCR. This model includes modal split by zones similar in size to a census block, called Transportation Analysis Zones (TAZs). The SOV and HOV modal shares were obtained from the TAZs for proxy sites forecast for the year 2025. Proxy sites were identified for the Greenbelt and Springfield sites that best represent estimated future modal splits for the consolidated FBI HQ using the MWCOG travel demand model and matching the following criteria:

- Similar employment population
- Near a station situated near or at the end of a Metrorail line or near the Capital Beltway
- Property operated by the Federal government
- Similar walking distance between the proxy site and the nearest Metrorail station

The ETC for each proxy site was contacted to validate the 2025 HOV and SOV mode shares for the TAZ within which their facility is located. Initial modal split goals are typically published in the latest facility TMP. Between TMP updates the ETC can perform regular commuter surveys of their employees to ascertain if the facility is reaching its modal split goal. Through these survey results, the ETC can determine the actual peak hour modal shares occurring at their facilities. Outreach to the ETCs was valuable in understanding if the MWCOG travel demand model calculated modal splits represented the actual modal splits occurring at the proxy sites.

WMATA conducted a quantitative study, which relied on the 2014 Land Use-Ridership Model (LURM), 2005 Development Related Ridership (DRR) Survey, and comparable sites. The LURM model estimated transit percentage ranges based on population densities in relation to walkable access to stations, and the 2005 DRR and comparable sites provided survey results from locations similar to Greenbelt and Springfield. The LURM helped to inform the subway modal share, and the 2005 DRR helped to craft the commuter rail/bus

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modal share.

The proxies in combination with the WMATA modal split results were used to create an estimate of the parking demand, based on SOV, HOV, and alternative travel modal split percentages. The detailed modal split process is contained in the Greenbelt and Springfield TIAs (Appendix C and E) and Appendix A-2.

Landover Alternative

The project team performed a high-level study for the Landover site, which confirmed that GSA and FBI had originally planned for adequate parking at Landover with approximately 7,300 employee spaces. The amount of employee parking in this Final EIS is consistent with the Draft EIS.

The modal split was calculated by apportioning 11,016 person trips to the available transportation modes used to commute following the NCPC recommended 1 space for every 1.5 employees parking ratio (See Section 3.10.3). The process began by calculating the split for carpools/vanpools based on project knowledge at other large Federal sites. The calculation of SOVs was dependent on the remaining parking spaces after reducing the number by the HOV percentage. For the remaining modes other than Metrorail/commuter rail covering bicycles, pedestrian, and buses, the mode split was determined based on previous studies, location, and professional judgment. It was then assumed that the remaining percentage would travel to/from the sites via Metrorail. The modal split process is outlined in detail in the Landover TIA (Appendix D).

Table 3-9 summarizes the FBI modal split and provides the resulting trips by mode. The individual TIAs contains summaries of the relevant modal split information sources and percentages referenced in the previous discussion for each site.

Build Condition Trip Distribution

The trip distribution for work trips was determined using two sources: the existing FBI home zip codes and MWCOG travel demand model. Based on the various Site Transportation Agreements, it is assumed that a certain percentage of existing FBI employees would relocate to the new site, and the remaining percent would represent new FBI employees who would choose to locate in proximity to the Landover site.

FBI estimates that approximately 50 percent of the existing FBI staff would retire, transfer to another FBI site outside the NCR or resign once the new HQ is operational; therefore, 50 percent of the distribution would be based on the FBI zip code database. The existing FBI home zip codes are used as the home origin and home destination. The other 50 percent of trips are based on distribution patterns in the various site areas from the 2020 MWCOG travel demand model for home-based work trips because the model trip tables represent a more local distribution reflecting new employee interest in residing close to the new FBI HQ. The two distribution patterns (home zip code plus MWCOG trip tables) were averaged to form a blended trip distribution. Because the Mission Briefing Center external vehicle trips would most likely not resemble a localized trip pattern, the study used the same blended trip distribution for these vehicle trips. The detailed trip distribution for each consolidated FBI HQ site is contained within chapters 5-7.

3.10.4.3 Methodology

The following sections describe how the various transportation calculations were performed by transportation mode. For the most part, this discussion pertains to the methodology used for the consolidated FBI HQ sites only. On occasion, the methodology was the same for the JEH parcel. For the full detailed discussion of the methodology used for the JEH parcel, please see section 4.2.9.

Pedestrian Analysis

Analysis of the pedestrian network for the alternative sites includes measurements of sidewalk widths within the 0.5-mile non-traffic study area. Sidewalk measurements and other observations for the alternative sites were recorded in the field in April and May of 2015 and via imagery from Google maps. Measurements were recorded from the edge of the sidewalk to the edge of the curb. The affected environments sections also include a description of where sidewalks are present, origin and destination points of pedestrians and/or commonly used sidewalks in the study area, disruptions or obstacles in the

Table 3-9: FBI Modal Split Summary Results

Mode	Greenbelt		Landover		Springfield	
	Modal Split	Trips	Modal Split	Trips[a]	Modal Split	Trips
Single-Occupancy Vehicles	52.3%	5,613	63.3%	6,799	55.4%	5,952
Carpool/ Vanpool	12.60%	463 trips (1,389 persons)[a]	10%	367 trips (1,101 persons)[a]	12.50%	343 trips (1,372 persons)[b]
Bicycle	0.5%	54	0.5%	54	0.5%	54
Walk	0.5%	54	0.5%	54	0.5%	54
Commuter Bus/ Commuter Rail/ Light Rail	8%	859 persons	6.94%	746 persons	8%	859 persons
Local Bus	1.1%	122	3%	322	6.13%	659
Metrorail	25.0%	2,685	15.76%	1,692	17.0%	1,826
Telework/ Compressed Work Schedules	0%	0	0%	0	0%	0
Total[c]	**100%**	**10,776**	**100%**	**10,768**	**100%**	**10,776**

[a] Assumes an average occupancy of three persons per carpool/vanpool.
[b] Assumes an average occupancy of four persons per carpool/vanpool.
[c] Includes a 2.5 percent absenteeism rate for all travel modes except carpool/vanpool because carpools are assumed to occur daily regardless of employee attendance. Landover's absenteeism rate was applied after the modal split calculation.
Source: Greenbelt Site Transportation Agreement, Springfield Site Transportation Agreement, and Landover Site Transportation Agreement (Appendix A)
Source: TRB (2000)

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pedestrian environment, and general ADA compliance. Refer to specific site chapters for detailed descriptions of anticipated pedestrian improvements within the respective study areas.

ADA Compliance

The ADA compliance analysis within the JEH study area focuses on intersection curb ramps due to the high share of pedestrian trips that would be generated in a downtown urban area. Chapter 4, *J. Edgar Hoover Parcel,* includes more detail on the ADA requirements for curb ramps in Washington, D.C. Generally, however, according to the ADA, there is a minimum requirement of 3 foot clearances on street curb ramps, as well as minimal slopes and detectable warnings (i.e., dome-shaped bumps) (USDOJ 2007). Since sidewalk widths in the downtown urban area of the District are inconsistent due to various obstructions, the JEH study area analysis does not focus on sidewalk widths.

For the consolidated FBI HQ study areas, due to generally consistent sidewalk widths along each block, ADA compliance in the consolidated FBI HQ study areas focused on sidewalk widths and less on intersection ramp compliance. Federal Highway Administration (FHWA) guidelines state that sidewalks require a minimum width of 5 feet if setback from the curb or 6 feet if at the curb face (FHWA 2014a). Any width less than 5 feet must be 3feet wide with 5 feet turn-around locations every 200 feet to meet the minimum requirements for persons with disabilities (USDOJ 2010).

Bicycle Analysis

Bicycle facilities were inventoried using bicycle plans from each site's jurisdiction and verified using aerial photography and site visits. Bicycle facility assessments also noted if bikesharing facilities were present in the study area. Proposed bicycle facilities were obtained from these same plans. Recommendations for bicycle mitigation were made for any proposed facilities that are directly adjacent to an alternative site or would complete elements of the bicycle network in the site study area that would primarily serve FBI HQ employees.

Transit Analysis

Transit was evaluated following the proposed FBI trip generation and modal split assumptions for each site alternative in the Draft EIS and determined there would be no measurable impacts to public transit. Because the Final EIS evaluates the potential transportation impacts for the Greenbelt and Springfield Alternatives based on a lower transit modal split than was evaluated in the Draft EIS and slightly lower FBI employee value, the most intense transit impacts have already been identified for those alternatives. Therefore, the transit analysis for the Greenbelt and Springfield sites was not updated to match the Final EIS FBI trip generation and modal split assumptions. With regard to the Landover Alternative, GSA and FBI determined, subsequent to the publication of the Draft EIS, that employee shuttle services would be provided at both the Largo Town Center and New Carrollton Metro Stations on two independent shuttle routes. The Final EIS evaluates the Metrorail station capacity, bus bay capacity, and shuttle bus operations for the New Carrollton Metrorail Station, as well as the bus bay and shuttle bus operation analysis of the Largo Town Center Metrorail Station, based on proposed FBI employee ridership and trip generation estimates split between the two stations. This added analysis assess the impact of adding FBI employee transit trips traveling through the New Carrollton Metro Station. Because the Largo Town Center Metrorail Station capacity analysis presented in the Draft EIS represents the most intense transit impacts expected; the remainder of the transit analysis for Largo Town Center was not updated to match the revised lower trip generation to that station. Overall FBI employee transit trips at the Landover site would not increase compared to the Draft EIS.

Analysis of public transit covered Metrorail, Metrobus, and local bus and focused on weekday service because the Proposed Action would primarily generate weekday trips. Note that commuter rail, commuter bus, carsharing, slugging, and private shuttles are not evaluated for the No-build or Build Conditions because future ridership information or planning documents were not available. Additionally, if a local jurisdiction or WMATA did not provide detailed plans for future funded local bus improvements, the No-build Condition assumed that no new bus routes would be implemented between the Existing Conditions and No-build Condition analysis years.

The Metrorail transit analysis includes study of both vertical and horizontal elements, including Metrorail transit passenger load analysis, capacity of platforms, the capacity of escalators and stairs within stations, and faregate aisle and fare vending machine capacity. The transit analysis also includes a review of the frequency of service of different types of transit. Additionally, Metrobus and local bus capacity analysis is included in the No-build, Build, and Build with Mitigation Conditions when ridership data are available from the service provider.

Projected Transit Growth

No-build Condition passenger growth was calculated using the MWCOG Regional Travel Demand Model, which uses socioeconomic inputs to predict future growth across all travel modes in the greater Washington area. Through 2025, a 2.1 percent annual growth rate is predicted for Metrorail, and a 1.9 percent annual growth rate is predicted for local bus. These values were used to determine the background passenger growth in the Metrorail and bus modes for each study area, using the 2022 build year for Greenbelt, Landover, and Springfield, and the 2025 build year for JEH identified in the Draft EIS, and passenger trips associated with planned development projects in each study area were added to this background growth. As described in the introduction to section 3.10.2, the build year for each site alternative has been updated in the Final EIS based on detailed schedules that consider each site's expected availability. GSA and FBI would continue to coordinate with NCPC and the appropriate transit agencies during the development of the Transportation Management Plan (TMP) for the selected site to ensure adequate transit service is available.

Build Condition Projected Trips

Projected transit trips associated with the Build Condition were calculated for the consolidated FBI HQ sites and then added to the 2022 No-build ridership totals for the bus and Metrorail modes. No-build Condition ridership includes background growth using regional growth rates and passenger trips from planned development projects.

Metrorail Station Capacity

The capacity of Greenbelt, New Carrollton, Largo

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Town Center, Franconia-Springfield, Metro Center, Gallery Place-Chinatown, Archives-Navy Memorial, and Federal Triangle Metrorail stations was measured using 15-minute ridership faregate data (entries and exits) for the peak period provided by WMATA by Metrorail station entrance. March or October data are commonly used by transit agencies for this type of analysis because these months are considered stable months that are less affected by tourism, weather, and holidays than other months.)

Vertical Elements (Escalators and Stairs) and Faregate Aisle Arrays

Volume to capacity (v/c) ratios were developed for the escalators, stairs, and faregate aisle arrays at each station. A v/c of 0.7 was considered to be "at capacity." Passenger volumes using each element were calculated using passenger entries and exits at each station entrance during the peak 15-minute exiting period – the period when the most passengers would use each element. Capacities for escalators and stairs were calculated using information in the Transit Capacity and Quality of Service Manual (TCQSM) and previous WMATA studies. Capacities for faregate aisle arrays were calculated using previous WMATA studies.

Fare Vending Machines

Volume to capacity (v/c) ratios were developed for the fare vending machines at each station entrance. A v/c of 0.7 was considered to be "at capacity." Passenger volumes using each element were calculated using passenger entries and exits at each station entrance during the peak 15-minute entering period – the period where the most passengers would use the machines. Capacities for the fare vending machines were calculated using previous WMATA studies based on the location of the station and the primary types of passengers using it.

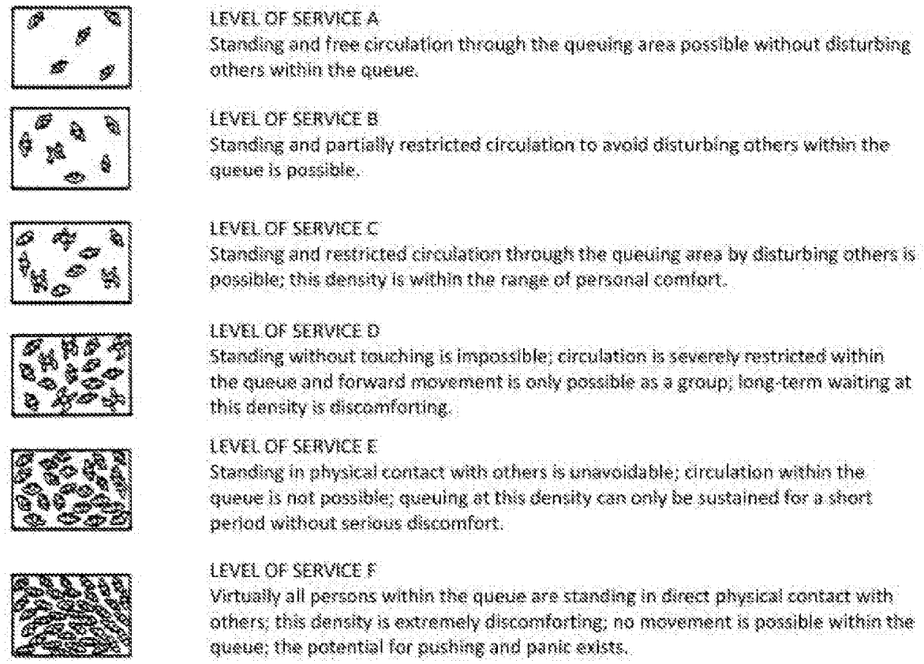
Platform Analysis

Pedestrian level of service (LOS) and maximum passenger queue (line) lengths were calculated for each Metrorail station platform using methods in the TCQSM. Pedestrian levels of service provide a means of evaluating the capacity and comfort of a pedestrian space using letters A through F, with A being the best and F being the worst. An illustration and description of each LOS is shown in figure 3-3. The total number of entering and exiting passengers per train during the peak entering period (when the most passengers would be waiting on the platform) was used for this analysis, and half the passengers were concentrated in a 200-foot section of the platform so as to mimic the typical uneven distribution of passengers on platforms.

Emergency Evacuation (NFPA 130) Analysis

The emergency evacuation analysis uses the TCQSM methodology to calculate platform evacuation times and station evacuation times during the peak entering period at each station – the period when the highest number of passengers would likely be in each station. National Fire Protection Association (NFPA) 130 standards require that a platform be evacuated in less than 4 minutes, and an entire station be evacuated in less than 6 minutes. The NFPA 130 standard was first published in 1983 and adopted by some jurisdictions several years later. Many Metrorail stations, including

Figure 3-3: Pedestrian Levels of Service Descriptions



Source: TRB 2013

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Greenbelt, New Carrollton, Largo Town Center, Franconia-Springfield, Metro Center, Gallery Place-Chinatown, Federal Triangle, and Archives-Navy Memorial Metro Stations were approved and built prior to the publication and adoption of NPFA 130 codes. Although all Metrorail stations satisfied current evacuation codes at the time of their construction, they may not meet the current codes outlined in NFPA 130. Furthermore, while Metro has improved or updated the stations over time, the work in the stations has not triggered any requirement to upgrade the stations to meet the current code. The details for this analysis are contained in the appropriate TIA (Appendices B, C, D, and E of the Final EIS) and TIA Appendix.

Metrorail Passenger Loads

For JEH study area stations, peak Metrorail passenger loads for the busiest segments within the study area were obtained by Metrorail line directly from WMATA. Greenbelt, New Carrollton, Largo Town Center, and Franconia-Springfield stations are all terminal stations, and therefore, maximum passenger loads are equal to whichever is larger: the total number of exiting passengers per train in the outbound direction (trains ending at the station) or the total number of entering passengers per train in the inbound direction (trains beginning at the station). The loads were divided by the number of train cars provided on each line and evaluated against WMATA' standards of being "acceptable" (less than 100 passengers per car), "crowded" (100 to 120 passengers per car) or "extremely crowded" (more than 120 passengers per car). No expansion of WMATA's current fleet was assumed for this analysis to provide the most conservative estimate of potential capacity issues. WMATA's Momentum Plan, the agency's vision for the future including near-term goals for 2025, does call for all eight-car trains on all lines during peak periods by 2020; however, this would require significant upgrades to electrical systems and a significant expansion of WMATA's current fleet of railcars (WMATA 2014a).

Bus Analysis

Bus Bay Capacity Analysis

WMATA's general rule of thumb for bus bay capacity is six buses per hour (WMATA 2008a); however, the maximum acceptable standard is 12 buses per hour, assuming 2 minutes of loading/unloading time and 3 minutes for layover (WMATA 2013a). WMATA guidelines also state "The capacity of a berth is generally dependent on bus dwell time and clearance time" (WMATA 2013b), indicating that the actual bus capacity could be higher than 12 buses per hour, if the bus dwell time and clearance time is below 5 minutes per bus. For the bus bay capacity analysis in this EIS, both WMATA's general rule of thumb and the maximum acceptable standard were compared to the bus bay demand for each site alternative. It was considered an impact if the capacity exceeded 12 buses per hour.

The bus bay capacity analysis compares bus volumes per hour serving the Greenbelt, New Carrollton, Largo Town Center, and Franconia-Springfield Metrorail Stations to WMATA's general rule of thumb per bus bay (six buses per hour) and the maximum standard capacity per bus bay (12 buses per hour). Any planned shuttle service between these stations and the proposed sites was included in the Build Condition analysis or in the Build with Mitigation Condition analysis if the shuttle was proposed as mitigation for an alternative site.

Bus Capacity Analysis

The bus capacity analysis used maximum passenger loads observed on each route in each 0.5-mile study area to compare the peak hour maximum passenger volumes to the capacity of bus services, calculating a v/c ratio.

Shuttle Plans

Anticipated shuttle routes and schedules were developed between the Landover site and two nearby Metrorail stations, New Carrollton and Largo Town Center; and between the Springfield site and the Franconia-Springfield Metrorail Station to maximize the Metrorail mode share to these sites. The shuttle frequencies were calculated based on the projected number of site patrons who would use them; this includes all of the Metrorail mode patrons for the Landover site and 90 percent of the Springfield Metrorail mode patrons (due to its proximity to the Franconia-Springfield Metrorail Station and the potential for some patrons to walk). Operating and capital costs for each shuttle were calculated using cost averages from WMATA and the American Public Transit Association. The traffic impacts from adding these additional vehicles to the roadway network were analyzed within the appropriate TIA and Appendix to the TIA.

Parking Analysis

Parking facilities were inventoried using Google Maps and various parking garage websites, then verified using site visits. Structured parking, surface parking in parking lots, and on-street parking was reviewed, identified as public or private use, and mapped. All parking on privately owned land intended only for users of the property was considered private, while all Metro, Park & Ride or market-based parking (pay-to-park) areas were considered public. For the JEH study area, on-street parking was mapped by the parking restrictions observed in the field.

Traffic Analysis

All study area intersections were analyzed to determine how well they operated and if there would be any queue related issues. The following basic terms are fundamental to discussing the traffic analysis methodology.

LOS is the primary measure of traffic operations for both signalized and unsignalized intersections, as well as freeway facilities. LOS is a performance measure developed by the transportation industry to quantify driver perception for such elements as travel time, number of stops, total amount of stopped delay, and impediments caused by other vehicles. The LOS provides a scale that is intended to match the perception by motorists of the operation of the transportation facility and to provide a scale to compare different facilities. Detailed LOS descriptions

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are presented in figure 3-4.

Peak hour(s) is the hour (or hours) of the day during which traffic congestion is at its highest, or peak, and when most people are traveling on the various modes of transportation. There is both an AM peak hour and a PM peak hour.

Queue length is a measure of space in feet between the stop bar at an intersection and last vehicle in the queue provided for each intersection movement (left, though, and right turns). A failing queue length represents a condition where the queue exceeds the available storage capacity.

No-build/No-action Alternative Background Growth

Background growth was added to the interstate and non-interstate roadway network to account for vehicle trips traveling through the study area during the AM and PM peak hours. These trips are important to include because they account for vehicle volume growth due to land use changes outside of the study area. Two sources were relied on to develop background growth rates: the MWCOG Travel Demand Model and the annual average daily traffic (AADT) volumes maintained by each state Department of Transportation (DOT). The MWCOG travel demand forecasts, in close collaboration with local jurisdictions, provide consolidated, consistent future vehicle volume projections that support air quality modeling, traffic congestion forecasts, and general planning. The models are updated regularly as conditions change, but there is always some degree of lag. The AADT volumes provide a historic reference. VDOT and DDOT stipulate that 5 to 6 years of historic data is recommended to determine a historical average growth.

Future Condition Traffic Analysis Peak Hour Factor and Traffic Signal Timings

The peak hour factor (PHF) is used to convert 60-minute volumes into peak 15-minute volumes because the Highway Capacity Manual (HCM) traffic operations analysis procedures require a 15-minute peak volume. The PHF is the ratio of the 60-minute volume divided by 4 times the highest 15-minute volume in the peak hour of the day. All intersection facilities for the three consolidated FBI HQ sites were evaluated based on a PHF of 0.92. The study uses the lowest accepted value following the VDOT requirement that all future facility traffic evaluation use a PHF between 0.92 and 1.00 to be consistent for all three sites, and to use the most conservative value for the analysis of future facilities (VDOT 2012). Since the HCM 2000 traffic analysis is based on a 15-minute period, a PHF of 0.92 represents an analyzed vehicle volume based on the highest 15-minute vehicle volume. As a comparison, a PHF of 1.0 represents an analyzed vehicle volume based on a uniform 15-minute vehicle volume or the least conservative.

This EIS assumes that traffic signals would be adjusted in the future to handle the No-build Condition vehicle demand. Each signal was optimized based on the forecasted No-build Condition traffic volumes. This included optimizing the existing green times without changing the overall timing structure and optimizing the values used to coordinate with other nearby traffic signals called offset values.

Transportation Analysis Tools

The following sections describe the analytical framework and software that was used to make the transportation analysis calculations.

The study area intersections were analyzed using Synchro™ Traffic Signal Coordination Software Version 8.0 (Build 805, Revision 878) and SimTraffic™ Version 8.0 (Build 805, Revision 878). Two main analyses are performed for traffic: an intersection capacity analysis and an intersection queueing analysis. The intersection capacity analysis uses the Synchro™ software tool and various input values to determine the LOS.

Signalized Intersection Level of Service

The LOS for signalized intersections in Virginia is based on the HCM 2000 method based on the Springfield Site Transportation Agreement and requires several inputs to determine an accurate LOS. Conversely, the LOS for signalized intersections in Maryland is guided by both the HCM 2000 method and the Critical Lane Volume (CLV) method based on the Greenbelt and Landover Site Transportation Agreements. Custom designed Excel sheets were used to calculate the LOS operation based on the CLV method. Following the DDOT scoping form, the LOS for signalized intersection in Washington, D.C. is based on the Synchro™ Method. The HCM, Synchro™ method, and CLV methods are described in the following section.

HCM 2000 Method/Synchro™ Method

The HCM 2000 and Synchro™ methods require the same several inputs to determine an accurate LOS (TRB 2000). Primary inputs include:

- vehicular volumes,
- pedestrian volumes,
- traffic signal timings,
- roadway geometry,

Figure 3-4: Traffic Level of Service Descriptions

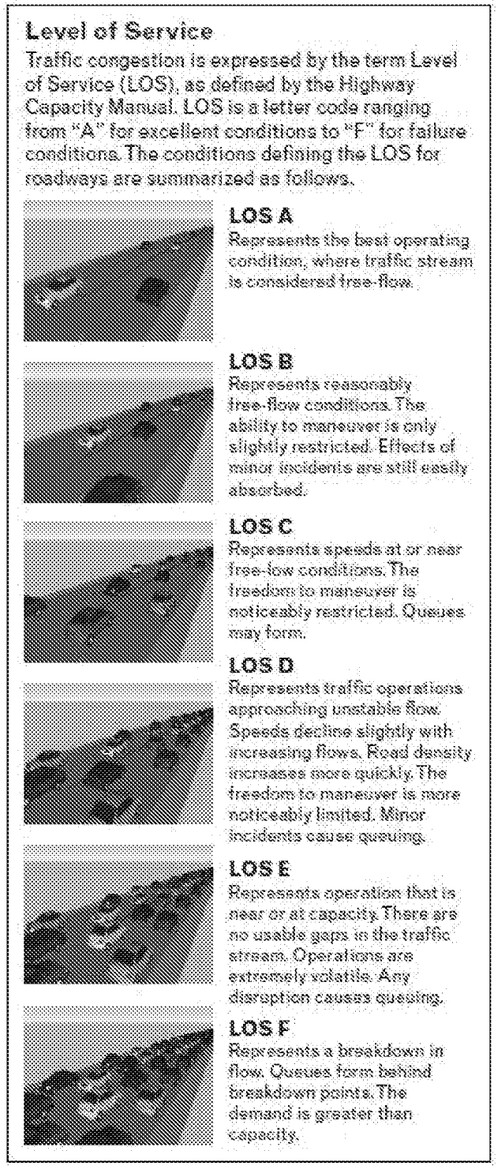

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Table 3-10: JEH, Greenbelt and Landover Signalized Intersection Control Delay and LOS Thresholds – HCM 2000 Method

LOS	Average Control Delay (seconds/ vehicle)	Description
A	Less than or equal to 10	Passing Operation
B	>10-20	
C	>20-35	
D	>35-55	
E	>55-80	Failing Operation
F	More than 80	Above capacity and unstable conditions

Table 3-11: Springfield Signalized Intersection Control Delay and LOS Thresholds – HCM 2000 Method

LOS	Average Control Delay (seconds/ vehicle)	Description
A	Less than or equal to 10	Passing operation in the majority of the Springfield study area [a]
B	>10-20	
C	>20-35	
D	>35-55	
E	>55-80	
F	More than 80	Failing Operation

[a] The following study area signalized intersections do not use the above LOS guidelines, as they are outside of the designated Springfield Community Business Center (CBC) and Transit Station Area (TSA) (see figure 7-31) or are located along National Highway System (NHS) or NHS Connector designated roadways: #10, #11, #17, #18, #19, #20, #21, #22, #34, #35.
For these intersections, LOS A through LOS D are considered "stable operations," LOS E is considered "unstable conditions," and LOS F is "above capacity and unstable conditions."
Source: TRB (2000); Fairfax County (2013c)

- speed limits,
- truck percentages, and
- PHF (measure of vehicle 15-minute flow rate).

Average vehicle control delay represents the average extra delay in seconds per vehicle caused by the presence of a traffic control device or traffic signal and includes the time required to decelerate, stop, and accelerate. The average vehicle control delay, measured in seconds per vehicle, is calculated using the primary inputs just mentioned. Synchro™ was used to calculate the HCM 2000-based average control delay results for all consolidated FBI HQ sites, while Synchro™ was used to calculate the Synchro™-based average control delay results for the JEH parcel.

LOS can be characterized for the entire intersection, each intersection approach, and each lane group. Control delay is used to characterize LOS for the entire intersection or an approach. Control delay and v/c ratio are used to characterize LOS for a lane group. Delay quantifies the increase in travel time due to a traffic signal control. It is also a surrogate measure for driver discomfort and fuel consumption (TRB 2010). Signalized intersections or approaches that exceed a delay of 50 seconds have LOS E and 80 seconds have LOS F. Table 3-10 shows the average control delay and corresponding LOS for signalized intersections in the Greenbelt and Landover study areas as well as the JEH parcel study area; using the HCM 2000 method, LOS E and LOS F constitute failing operations. Table 3-11 shows the average control delay and corresponding LOS for signalized intersections in the Springfield study area; using the HCM 2000 method, LOS E and/or LOS F constitute failing operations depending on the intersection location.

Table 3-11 has been modified to reflect an agreement between VDOT and FCDOT to follow the Fairfax Comprehensive Plan guidance that LOS E be considered a passing operation for the designated intersections in the Springfield Community Business Center (CBC) and Transit Station Area (TSA). Figure 7-31 in section 7.1.9.10 illustrates these areas, which include the Springfield site and most of the Springfield transportation study area. The exception to this rule are intersections located along National Highway System (NHS) designated roadways or NHS Connector designated roadways because Franconia-Springfield Parkway has been designated the connection between Fairfax County Parkway (a NHS designed roadway) and Franconia-Springfield Metro Station. Intersections serving the NHS Connector must adhere to the LOS D standard. These standards were evaluated for intersection movements, overall approaches, and the overall intersection.

To determine the LOS of an intersection, the input values were entered into the analysis software (Synchro™), and the average vehicle delay (seconds per vehicle) was calculated. Based on the average vehicle delay, the LOS was determined for all movements (left, through, and right), approaches, and the intersection as a whole.

CLV Method

The CLV method also requires several inputs to determine LOS; these inputs include vehicular volumes and roadway geometry. Using these parameters, the CLV method measures the conflicted vehicle movements through an intersection (usually through volumes plus opposing left-turn volumes). The critical volume is determined by adding the highest vehicle conflicting movements along two perpendicular approaches (one east-west volume plus one north-south volume). Volumes are adjusted to reflect the number of lanes serving each vehicle move. Using the CLV method, LOS F constitutes failing operations. Table 3-12 shows the Critical Lane Volume (CLV) method and corresponding LOS for signalized intersections.

As noted previously, passing operation of a signalized intersection following the HCM 2000 method is LOS D and above, while passing operation of a signalized intersection following the CLV method is LOS E and above.

Unsignalized Intersection Levels of Service

All sites followed the same method for unsignalzed intersection analysis. The LOS for unsignalized intersections (STOP-Controlled intersections or roundabouts) is based on the HCM 2000 method and requires several inputs to determine an accurate LOS, including:

- vehicular volumes;
- pedestrian volumes;
- roadway geometry;
- speed limits;
- truck percentages; and
- PHF.

The average vehicle control delay, in seconds per vehicle, is calculated using these parameters with the HCM 2000 procedures (TRB 2000). This represents the average delay, caused by the presence of a stop sign or roundabout, and includes the time required to decelerate, stop, and accelerate.

LOS for a two-way STOP-Controlled (TWSC) intersection (i.e., unsignalized intersection) is determined for each minor-street movement (or shared movement) as well as the major-street left turns. LOS F is assigned to the movement if the v/c ratio for the movement exceeds 1.0 or if the movement's control delay exceeds 50 seconds. The LOS for TWSC intersections are different from the criteria used for signalized intersections primarily because user perceptions differ among transportation facility types. The expectation is that a signalized intersection is designed to carry higher traffic volumes and present greater delay than an unsignalized intersection.

Unsignalized intersections are also associated with more uncertainty for users because delays are less predictable than at signals, which can reduce user's delay tolerance. LOS is not defined for the TWSC intersection as a whole or for major-street approaches for three primary reasons: (a) major-street through-vehicles are assumed to experience zero delay; (b) the disproportionate number of major-street through-vehicles at a typical TWSC intersection skews the weighted average of all movements, resulting in a very low overall average delay for all vehicles; and (c) the resulting low delay can mask important LOS deficiencies for minor movements (TRB 2010).

The capacity of the controlled intersection legs is based primarily on three factors: the conflicting volume; the critical gap time, defined as the number of seconds between vehicles passing the same point along the major street approach; and the follow up time, defined as the number of seconds between the

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departure of the first and second vehicle in queue along the minor street approach. The HCM-based capacity analysis procedure assumes consistency for driver's critical gap time. Critical gap times are based on many factors including delay experienced by drivers on the approaches controlled by STOP signs. As delay increases, drivers become less patient and accept shorter gaps, which results in higher capacities for unsignalized intersections that are operating at LOS D or worse. The unsignalized intersection procedure uses fixed critical gap times. Unless the critical gap times are adjusted, the procedure tends to overestimate the delay at unsignalized intersections that are operating at LOS D or worse. Also, poor operations at an unsignalized intersection encourages some drivers to turn right and make a U-turn on the mainline or accept shorter critical gaps (safety issue) rather than attempt a turn left (TRB 2010).

Table 3-13 shows the average control delay and corresponding LOS for unsignalized intersections in Maryland. It should be noted that the worst LOS at one-way and TWSC intersections represents the delay for the minor approach only. Using the HCM 2000 method, LOS E and LOS F constitute failing operations.

Similar to the signalized intersection LOS table for Springfield, table 3-14 has been modified to reflect the agreement to follow the Fairfax Comprehensive Plan guidance considering LOS E a passing operation for the designated intersections in the Springfield CBC and TSA.

Intersection Queuing

In addition to analyzing the vehicle delay, the vehicle queue lengths were calculated for each approach. The intersection queuing analysis uses both the Synchro™ and SimTraffic™ tools to determine different levels of queuing. SimTraffic was used in addition to the standard Synchro™ tool to analyze queueing because it provides a more robust analysis of queuing than Synchro™ and it was the tool agreed to with state transportation agencies in the various Site Transportation Agreements mentioned in Section 3.9.3.4.

A failing queue length is determined by a queue length exceeding the intersection approach storage capacity. As the available storage for each intersection approach differs, these values reflect whether the existing storage provides enough space for vehicles waiting to pass through the intersection without blocking another lane or another intersection. Because failing queues might occur along the same approach as a failing LOS, these values are calculated independently and might result in one approach receiving a failing LOS score, while another approach has a failing queue length. A measurement of adequate space is determined by the process of a signal being RED and observing whether or not the lane can feasibly store all the vehicles (turning lane or travel lane) before blocking another lane (turning lane) or another intersection (travel lane).

Entry Control Facility

The Entry Control Facility (ECF) is a security check point for all vehicles to pass through to access the internal roadway serving the parking garages, loading docks, and other components of the proposed consolidated FBI HQ site. Each vehicle would be expected to stop at the facility while FBI security personnel screen the vehicle and occupants before allowing it to proceed. Similar to a tollgate along a highway, the ECF might cause a queue; therefore, the analysis must determine if a queue might spill beyond the planned driveway onto the street network. The consolidated FBI HQ site TIAs contain the ECF process in greater detail.

Development of Build Condition

Once the primary transportation assumptions were applied to forecast the future vehicle network, the assignment of vehicle trips occurred next. Because multiple routes could be accessed between the nearest interstate and the consolidated FBI HQ sites, TransModeler™ Traffic Simulation Software (TransModeler™) performed the selection of which route to assign vehicle trips between the study area boundary and each consolidated FBI HQ site. This process is called Dynamic Trip Assignment (DTA). Dozens of simulations were run to determine what vehicle trip assignment scenario would lead to the lowest overall travel time for all vehicles. The resulting vehicle volumes

Table 3-12: Signalized Intersection Critical Lane Volume (CLV) and LOS Thresholds – CLV Method

LOS	Critical Lane Volume	Description
A	Less than or equal to 1,000	Passing operation
B	>1,000 – 1,150	
C	> 1,150 – 1,300	
D	> 1,300 – 1,450	
E	< 1,450 – 1,600	
F	>1600	Failing Operation

Source: M-NCPPC (2012a)

Table 3-13: JEH, Greenbelt and Landover Unsignalized Intersection Control Delay and LOS Thresholds – HCM 2000 Method

LOS	Average Control Delay (seconds/ vehicle)	Description
A	Less than or equal to 10	Passing Operation
B	>10-15	
C	>15-25	
D	>25-35	
E	>35-50	Failing Operation
F	More than 50	

Table 3-14: Springfield Unsignalized Intersection Control Delay and LOS Thresholds– HCM 2000 Method

LOS	Average Control Delay (seconds/ vehicle)	Description
A	Less than or equal to 10	Passing operation[a]
B	>10-15	
C	>15-25	
D	>25-35	
E	>35-50	
F	More than 50	Failing Operation

a The following study area unsignalized intersection does not use the LOS guidelines from table 3-15 because it is outside of the designated Springfield CBC and TSA as defined by the Fairfax Comprehensive Plan (see figure 7-31): Intersection #9. For this intersection, LOS A through LOS D are considered "stable operations," LOS E is considered "unstable conditions," and LOS F is "above capacity and unstable conditions."
Source: TRB (2000); Fairfax County (2013a)

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were used to evaluate the intersection operation and queue length analysis. This process was followed for the Build Condition for all three consolidated FBI HQ sites. Because the mitigation required for the site alternatives would impact vehicle travel patterns, a second DTA was run for these sites for the Build with Mitigation Condition.

Freeway Analysis

The Highway Capacity Software (HCS) Version 6.65 was used to determine the interstate operations for these key on- and off-ramps. The HCS modules follow the HCM uninterrupted flow procedures called freeways. The interstate system is a network of signed roadways that crisscross the country from coast to coast (east-west) and border to border (north-south) and operate as freeways or uninterrupted vehicle flow. Interrupted vehicle flow refers to the roadways with traffic signals, stop signs, and roundabouts.

According to the Greenbelt, Landover, and Springfield Site Transportation Agreements, the interstate analysis is only conducted for the Build with Mitigation Condition. This was agreed to streamline and focus the analysis in determining if the consolidation of the FBI HQ would impact interstate facilities. Therefore only the inbound AM peak hour and outbound PM peak hour is analyzed to reflect the highest volumes added to the interstate network from the consolidation of the FBI HQ. If a freeway facility received a failing LOS under the Build with Mitigation Condition, the vehicle density was compared to the No-build Condition. If the difference in vehicle density between the No-build Condition and Build with Mitigation Condition was greater than 5 percent, a major adverse impact was assessed.

Recommended Traffic Mitigation Measures

Each intersection that had LOS degradation from a passing LOS to a failing LOS by lane group (right turns, through movements or left turns) when compared to the No-build Condition was mitigated by one of the following methods:

- Optimize the existing traffic signal (change the amount of seconds of green to each approach)
- Coordinate a corridor of traffic signals
- Revise the existing lane geometry (number of right-turn, through, and left-turn lanes)
- Add new turning lanes
- Add through lanes

A list of mitigation measures was developed through an iterative process of testing the different improvement strategies, starting with optimizing the traffic signals and progressing to adding lanes if warranted. The recommended roadway improvements include external roadway mitigation measures necessary to support the Greenbelt, Landover or Springfield conceptual site plans. If implemented, the external roadway mitigations would improve the traffic operations at all study area intersections to a passing LOS (both HCM-based and CLV-based [Maryland sites only]) or if failing would be equal to or better than the No-build Condition operations. The recommended mitigations would also result in no vehicle queues beyond the available storage capacity, or if beyond the storage capacity, vehicle queues would be no greater than 150 feet longer than the queues measured for the No-build Condition. The 150 feet is referenced in the District Department of Transportation Comprehensive Transportation Review Requirements guidance and provides a reasonable increase (approximately six vehicles or less).

The mitigation measures were developed to ensure the intersections would operate in a safe manner for all modes. These measures included assigning adequate pedestrian crossing times for any signalized intersection that required a change in the number of approach lanes and recommending non-motorized bridges to ensure bicycle and pedestrians can safely cross when an at-grade crossing would not be safely accommodated. It is assumed that all planned roadway improvements and mitigation would follow the American Association of State Highway Transportation Officials, VDOT/Maryland SHA, and M-NCPPC/ FCDOT requirements to ensure all vehicle, bicycle, and pedestrian movements are designed to comply with the latest safety standards.

Transportation Demand Management

Transportation Demand Management (TDM) is a set of strategies, programs, services, and physical elements that influence travel behavior by mode, frequency, time, route or trip length in order to help achieve highly efficient and sustainable use of transportation facilities (DDOT 2010). TDM measures for the chosen consolidated FBI HQ site would be developed as part of the Final EIS and are included in this analysis as part of the Build Condition, as they would be an element required by NCPC and jurisdiction agencies. The TDM measures would encourage the reduction of SOV trips by "focusing the demand for transportation services on alternative modes and providing the public with the incentives as well as information to use these alternatives."

The introduction of TDM measures would serve to ensure the transportation mode splits planned in this study were achieved as well as serve to mitigate travel mode, frequency, time, route, and/or trip length associated with future trips of the consolidated FBI HQ.

3.10.5 Evaluating Impacts

Transportation impacts associated with the alternatives are analyzed in the No-build, Build, and Build with Mitigation Condition (consolidated FBI HQ sites) or No-action Alternative and Action Alternative (JEH parcel) sections. As noted at the beginning of this chapter, potential impacts are described in terms of type, category, duration, and intensity. Type and intensity can be more specifically defined for the transportation impacts assessment and are described in this section.

The thresholds for determining the intensity of effects on local pedestrian, bicycle, transit, parking,

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traffic networks, and truck access are guided by the following definitions:

No Measurable Impact: a localized impact that is not perceptible to most users.

Adverse: Adverse impacts would increase congestion or barriers and/or degrade travel patterns, safety or travel time.

Major Adverse: a broad area impact that is highly noticeable and would substantially affect a large numbers of network users.

Beneficial: Beneficial impacts would reduce congestion or barriers and/or improve travel patterns, safety or travel time.

Because both traffic and transit entail extensive analysis, more detailed impact thresholds have been established for these transportation modes. See table 3-15 for these specific impact thresholds. Any impact thresholds included in table 3-15 are used to identify the No-action Alternative (JEH parcel) or No-build Condition (other three sites) and to compare the Action Alternative (JEH parcel) or Build Condition (other three sites) to the No-action Alternative/No-build Condition. Mitigation measures are recommended to reduce the impact level caused by the Proposed Action and also address the traffic operational standards established through the transportation agreements. Note that pedestrian, bicycle, parking, and truck access impacts do not have detailed impact thresholds, but instead use the intensity levels noted in the previous paragraph.

Table 3-15: Traffic and Transit Impact Thresholds

Impact Thresholds	Traffic	Transit
Not Measurable	Delays are not perceptible to most users and the number of users is within capacity. Improvements to traffic operations (travel time, throughput or delays) are also not perceptible to most users.	Condition would neither degrade nor improve transit capacity, nor change the overall transit LOS provided to users.
Major Adverse	Delays impact corridors of the study area, creating more of a regional impact dealing with several intersections that are key to the operation of the roadway. A corridor can be defined as several adjacent intersections along the same roadway.) providing a vital connection between roadways or important passage through a highly congested area.	An increase in transit ridership that creates modest passenger delays, measured as increasing volumes above WMATA thresholds for capacity at any combination of two of the following: individual Metrorail facility elements (vertical elements, faregate aisles or platform capacity) or bus routes (including substantial delays from road-way operations).
Adverse	Delays are localized, such as at independent or isolated intersections.	An increase in transit ridership that creates minimal passenger delays, measured as increasing volumes above WMATA thresholds for capacity at any one of the following: individual Metrorail facility elements (farecard vending machines) or bus routes (including substantial delays from roadway operations).
Beneficial	Improvements to traffic operations (travel time, throughput or delays)	An increase in transit service or capacity for Metrorail facility elements (farecard vending machines) and/or bus routes (including reduced delays from roadway operational improvements).

3.11 Greenhouse Gas Emissions and Air Quality

This EIS evaluates the impacts of the FBI HQ consolidation and the exchange of the JEH parcel on greenhouse gas (GHG) emissions and air quality as described in the following sections.

3.11.1 Greenhouse Gas Emissions

Gases that trap heat in the atmosphere are called GHGs and include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide(N_2O), ozone (O_3),

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GREENHOUSE GAS EMISSIONS CATEGORIES

Scope 1 GHG Emissions: Direct emissions from sources that are controlled by the agency, including stationary sources, some mobile sources, and fugitive emissions.

Scope 2 GHG Emissions: Indirect emissions from the consumption of purchased electricity, steam or other sources of energy generated upstream.

Scope 3 GHG Emissions: Other indirect emissions that are a consequence of the operations of an organization, but are not directly controlled by the organization, including employee travel and the production and transportation of purchased goods.

STATIONARY SOURCE

Sources emitting air pollution that are fixed in location, including buildings and facilities, power plants, and factories or other industrial sources.

MOBILE SOURCE

Sources emitting air pollution that are not fixed in location, including automobiles, trucks, buses, locomotives, ships, and aircraft.

and several hydrocarbons and chlorofluorocarbons (USEPA 2015a). GHG emissions originate from both natural and human-caused sources. Carbon dioxide constitutes the majority of GHG emissions that enter the atmosphere through human activities such as burning fossil fuels, wood, and solid waste. Carbon dioxide is removed from the atmosphere when it is absorbed by plants as part of the biological carbon cycle (USEPA 2015a). The effects of GHGs on climate change depends on their concentration in the atmosphere, the length of time they remain in the atmosphere, and how strongly they impact global temperatures. A gas' global warming potential measures the amount of heat it traps in the atmosphere, expressed as a comparison to an equivalent mass of CO_2 (CO_2e). CO_2, as the standard to which all other GHGs are measured, has a global warming potential of 1. Table 3-16 summarizes the global warming potential of different GHGs.

Water vapor is a naturally occurring GHG and accounts for the largest percentage of the greenhouse effect. Next to water vapor, CO_2 is the second-most abundant GHG. Uncontrolled CO_2 emissions from power plants, heating sources, and mobile sources are a function of the power rating of each source, the feedstock (fuel) consumed, and the source's net efficiency at converting the energy in the feedstock into other useful forms of energy (e.g., electricity, heat, and kinetic). Because CO_2 and the other GHGs are relatively stable in the atmosphere and essentially uniformly mixed throughout the troposphere and stratosphere, the climatic impact of these emissions does not depend on the source location on the Earth (i.e., regional climatic impacts/changes would be a function of global emissions).

There is broad scientific consensus that humans are changing the chemical composition of Earth's atmosphere through the release of GHGs. Activities such as fossil fuel combustion, deforestation, and other changes in land use, are resulting in the accumulation of trace GHGs, such as CO_2, in the atmosphere. An increase in GHG emissions results in an increase in the Earth's average surface temperature, which is commonly referred to as global warming. Global warming is expected, in turn, to affect weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, all of which are commonly referred to as climate change. The Intergovernmental Panel on Climate Change's (IPCC's) best estimates are that the average global temperature rises between 2000 and 2100 could range from 0.6 degree Celsius (1.08 degrees Fahrenheit) (with no increase in GHG emissions above year 2000 levels) to 4.0 degrees Celsius (6.66 degrees Fahrenheit) (with substantial increase in GHG emissions) (IPCC 2007). Even small increases in global temperatures could have considerable detrimental impacts to natural and human environments. EO 13693 maintains Federal leadership in sustainability and GHG emission reductions. It requires agencies to propose percentage reduction targets for agency-wide reductions of scope 1, 2 and 3 GHG emissions in absolute terms by the end of fiscal year (FY) 2025 relative to a FY 2008 baseline. The consolidated FBI HQ would contribute to the Federal Government's GHG reduction targets.

In August 2016, CEQ issued F*inal Guidance on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews* (CEQ 2016). The final guidance recommends NEPA documents consider both the impact of the changing climate on the project (such as changes in environmental resource conditions, increased flooding risk, and more extreme temperatures, to the extent such information is available for the project area), and the impact of the project on direct and indirect GHG emissions, taking into account the available data and tools. The final guidance recommends considering mitigation measures to lower GHG emissions (such as commitments to increased energy efficiency).

A quantitative GHG analysis was prepared for this project that addresses the following types of emissions:

- Building-related GHG emissions, including electricity, steam, and natural gas for building power, heating, and cooling.
- Mobile-source GHG emissions focused on employee commutes and addressing how the location of each site would affect the use of transit.

Section 8.5 of this EIS examines key strategies to manage climate change risks, the regulatory framework for the project as it relates to climate

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change and sustainability, and the impacts of a changing climate on the project.

3.11.1.1 Stationary and Building-Related Greenhouse Gas Sources

For the existing JEH building, information on GHG emissions from backup generators, purchased electricity, and purchased steam was obtained from FBI's FY 2013 GHG emissions inventory. These same data were used to estimate electricity consumption and emissions for the site alternatives, assuming the same electricity consumption per GSF and the same emission factor of CO_2 per kilowatt-hour. The methodology for developing the natural gas boiler emissions estimate for the site alternatives is addressed in the stationary source air quality methodology section. It is important to note that building energy efficiency measures and renewable energy generation were not incorporated in the quantification of GHG emissions related to building operations; consequently, the results are considered higher than the actual emissions would be after accounting for conservation measures that would be identified during the subsequent design process.

3.11.1.2 Mobile Greenhouse Gas Sources

FBI used a database of employee home address zip codes to determine the distance traveled to the JEH building and each of the site alternatives based on the MWCOG travel model roadway network and zone-to-zone travel time data. The outcome of this analysis was an average distance traveled (assuming driving) per employee for each of the site alternatives. This distance was used in conjunction with data on the modal split (percent driving alone, percent carpool) to estimate the total vehicle miles traveled (VMT) for each alternative.

The annual total VMT for each alternative was converted to CO_2 based on the USEPA emissions model MOVES2014. To ensure a conservative emission factor, the USEPA's Motor Vehicle Emission Simulator (MOVES) emissions modeling was conducted for a January morning hour (7:00 AM) because emissions are generally higher at lower temperatures. The analysis was based on passenger vehicles traveling at an average speed of 35 miles per hour (mph) on urban unrestricted access type roadways (e.g., arterials with stop and go traffic). The MOVES modeling was conducted for a 2025 analysis year to match an analysis year for which regional MOVES input data were available from MWCOG (recognizing that the build year for each site alternative varies). Data provided by MWCOG included county-specific meteorology and vehicle age distribution. A regional average emission factor was obtained by averaging the resulting emission factors for Washington, D.C., Prince George's County, and Fairfax County. Appendix F provides a detailed overview of the MOVES input assumptions.

A critical assumption with the mobile source GHG analysis is that the model is based on existing employee home zip codes. Over time, mobile source GHG emissions would be expected to decrease under the action alternatives because of turnover and new employees considering the HQ location in deciding where to live would reduce the "average travel distance" compared to the average travel distance used in the analysis. Some portion of existing employees may also decide to relocate depending on how the new HQ location affects their commutes.

Table 3-16: Global Warming Potential Values (100-year)

Greenhouse Gas	Global Warming Potential Range
Carbon dioxide (CO_2)	1
Methane (CH_4)	28-36
Nitrous Oxide (N_2O)	265-298
Chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), hydrochlorofluorocarbons (HCFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6)	thousands or tens of thousands

Source: USEPA (2017)

3.11.2 Air Quality

The CAA and its amendments led to the creation of the National Ambient Air Quality Standards (NAAQS) by USEPA for six criteria air pollutants: carbon monoxide (CO), sulfur dioxide (SO_2), ozone (O_3), particulate matter (PM), nitrogen dioxide (NO_2), and lead (Pb). The NAAQS were enacted for the protection of public health and welfare, allowing for an adequate margin of safety.

There are two types of NAAQS: primary standards and secondary standards. Primary standards set

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AIR QUALITY OVERVIEW

- Air quality is assessed by regions known as airsheds. The Metropolitan Washington, D.C. area is also known as Air Quality Control Region (AQCR) 47 and includes the JEH parcel as well as all three site alternative locations.
- Federal regulations designate AQCRs in violation of the National Ambient Air Quality Standards (NAAQS) as nonattainment areas. According to the severity of the pollution problem, nonattainment areas can be categorized as marginal, moderate, serious, severe or extreme. USEPA has classified the Metropolitan Washington, D.C. area (AQCR 47), which includes the District of Columbia, Prince George's County, Maryland, and Fairfax County, Virginia, as in marginal nonattainment for the 8-hour ozone NAAQS and in moderate nonattainment for $PM_{2.5}$.
- Climate in the Washington, D.C. metropolitan area is humid and continental with an average high temperature of 88°F in July and an average low temperature of 25°F in January.

The Clean Air Act (CAA) is a U.S. Federal law designed to control air pollution on a national level. It requires USEPA to develop and enfore regulations to protect the public from airborne contaminants known to be hazardous to human health.

The National Ambient Air Quality Standards (NAAQS) are mandated by the CAA for pollutants considered harmful to public health and environment.

USEPA defines ambient air in 40 C.F.R 50.1(e) as "that portion of the atmosphere, external to buildings, to which the general public has access."

limits to protect public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation, and buildings. Table 3-17 summarizes the primary and secondary NAAQS for the criteria pollutants. The following section includes a brief discussion of the six criteria pollutants and the relevance of each pollutant to the emissions sources involved with the Proposed Project.

Carbon monoxide: CO is a colorless, odorless gas emitted from combustion processes, including engine exhaust. Elevated CO concentrations can cause adverse health impacts by reducing oxygen delivery to vital organs. Very high concentrations can cause death. For this project, CO is primarily a consideration in the vicinity of congested intersections and the proposed parking garages.

Lead: Pb is a toxic heavy metal that can have numerous adverse health impacts, including neurological damage to children and cardiovascular effects in adults. Lead emissions can contribute to exposure through the air directly or indirectly by causing soil/water contamination. Prior to the phase out of leaded gasoline, automobiles were a source of lead emissions. According to USEPA, the major sources of lead emissions to the air today are ore and metals processing and piston-engine aircraft operating on leaded aviation gasoline. The consolidation of FBI HQ does not involve lead emissions; therefore, lead is not discussed further in the air quality analysis.

Nitrogen dioxide. NO_2 is one of a group of reactive gases called nitrogen oxides or NO_x. NO_2 forms small particles that penetrate deep in the lungs, and can cause or worsen existing respiratory system problems such as asthma, emphysema or bronchitis. NO_2 emission sources associated with the consolidation of FBI HQ include autos and trucks, construction equipment, and natural gas boilers, among others. NO_x are also a precursor that can lead to the chemical reactions forming ground-level O_3.

Ozone: Ground-level O_3 is an important component of smog and is formed through reactions of NO_x and volatile organic compounds (VOCs) in the presence of sunlight. Sources of NO_x and VOC emissions include both mobile and stationary sources. Health effects of O_3 exposure include respiratory irritation, reduced lung function, and worsening of conditions such as asthma. People with lung disease, children, older adults, and people who are active outdoors may be particularly sensitive to O_3. Elevated O_3 can also impact sensitive vegetation. O_3 formation is a regional air quality concern; therefore the potential impacts in terms of O_3 formation are addressed by quantifying the contribution of the consolidation of FBI HQ to precursor emissions rather than predicting project-specific O_3 concentrations.

Particulate matter: PM is a broad class of air pollutants that exist as liquid droplets or solids, with a wide range of size and chemical composition. Smaller particulates that are smaller than or equal to 10 and 2.5 microns in size (PM_{10} and $PM_{2.5}$) are of particular health concern because they can get deep into the lungs and affect respiratory and heart function. Particulates can also impact visibility; damage soil, plants, and water quality; and stain stone materials. PM emissions are primarily a concern for heavy-duty trucks and other equipment with diesel engines, although PM emissions also occur from gasoline and natural gas combustion.

Sulfur dioxide: SO_2 is part of a group of reactive gases called sulfur oxides. Health effects of SO_2 exposure include adverse respiratory effects, such as increased asthma symptoms. The largest sources of SO_2 emissions nationally are from fossil fuel combustion at power plants/industrial facilities, electrical utilities, and residential/commercial boilers. Mobile sources are not a significant source of SO_2 emissions.

Areas that do not meet the NAAQS are classified as nonattainment areas for that pollutant. Areas that have never been designated nonattainment for a pollutant and NAAQS are considered attainment areas. State Implementation Plans (SIPs) are designed to bring nonattainment areas into compliance with the NAAQS, including the establishment of emissions "budgets" or the maximum emissions allowed for different source categories to ensure the air quality standards would be met. Former nonattainment areas currently meeting the NAAQS are designated maintenance areas and must have maintenance plans for 20 years. Section 176(c)

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of the CAA (42 U.S.C. §7506(c)) requires Federal agencies that license, permit or approve any activity to demonstrate that the action conforms to the applicable SIP before the action is approved. In this context, "conformity" requires that Federal actions be consistent with the objective of SIPs to eliminate or reduce the severity and number of violations of the NAAQS, and achieve expeditious attainment of those standards.

Two different regulations implement the conformity requirement of the CAA: the transportation conformity regulations and the general conformity regulations. Transportation conformity applies to highway/transit projects and transportation plans developed, funded or approved under title 23 U.S.C. or the Federal Transit Act (49 U.S.C. 1601 *et seq*.), while general conformity applies to all other Federal actions, including the FBI HQ consolidation. General conformity regulations apply to a Federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the Federal action equal or exceed certain *de minimis* rates. If the action would cause emissions above the *de minimis* rates and the action is not otherwise exempt, "presumed to conform" or included in the existing emissions budget of the SIP, the agency must conduct a conformity determination before it takes the action.

The JEH parcel and all three site alternatives are located in the National Capital Interstate Air Quality Control Region (AQCR 47), a nonattainment area for the 8-hour O_3 NAAQS, triggering consideration of the General Conformity *de minimis* thresholds for the O_3 precursor emissions VOC and NO_x. Similarly, all the sites are located in a maintenance area for $PM_{2.5}$, triggering consideration of the *de minimis* thresholds for $PM_{2.5}$ emissions, and the PM2.5 precursors NO_x and SO_2. Finally, all of the sites except for Springfield are located in a maintenance area for CO, triggering applicability of the CO *de minimis* threshold. Table 3-18 summarizes the applicable *de minimis* thresholds. Both peak construction annual emissions and annual operational emissions are considered in comparison to the *de minimis* thresholds. If emissions can be shown to be less than the *de minimis* thresholds, no further analysis is required to demonstrate compliance with the general conformity regulations.

3.11.2.1 Regional Air Quality Index Summary

USEPA calculates the Air Quality Index (AQI) for five major air pollutants regulated by the CAA: ground-level O_3, PM, CO, SO_2, and NO_2. MWCOG collects data daily to determine air quality for the region and releases it in the form of the AQI. The AQI ranges from zero (no air pollution) to 500, with 300

Table 3-17: National Ambient Air Quality Standards (NAAQS)

Pollutant	Primary / Secondary		Averaging Time	Level	Form
Carbon Monoxide	Primary		8-hour	9 ppm	Not to be exceeded more than once per year
			1-hour	35 ppm	
Lead	Primary and Secondary		Rolling 3-month average	0.15 µg/m³	Not to be exceeded
Nitrogen Dioxide	Primary		1-hour	100 ppb	98th percentile, averaged over 3 years
	Primary and Secondary		Annual	53 ppb	Annual mean
Ozone	Primary and Secondary		8-hour	0.070 ppm	Annual fourth-highest daily maximum 8-hr concentration, averaged over 3 years
Particulate matter	$PM_{2.5}$	Primary	Annual	12 µg/m³	Annual mean, averaged over 3 years
		Secondary	Annual	15 µg/m³	Annual mean, averaged over 3 years
		Primary and secondary	24-hour	35 µg/m³	98th percentile, averaged over 3 years
	PM_{10}	Primary and secondary	24-hour	150 µg/m³	Not to be exceeded more than once per year on average over 3 years
Sulfur dioxide	Primary		1-hour	75 ppb	99th percentile of 1-hour daily maximum concentrations, averaged over 3 years
	Secondary		3-hour	0.5 ppm	Not to be exceeded more than once per year

Table 3-18: Summary of Applicable General Conformity *de minimis* Thresholds (tons/year)

VOC (O_3 precursor)	NO_x (O_3 and $PM_{2.5}$ precursor)	$PM_{2.5}$ direct emissions	SO_2 ($PM_{2.5}$ precursor)	CO*
50	100	100	100	100

CO threshold does not apply to Springfield site

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Table 3-19: Air Quality Index

Air Quality Index Levels of Health Concern	Numerical Value	Meaning
Good	0 to 50	Air quality is considered satisfactory, and air pollution poses little or no risk.
Moderate	51 to 100	Air quality is acceptable; however, for some pollutants there may be a moderate health concern for a very small number of people who are unusually sensitive to air pollution.
Unhealthy for Sensitive Groups	101 to 150	Members of sensitive groups may experience health effects. The general public is not likely to be affected.
Unhealthy	151 to 200	Everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects.
Very Unhealthy	201 to 300	Health warnings of emergency conditions. The entire population is more likely to be affected.
Hazardous	301 to 500	Health alert: everyone may experience more serious health effects.

Source: Cap (n.d.)

representing severely unhealthy air pollution levels. An AQI value between 101 and 150 indicates that air quality is unhealthy for sensitive groups, who may be subject to negative health effects. Sensitive groups may include those with lung or heart disease who would be negatively affected by lower levels of ground level O_3 and PM than the rest of the general public. An AQI value between 151 and 200 is considered unhealthy, and may result in negative health effects for the general public, with more severe effects possible for those in sensitive groups. AQI values above 200 are considered very unhealthy. An AQI above 300 represents hazardous air quality (USEPA 2015c). AQI values are provided for each site in sections 4.1.10.2, 5.1.10.2, 6.1.10.2, and 7.1.10.2 to provide a context for understanding the affected environment in which impacts to air quality are occurring. Table 3-19 displays the AQI rating system.

3.11.2.2 Meteorology/Climate

Temperature and humidity are among the meteorological parameters that affect emissions. For example, gasoline vehicle start emissions are higher at low temperatures because of incomplete combustion of the fuel-rich mixture necessary for combustion to occur at low temperatures and longer cranking times (USEPA n.d.). Climate in the Washington, D.C. metropolitan area is humid and continental with a normal high temperature of 88 degrees Fahrenheit in July and a normal low temperature of 29 degrees Fahrenheit in January (based on 1981-2010 data from Ronald Reagan National Airport). Summers are warm with periods of high humidity, and winters are cold with periods of snow cover (National Weather Service 2015).

3.11.2.3 Stationary Source Methodology and Assumptions

The primary stationary source associated with the consolidation of FBI HQ at the Greenbelt, Springfield and Landover sites is assumed to be natural gas boilers used for heating and hot water. It is important to note that the specific technology to be used has not been predefined. For the JEH building, heating is provided by purchased steam; therefore, no large stationary sources require analysis at the existing JEH building. Each of the site alternatives would also require backup power generators, which would likely be diesel or natural gas powered. The JEH building currently has diesel backup generators. The analysis of the quantity of stationary source emissions (e.g., tons per year of each pollutant) is the same for each of the three site alternatives because the same basic program of space is proposed for each site. In addition to quantifying the annual emissions associated with the proposed FBI HQ, the impact to air quality at a local level in the communities surrounding each site was examined through dispersion modeling.

Boiler emissions of criteria pollutants and GHGs were estimated using the estimated annual fuel consumption and the small boilers emission factors from Section 1.4 of USEPA's AP-42 Compilation of Air Pollutant Emission Factors (USEPA 1998). It was assumed that the project would incorporate pollution control equipment, such as low-NO_x burners that would reduce NO_2 and N_2O emissions. The design and detailed building energy requirements have not been identified at the current stage of project development, so a conservative assumption was developed. This EIS assumes that natural gas consumption per SF of building area for the new FBI HQ campus would be the same as the FBI's Criminal Justice Information Services Division (CJIS) facility in West Virginia. The CJIS building is 500,000 GSF and was completed in 1995 (FBI n.d.). The CJIS facility has relatively high natural gas consumption because it contains specialized computer and IT equipment that consume more energy than a typical government office building.

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The HQ Building of the consolidated FBI HQ would also contain specialized computer and IT equipment, although of a lesser quantity than the CJIS facility. Additionally, the Proposed Action would incorporate building energy efficiency and renewable energy components that would reduce energy intensity relative to typical buildings from the 1990s. Therefore, the CJIS facility is a conservative proxy representing the upper limit of estimated natural gas usage and subsequent criteria pollutants and GHG emissions.

The AERMOD dispersion model (version 14134) was used to estimate the incremental project impact to localized $PM_{2.5}$ and NO_2 concentrations at specific air quality-sensitive areas (such as residences and community facilities) surrounding each of the three sites. AERMOD is a state-of-the-art dispersion model that takes into account how meteorology (e.g., wind speed, direction, and temperature), emission source characteristics (e.g., stack height, stack emission rate, diameter, temperature, etc.), terrain, and other factors combine to determine the ambient concentration of air pollutants at discrete receptor locations. The modeled project increment is combined with "background concentrations" obtained from air quality monitoring data to develop a total concentration (project plus background) comparable to the NAAQS. The modeling conducted for this Final EIS is considered preliminary and for screening-level impact analysis only because of the uncertainties in the specific design of the campus (including the boiler system design and stack location). Detailed information on the modeling assumptions is provided in Appendix F.

3.11.2.4 Mobile Source Methodology and Assumptions

Automobiles, trucks and buses are referred to collectively as mobile sources of emissions. The two primary pollutants of concern related to mobile sources are CO and fine particulates ($PM_{2.5}$). A detailed analysis of how mobile sources would affect air quality in a localized area (such as adjacent to a congested intersection) through emissions (how much pollution is emitted) and dispersion (how would the pollution affect ambient concentrations) modeling is called hot-spot analysis. A $PM_{2.5}$ hot-spot analysis is not necessary for any of the alternatives based on the lack of substantial heavy duty diesel vehicle traffic generation. The majority of project-generated traffic would be gasoline powered automobiles. As a result, CO required further consideration and screening.

Mobile Source Particulate Matter ($PM_{2.5}$)

Although not subject to transportation conformity requirements, the transportation conformity regulations were used for NEPA purposes to determine if a $PM_{2.5}$ hot-spot analysis was necessary. The transportation conformity regulations are relevant to use for this purpose because they are intended to prevent violations of the NAAQS or worsening of existing violations. The transportation conformity criteria triggering $PM_{2.5}$ hot-spot analysis include significant increases in diesel vehicle volumes or effects on congested intersections with significant numbers of diesel vehicles (refer to Appendix F for a complete listing of the criteria).

The Proposed Action would involve daily heavy truck trips for deliveries. Therefore, the project would not cause a significant increase in diesel truck traffic. The traffic mitigation measures include intersection channelization/traffic signal timing changes that would be expected to improve traffic flow and reduce idling.

The traffic analysis data were reviewed to identify the number and percentage of heavy vehicle volumes (see Appendix F for table). For the intersections with the highest number of heavy vehicles, the heavy vehicle percentage in the peak hours was 4 percent or less, and the highest peak hour heavy vehicle volume was approximately 321 trips. Based on this information, none of the site alternatives would adversely affect intersections with significant heavy vehicle volumes, nor result in adverse $PM_{2.5}$ concentrations within the vicinity of congested intersections.

Mobile Source Carbon Monoxide (CO)

The potential for elevated CO concentrations in the vicinity of signalized intersections were measured through two levels of analyses. The first iteration reviewed the LOS for each study intersection, identifying the intersections with LOS E or LOS F conditions, which are indicative of the slowest speeds/ greatest amount of idling, which in turn generates the highest CO emissions. For these congested intersections, additional screening was conducted through comparison to a hypothetical worst-case urban intersection modeled as part of NCHRP 25-25 Task 78 (AASHTO 2015). For the Greenbelt site, no additional analysis was required based on the screening because the most congested intersection at that site would fall within the range of assumptions used for the hypothetical worst-case intersection. However, for the Landover and Springfield sites, traffic volumes at the LOS F intersection with the highest volume would exceed those used in the modeling of the hypothetical worst-case intersection for one or more approaches. Therefore, project-specific intersection analysis was undertaken for one worst-case intersection for Landover and Springfield. Emission factors for vehicles operating in congested conditions were based on the emission factors determined for the gate queuing analysis. Concentrations at sensitive receptors were predicted using dispersion model CAL3QHC, which is a screening model incorporating worst-case meteorological assumptions. A wind speed of 1 meter/ second was assumed and an atmospheric stability class D (slightly stable). The resulting highest modeled CO concentration was combined with the highest monitored background concentration for comparison to the CO NAAQS.

Mobile Source Carbon Monoxide-Gate Queuing Analysis

In response to comments on the Draft EIS, an analysis of potential CO impacts in the vicinity of the FBI campus entry gates was performed for the three potential sites. The entrance gates would involve substantial vehicle queuing as vehicles pass through the required security protocols to access

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the site. A CO hot-spot analysis was prepared using USEPA's MOVES2014a emissions model and the CAL3QHC dispersion model. The emissions modeling was based on USEPA's guidance on using MOVES for CO hot-spot analysis (USEPA 2015d). Traffic input parameters (volumes, vehicle classification, and average speed) were obtained from the traffic analyses prepared for each site. MWCOG regional MOVES modeling inputs for vehicle age distribution and meteorology were incorporated in the MOVES modeling. The analysis was performed for the build year identified for each site, as described in section 3.10.2, in the AM peak hour for the month of January (CO emissions are elevated at lower temperatures).

For the dispersion modeling with CAL3QHC, receptors were placed in areas surrounding the entrance gates (including publicly accessible sidewalks outside the site, as well as areas within the security perimeter that could be accessible to employees). For a screening-level assessment, worst-case meteorological assumptions were used consistent with USEPA's guidelines on CO hot-spot analysis (USEPA 1992, 1995a, 1995b). Background concentrations from 2013-2015 air quality monitoring data were added to modeled concentrations to determine total concentrations for comparison to the CO NAAQS.

Appendix F provides detailed documentation of the gate queuing analysis modeling inputs and outputs.

3.11.2.5 Temporary Construction Impacts Methodology and Assumptions

Construction activities would result in emissions of criteria pollutants through vehicle exhaust and fugitive dust over the approximately 4-year construction period. Given that detailed construction methods and staging plans are not currently available, it is not possible to conduct a detailed, accurate construction emissions analysis for the project. Instead, the overall order of magnitude of probable construction emissions may be understood based on a review of the emissions analyses conducted for other projects of a similar scale and scope. One comparison project is the U.S. Department of State's Foreign Affairs Security Training Center (FASTC) in Nottoway County, Virginia. The facility includes 2.5 million GSF of building space, an employee population of 1,070 staff, and 8,000-10,000 annual trainees (U.S. Department of State), which is similar to this project. The FASTC EIS construction emissions methodologies include the NONROAD2008 model, MOVES2010, and AP-42 (U.S. Department of State 2015). A detailed list of assumptions is provided in the FASTC air quality technical report.

The FASTC project was analyzed based on a 7-year construction schedule (2014 through 2020). The total emissions from the 7 years of construction assumed for the FASTC project were summed and divided by the anticipated 4 years of construction proposed for consolidation of FBI HQ to determine average annual emissions from construction equipment.

With respect to fugitive dust emissions, the FASTC project was not considered comparable since the project disturbed more than 1,100 acres, compared to fewer than 100 acres for any of the FBI HQ site alternatives. Dust emissions are proportional to the surface area of soil exposed; therefore, using the FASTC emissions of dust would result in an unrealistically high level of impact. To remedy this situation, a separate construction dust emissions analysis was completed for each of the sites based on USEPA's AP-42 and assumptions regarding the total area of soil disturbance associated with each site. Refer to Appendix F for the details of fugitive dust analysis assumptions.

The total annual construction emissions were compared to the General Conformity *de minimis* thresholds as an indicator of a potentially significant impact for NEPA purposes (even though the sites are not located in nonattainment/maintenance areas for every pollutant).

3.11.2.6 Mitigation Measures

The Proposed Action would incorporate the following measures to minimize the potential for air quality impacts during construction:

Utilization of Newer Equipment: All heavy duty diesel construction equipment onsite would meet USEPA Tier 2 or better emission standards. At least 50 percent of construction equipment over 100 horsepower would meet USEPA Tier 3 or better emission standards or incorporate USEPA-approved diesel retrofit technology. Tier 3 NO_x emissions range from 40 to 60 percent lower than Tier 1 emissions and considerably lower than uncontrolled engines.

Dust Control: Fugitive dust control plans would be required as part of contract specifications. These dust control plans would outline one or more of the following mitigation measures described in this section: Stabilized truck exit areas would be established for washing off the wheels of all trucks that exit the construction site. Tracking pads would be established

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at construction exits to prevent dirt from being tracked onto roadways. Any truck routes within the sites would be either watered as needed or, in cases where such routes would remain in the same place for an extended duration, the routes would be stabilized, covered with gravel or temporarily paved to avoid the re-suspension of dust. During dry weather, exposed soil areas (unpaved access roads, soil piles, staging areas) would be watered once per day to control fugitive dust. All trucks hauling loose material would have their loads securely covered prior to leaving the construction sites. To minimize fugitive dust emissions, vehicles onsite would be limited to a speed of 10 mph. Hoods, fans, and fabric filters to enclose and vent the handling of dusty materials would be installed, and open equipment for conveying materials would be covered. Any spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion would be promptly removed. Construction at the Springfield Alternative would be required to use fugitive dust control methods outlined in VAC 5-50-60 *et seq*. of the Regulations for the Control and Abatement of Air Pollution.

Idling Limits: Idling times would be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 3 minutes[5]. Clear signage indicating idling limits would be provided for construction workers at all access points.

3.11.3 Greenhouse Gas Emissions and Air Quality Intensity Thresholds

Air quality intensity thresholds are based on the NAAQS and General Conformity *de minimis* criteria. With respect to GHG emissions, no formal intensity definitions are used; however, emissions are discussed generally in relation to the 25,000 tons/year CO_2e reference point from the Draft CEQ guidance.

No Measurable Impact: Concentrations of criteria pollutants and sensitive receptors surrounding the site and annual criteria pollutant emissions would not increase relative to the No-build Condition for the site.

Adverse: Concentrations of criteria pollutants and sensitive receptors surrounding the site and annual criteria pollutant emissions would increase by greater than 5 percent, but would not exceed the NAAQS or General Conformity *de minimis* thresholds.

Major Adverse: Concentrations of criteria pollutants surrounding the site would exceed the NAAQS and/or the General Conformity *de minimis* thresholds.

Beneficial: Concentrations of criteria pollutants at sensitive receptors surrounding the site would be reduced relative to the No-build Condition. Total emissions of the site would be reduced compared to the No-build Condition.

3.12 Noise

Potential impacts from noise are related to the extent to which individuals are affected by noise, and are controlled by several factors, including:

- duration and frequency of the noise/sound;
- distance between the noise source and the receptor;
- intervening natural or engineered barriers or structures; and
- ambient environment.

Noise is monitored and measured using the A-weighted decibel (dBA), which is used to express the relative loudness of sounds in the air as perceived by the human ear. The dBA scale de-emphasizes the very low and the very high frequencies and emphasizes the middle frequencies, thereby closely approximating the frequency response of the human ear. Common noise sources and their sound levels are shown in table 3-20.

Human ability to perceive changes in noise levels varies widely from person to person, as do responses to perceived changes. Generally, a 3-dBA change in noise level would be barely perceptible to most listeners, whereas a 10-dBA change is normally perceived as doubling (or halving) of noise levels and is considered a substantial change. These thresholds permit direct estimation of an individual's probable perception of changes in noise levels as shown in table 3-21. Table 3-21 shows the general noise level produced by construction equipment with and without noise control measures.

Noise-sensitive receptors are generally considered to be human activities or land uses that may be subject to the stress of significant interference from noise. Land uses associated with sensitive receptors include: residential dwellings, parks, hotels, hospitals, nursing homes, education facilities, churches, and libraries. Sensitive receptors may also include threatened or endangered noise-sensitive biological

Table 3-20: Common Noise Sources and Sound Levels

Source	Sound Level (dBA)
Near large jet at takeoff	140
Air-raid siren	130
Threshold of pain	120
Thunder or sonic boom	110
Garbage or trailer truck at roadside	100
Power lawn mower at 5 feet	90
Alarm clock or vacuum cleaner	80
Freeway traffic at 50 feet	70
Conversational speech	60
Average residence	50
Bedroom	40
Soft whisper at 15 feet	30
Rustle of leaves	20
Breathing	10
Threshold of hearing	0

Source: U.S. National Bureau of Standards (1976)

Table 3-21: Noise Abatement Thresholds

Change in dBA	Perception
0	Reference
3	Barely Perceptible Change
5	Readily Perceptible Change
10	Twice or Half as Loud
20	Four Times or ¼ as Loud
40	Eight Times or 1/8 as Loud

Source: FHWA (1995)

[5] The regulatory idling limit in Maryland is 5 minutes and 3 minutes in Fairfax County, Virginia. See http://www.epa.gov/reg3artd/diesel/anti_idling_regs.htm for more information.

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species. Commercial and industrial land uses are not considered noise sensitive by most definitions.

Noise sources considered for this analysis are concentrated on construction and operational noise. Construction-related noise refers to noise that is generated by the use of construction access roads to the site, materials delivery, staff vehicle transportation, site preparation, construction equipment operations, and construction staff interactions and activities. Operational noise is noise generated by the use of a site. For this analysis, operational noise would include traffic to and from the site both by employees as well as visitors and delivery and maintenance services; staff interactions and activities; helicopter and helipad operations; use of a firing range; operation of a central utility plant including the use of backup generators during times of monthly testing and in a emergency situations; and operation of heat rejection equipment.

3.12.1 Data Sources

Sensitive noise receptors were identified using Google maps and verified during site reconnaissance during the preparation of this EIS.

3.12.2 Study Area

The study area for noise depends on the intensity of noise generation. For most common noise sources, such as vehicular traffic, the ROI is limited to areas within 500 feet of the noise source. High-intensity noise sources may have an ROI extending several miles from the noise source; these types of noise sources are not anticipated as a result of this project. Therefore, the study area for noise includes all land within the boundaries of the site alternatives and the JEH parcel, as well as those areas where the recommended transportation mitigation measures would be implemented. Noise resulting from the implementation of utility infrastructure improvements was evaluated generically based upon planning-level information provided by each utility provider. The specific location of any required utility improvements would be identified during the design and permitting process.

3.12.3 Methodology and Assumptions

An analysis of the potential effects associated with noise evaluates potential changes to the existing acoustical environment that would result from implementation of the Proposed Action. An increase or change in stationary sources or traffic could result in an increase in noise in a community or a given location.

The main issues concerning noise effects on humans are physiological impacts (e.g., hearing loss and non-auditory impacts), behavioral impacts (e.g., speech or sleep interference and performance impacts), and subjective impacts such as annoyance. This noise analysis considers potential impacts to nearby noise-sensitive receptors, including residential dwellings and neighborhoods, schools, churches, and hospitals. The major sources of noise, their contribution to the overall noise environment, and maximum sound level were estimated for comparison to local noise control standards. The analysis considers construction and operation of the proposed facilities.

The following thresholds were used to determine the degree of impacts to noise in the study areas:

No Measurable Impact: There would be no measurable difference between existing and future noise levels.

Adverse: Site levels would predominate noise levels of adjacent land uses; however, they would be consistent with noise level regulations and adjacent land uses.

Major Adverse: Created noise would persistently dominate and be inconsistent with the existing soundscape, exceeding noise level regulations with extensive mitigation measures being needed to offset any adverse effects with success not being guaranteed.

Beneficial: Future noise levels would be decreased relative to existing levels, and a reduction in the number of sensitive receptors exposed to unacceptable noise levels and a reduction in ambient sound levels would occur.

3.13 Infrastructure and Utilities

This EIS evaluates the impacts of the FBI HQ consolidation and the exchange of the JEH parcel to infrastructure and utilities as described in the following sections.

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3.13.1 Data Sources

Hardcopy maps and digital data showing the locations of existing utility infrastructure were obtained from the following utility providers: Washington Suburban Sanitary Commission (WSSC), Washington, D.C. Water and Sewer Authority (DC WASA), Fairfax Water, Potomac Electric Power Company (PEPCO), Dominion Virginia Power, and Washington Gas. Due to information security requirements of the utility providers, these maps are not published in this EIS. During the preparation of the Draft EIS, meetings were held with each utility provider to verify the locations of existing infrastructure, confirm tie in locations, and discuss any capacity issues or anticipate improvements required to accommodate a consolidated FBI HQ at each site. The GSA and FBI project team continued to coordinate with each utility provider in the preparation of the Final EIS.

3.13.2 Study Area

The study area for impacts to infrastructure and utilities includes all land within the boundaries of the site alternatives and the JEH parcel, as well as those areas that would be affected by construction and ROW acquisition to extend or improve utility service to each site.

3.13.3 Methodology

Impacts for this resource area were analyzed qualitatively, using available information for the study area, including meetings with utility providers. Alternative impacts have been determined based on available capacity of existing utilities, impact of the proposed development on existing utilities, and upgrades required to support the proposed development. Note that the capacity of lines is based on the available excess or available capacity as reported by the utility provider, and GSA makes no assertion as to the accuracy of this information. The specific location of any required utility improvements would be identified during the design and permitting process. Definition of the impact categories is as follows:

No Measurable Impact: Utilities of sufficient capacity are available on the proposed site.

Adverse: The impact to the utility lines and the serviced community would be noticeable. Utilities of sufficient capacity exist, but could require relocation or extension of service lines and/or upgrades to existing service lines within the area of the site. There would be increased loads on the utility infrastructure, and there would likely be disruption to the serviced community during construction. Following the construction phase, service to the community would be restored to its former state.

Major Adverse: The impact to the utility lines and the serviced community would be substantial, resulting in lengthy extensions and/or upgrades to main trunk/ distribution lines, treatment plants, and distribution centers. Substantial disruptions to the serviced community would occur during construction.

Beneficial: The impact to the utility lines and the serviced community would result in improvements to capacity and LOS.

Temporary short-term impacts associated with the provision of utility service to a consolidated FBI HQ campus, such as noise, dust, soil erosion, and traffic disruptions may occur due to construction activities associated with connection to off-site utilities. These adverse impacts would be avoided and minimized by ensuring that construction periods are kept to the shortest extent possible and effective traffic safety, dust control, and soil erosion and sediment control practices are implemented. Any improvements to the existing capacities of the utility services should also consider the effects of the development on local area utility customers.

Impacts to wetlands and surface water bodies associated with the installation of utilities could be mitigated through the use of horizontal directional drilling or other trenchless technologies, including pipe jacking and micro-tunneling. By confining utility extensions to the alignments of existing roadways and ROWs, adverse environmental impacts could be avoided. The design and construction of utility system improvements would follow applicable local and state regulations and permitting procedures. Because no adverse impacts to the provision of utility services are expected from the FBI HQ consolidation, no other mitigation measures beyond coordination and approvals from the appropriate state and local regulatory agencies would be warranted.

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From: [redacted]

Sent: Tuesday, September 5, 2017 11:54 AM

To: [redacted]

Subject: UNET to FBINET Uploaded Files

Attachments: Chapter_11_Distribution_List.pdf

b6 -1 per FBI
b7C -1 per FBI
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11.0 Distribution and Notification List

11.1 Federal and Regional Stakeholders

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip
										b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-267
DOJ-FBI-18-0520, 18-0521-R-000190

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-268
DOJ-FBI-18-0520, 18-0521-R-000191
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-269
DOJ-FBI-18-0520, 18-0521-R-000192
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-270
DOJ-FBI-18-0520, 18-0521-R-000193

11.2 Fairfax County Stakeholders

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-271
DOJ-FBI-18-0520, 18-0521-R-000194

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-272
DOJ-FBI-18-0520, 18-0521-R-000195
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-273
DOJ-FBI-18-0520, 18-0521-R-000196
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-274
DOJ-FBI-18-0520, 18-0521-R-000197
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-275
DOJ-FBI-18-0520, 18-0521-R-000198
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-276
DOJ-FBI-18-0520, 18-0521-R-000199

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-277
DOJ-FBI-18-0520, 18-0521-R-000200
AMERICAN OVERSIGHT

11.3 Prince George's County Stakeholders

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-278
DOJ-FBI-18-0520, 18-0521-R-000201
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-279
DOJ-FBI-18-0520, 18-0521-R-000202

Mr./Ms./Sen ator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-280
DOJ-FBI-18-0520, 18-0521-R-000203
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

AMERICAN OVERSIGHT
18-cv-2422(FBI)-281
DOJ-FBI-18-0520, 18-0521-R-000204

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-282
DOJ-FBI-18-0520, 18-0521-R-000205
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-283
DOJ-FBI-18-0520, 18-0521-R-000206
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-284
DOJ-FBI-18-0520, 18-0521-R-000207
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-285
DOJ-FBI-18-0520, 18-0521-R-000208
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-286
DOJ-FBI-18-0520, 18-0521-R-000209
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-287
DOJ-FBI-18-0520, 18-0521-R-000210
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-288
DOJ-FBI-18-0520, 18-0521-R-000211

Mr./Ms./Sen ator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-289
DOJ-FBI-18-0520, 18-0521-R-000212
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-290
DOJ-FBI-18-0520, 18-0521-R-000213
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

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18-cv-2422(FBI)-291
DOJ-FBI-18-0520, 18-0521-R-000214

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-292
DOJ-FBI-18-0520, 18-0521-R-000215
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11.4 District of Columbia Stakeholders

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip
										b6 per GSA

18-cv-2422(FBI)-293
DOJ-FBI-18-0520, 18-0521-R-000216
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-294
DOJ-FBI-18-0520, 18-0521-R-000217
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-295
DOJ-FBI-18-0520, 18-0521-R-000218
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

18-cv-2422(FBI)-296
DOJ-FBI-18-0520, 18-0521-R-000219
AMERICAN OVERSIGHT

Mr./Ms./Senator	First Name Middle Initial	Last Name	Title	Division Office	Business	Address	Address 2	City	State	Zip

b6 per GSA

AMERICAN OVERSIGHT

18-cv-2422(FBI)-297
DOJ-FBI-18-0520, 18-0521-R-000220

11.5 Other Stakeholders

First Name	Last Name	Company	Type of Company	Street Address	City	State	ZIP Code

b6 per GSA

AMERICAN OVERSIGHT
18-cv-2422(FBI)-298
DOJ-FBI-18-0520, 18-0521-R-000221

First Name	Last Name	Company	Type of Company	Street Address	City	State	ZIP Code

b6 per GSA

18-cv-2422(FBI)-299
DOJ-FBI-18-0520, 18-0521-R-000222
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First Name	Last Name	Company	Type of Company	Street Address	City	State	ZIP Code

b6 per GSA

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18-cv-2422(FBI)-300
DOJ-FBI-18-0520, 18-0521-R-000223

11.6 Private Citizens

First Name	Last Name	City	State

First Name	Last Name	City	State

b6 per GSA

18-cv-2422(FBI)-301
DOJ-FBI-18-0520, 18-0521-R-000224
AMERICAN OVERSIGHT

First Name	Last Name	City	State

First Name	Last Name	City	State

b6 per GSA

18-cv-2422(FBI)-302
DOJ-FBI-18-0520, 18-0521-R-000225
AMERICAN OVERSIGHT

First Name	Last Name	City	State

b6 per GSA

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18-cv-2422(FBI)-303
DOJ-FBI-18-0520, 18-0521-R-000226

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18-cv-2422(FBI)-304
DOJ-FBI-18-0520, 18-0521-R-000227

[redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

From: [redacted]
Sent: Friday, August 3, 2018 8:02 AM
To: [redacted]
Subject: UNET to FBINET Uploaded Files
Attachments: EPW_QFRs_All_Haley_QFRs_02.28.2018_clean_copy_responses_v1_070218.docx

AMERICAN OVERSIGHT

Senate Committee on Environment and Public Works
"Oversight: FBI Headquarters Consolidation Project."
February 28, 2018
Questions for the Record for Assistant Director Richard L. Haley II, FBI

Chairman Barrasso:

1. Since this project's inception, the goal has always been to consolidate FBI Headquarters staff. Yet, the revised plan would decrease the number of D.C. regional FBI employees from approximately 10,600 to 8,300 by dispersing remaining Headquarters staff to three separate national locations. Does FBI still consider this a true consolidation, or has the fundamental goal of this project changed?

b5 -1 per FBI

2. How is this revised plan an improvement over the flawed proposals previously brought before this Committee?

b5 -1 per FBI

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Senator Cardin:

3. Both the GSA and the FBI have consistently told Congress that the FBI must have a fully consolidated headquarters on a campus with ISC Level V security but the JEH site can provide neither full consolidation nor ISV Level V security. How did the "requirements" change so suddenly? Why have you changed the notion of consolidation?

[redacted] b5 -1 per FBI

4. GSA and FBI were consistent in their position that building a replacement FBI headquarters on the site of the current JEH building was not an option because it could not achieve ISC Level V security. Have the FBI's security needs changed? Has the threat level decreased?

[redacted] b5 -1 per FBI

5. Who in the Executive Branch was involved in the July, 2017 decision to cancel the original procurement? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

[redacted] b5 -1 per FBI

6. Who in the Executive Branch was involved in the development of the plan which was submitted to the Environment and Public Works Committee on February 12, 2018? Were there any conversations with anyone from the Executive Office of the President? Is so, please state with whom, when and the reason for the conversation.

[redacted] b5 -1 per FBI

[redacted]

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[redacted]

b5 -1 per FBI

7. According to GSA's site selection guide, site selections are made by balancing the initial cost of the real estate with the goals of the organization, the functioning of the organization, the overall cost of executing the project, security impacts to the organization, the cost of operating the facility, the benefit to the local community and the environment. Where is the analysis of the JEH site? Can you provide the Committee with a copy of that analysis?

[redacted]

b5 -1 per FBI

8. How many of the 2,300 people whose jobs are being planned to relocate are expected to move to keep their jobs? Where do those 2,300 employees currently live (by State)?

[redacted]

b5 -1 per FBI

9. What percentage of the 2,300 employees whose jobs are being planned to relocate will be offered Relocation Incentives? Has the Uniform Relocation Assistance Act been applied to the estimated cost to relocate employees to other parts of the country?

[redacted]

b5 -1 per FBI

10. How will the procurement for the design and construction be run? Will one company do both?

[redacted]

b5 -1 per FBI

11. Will GSA use the P-100 guide for federal construction? Does the FBI have a design guide, and if so, have the features of the guide been incorporated into the overall cost estimating for the new facility?

[redacted]

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[redacted]

b5 -1 per FBI

12. Are you aware of any discussions about or with potential developers? How will you ensure competition? Were there any conversations with anyone from the Executive Office of the President? If so, please state with whom, when and the reason for the conversation.

[redacted]

b5 -1 per FBI

13. How much money will it cost to expand existing facilities in Alabama to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

[redacted]

b5 -1 per FBI

14. How much money will it cost to expand existing facilities in West Virginia to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

[redacted]

b5 -1 per FBI

15. How much money will it cost to expand existing facilities in Idaho to accommodate the relocation of staff? How will these costs be financed and what Congressional approval will be needed?

[redacted]

b5 -1 per FBI

16. Will there be a separate request for funds to demolish JEH? How much money will it cost to demolish JEH? How will these costs be financed and what Congressional approval will be needed?

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[redacted]

b5 -1 per FBI

17. The February 12th report says that the JEH rebuild is less expensive because it will cost $2.175 billion to house 8,300 staff while the original consolidation plan would cost $2.4 billion for 10,606 staff but the accurate comparison can only be found by looking at the same number of staff in both scenarios. So if the JEH rebuild costs $2.175 billion for 8,300 staff don't you need to subtract 20% of the staff count and 20% of the costs from the original plan? And wouldn't doing so brings that number down closer to $1.6 billion? So isn't the real comparison is $1.6 billion to build a building for 8,300 staff under the original campus-style plan and $2.175 to build a new building for 8,300 staff on the current Pennsylvania Avenue site?

[redacted]

b5 -1 per FBI

18. The timeline on page 10 claims occupancy in 2025 which seems extraordinarily optimistic for a demo-re-build scenario. Please provide details including the dates you anticipate to begin and conclude each of the following components: production of requirements for the swing space; production of the advertisement for swing space; publishing the advertisement for swing space; analyzing offers of swing space; securing Congressional authorizations and appropriations for swing space; signing leases for the swing space; fitting out the swing space; moving JEH employees into the swing space; the production of requirements for the HQ building; securing Congressional authorizations and appropriations for the JEH demolition; the EIS process on the JEH site; remediating the JEH site; demolishing JEH; designing the new building; advertising for developers; analyzing developers offers; securing Congressional authorizations and appropriations for construction of the new HQ; construction of the new building; fitting out the new building and moving employees into the new building.

[redacted]

b5 -1 per FBI

19. What will the swing space for current HQ staff cost per year? How many leases will be required and for how long?

[redacted]

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[redacted]

b5 -1 per FBI

20. What is the extra cost of hardening the new building to meet the FBI's security needs?

[redacted]

b5 -1 per FBI

21. Is it correct that you will not start the process until the Environment and Public Works Committee and the Transportation and Infrastructure Committee have authorized the project?

[redacted]

b5 -1 per FBI

22. Is it correct that you will not award a bid until full funding for this project has been appropriated by Congress?

[redacted]

b5 -1 per FBI

23. How will the FBI's future space needs be addressed after 2025 when the new HQ is occupied? How is the FBI's post-2025 growth being factored into the design and construction of the new building?

[redacted]

b5 -1 per FBI

24. GSA's Site Selection Guide notes that the Public Buildings Cooperative Use Act and the Federal Urban Land Use Act require GSA to consider local planning efforts in the project development and site selection process. Did GSA involve the National Capital Planning Commission (NCPC) in the production of the plan for the redevelopment of the JEH site? Is GSA aware that in January, 2017 the NCPC published commercial redevelopment plans for the JEH site?

[redacted]

b5 -1 per FBI

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[redacted]

b5 -1 per FBI

25. What conversations have taken place with the District of Columbia regarding the reuse of the JEH site? Did you seek the Mayor's input before recommending the rebuilding of the FBI HQ on the JEH site?

[redacted]

b5 -1 per FBI

Senator Gillibrand: not related to FBI HQ PMO efforts

26. How much of the FBI's budget is dedicated to investigating tips that the FBI receives related to potential threats to public safety?

27. How many tips does the FBI receive on average each year, and how many turn out to be credible?

28. How long does it take, on average, to investigate those tips?

29. How many agents follow-up on tips received by the FBI?

30. How many tips go unanswered by the FBI each year? Why?

31. Would more money and resources help the FBI to be able to follow-up on every tip? Do you have an approximate amount of how much more funding Congress would need to provide?

32. Moving to the topic of sexual assault training, what courses are currently offered at the FBI Training Academy to teach agents how to deal with victims of sexual assault?

33. How often is the curriculum at the academy updated?

34. Who makes the decisions as to what courses should be offered?

35. Will the FBI work with me to offer a class on sexual assault?

Senator Van Hollen:

36. After the hearing on February 28, 2018, Mr. Mathews submitted a letter to the Chairman (and copied myself and Ranking Member Carper), clarifying his response to my question that was asked to him, "Have you ever had any conversations or communication with

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either the President of the United States or any senior White House staff about this FBI project?"

Mr. Mathews stated that he:

> Attended one meeting with a senior official at the White House where the primary topic of the meeting was the FBI headquarters project.
>
> Attended one meeting with a senior official at the White House where the FBI headquarters project was discussed briefly as a matter incidental to the subject of the meeting.
>
> Had several meetings with another senior White House official where the FBI headquarters was discussed, but only in the context of a broader discussion of Federal real property acquisition financing.

a. Have you ever had any conversations or communications, to include in-person conversations, phone calls and all forms of electronic communication, with either the President of the United States or any senior White House staff, including any one at OMB about this FBI project?

b. If so, with respect to those communications, please provide detailed information on the date, location, participants, topic, summary and decisions made.

c. With respect to each of those meetings, did any participant indicate the President's views on the FBI headquarters project? If so, what was the nature of those views?

[redacted] b5 -1 per FBI

[redacted] b5 -1 per FBI

d. [redacted]

37. On August 2, 2017 this Committee requested that GSA and FBI return to Congress in 120 days with a plan for the FBI headquarters with a deadline of November 30, 2017. On December 1, 2017 the Committee approved your request for a 60 day extension with a new deadline of January 29, 2018. This second deadline was missed and your revised proposal was submitted on February 12, 2018.

a. When did you start working on the revised proposal for the FBI headquarters?

b. Did any senior White House official or the President provide input or make recommendations to GSA or the FBI prior to submission to the White House or OMB for approval? If so, what were those recommendations?

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c. When was the proposal sent to the White House and OMB for approval?

d. Did the President or any senior White House official request or make any changes to the proposal after you submitted it for approval? If so, what were those changes?

[redacted]

b5 -1 per FBI

[redacted]

38. Your proposal states that the, "Two-year budget cap deal provides a unique opportunity to secure appropriations for the FBI headquarters" and in Mr. Mathews testimony he stated that the "final recommendation came forward at that same time (as the budget agreement.)" What was GSA and the FBI doing between August 2, 2017 and February 9, 2018 to respond to this committee's request?

[redacted]

b5 -1 per FBI

39. Prior to passage of the budget deal in the early morning hours of February 9, 2018, what was the Administration's plan for funding the project?

[redacted]

b5 -1 per FBI

40. Putting the Hoover building transfer aside, the often stated reason for cancelling the original procurement was due to lack of funding. Now that potential funding is available as a result of the budget deal, did you consider reviving the framework of the original procurement minus the building swap?

[redacted]

b5 -1 per FBI

41. Who specifically was involved in revising the FBI's mission requirements? Were any senior White House officials or the President involved in revising the mission requirements?

a. When did you notify GSA of your mission requirements?

b. After you revised your mission requirements and informed the GSA, what options did you consider for possible locations for the headquarters building?

c. Did you consider any of the other surplus or excess facilities in the GSA portfolio and in the larger government wide portfolio in Washington, DC, Virginia, or Maryland as possible locations or facilities for the headquarters?

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[redacted]

b5 -1 per FBI

[redacted]

42. According to the Interagency Security Committee's document, *The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard* published in November 2016, "For single-tenant facilities owned or leased by the government, a representative of the tenant agency will make the Facility Security Level (FSL) determination in consultation with the owning or leasing department or agency and the security organization responsible for the facility."

    a. Who at the FBI is approved to make such determinations on behalf of the Bureau?

    b. Did this person participate in the decision-making process that resulted in the current plan to build the new headquarters on the current Hoover site?

    c. Did this person agree with the final decision to rebuild on the current site?

    d. If the building cannot meet the Level of Protection (LOP) required for an ISC FSL V building, did this person follow the decision-making guidelines in the ISC document to determine what level of risk is acceptable?

[redacted]

b5 -1 per FBI

43. I believe the safety and security of the men and women of the FBI is of utmost importance and I believe that a strong argument can be made that a campus like facility is more secure than the Hoover site in DC. I agree with the GSA Prospectus for Construction (PNCR-FBI-NCR17) that, "The building was designed at a time when FBI operated differently, and *it cannot be redeveloped* to provide the necessary space to consolidate the FBI Headquarters components or to meet the agency's physical security and current and projected operational requirements."

    a. The 2016 Prospectus states that, "The new facility will be built to meet ISC Level V security specifications…" Is it possible to have the same level of security at the Hoover site that was intended for one of the three previously identified sites in MD or VA?

    b. Is it possible to achieve ISC Facility Security Level (FSL) V standards for a new building at the Hoover site?

[redacted]

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[redacted]

b5 -1 per FBI

44. According to the Interagency Security Committee's document, The Risk Management Process for Federal Facilities: An Interagency Security Committee Standard, "New construction, with few exceptions, is fully expected to meet the LOP." How much risk is the FBI willing to take in order to build the headquarters on the existing Hoover site?

[redacted]

b5 -1 per FBI

45. According to the FBI, in 1995 when Timothy McVeigh detonated a bomb at the Alfred P. Murrah Federal Building in downtown Oklahoma City, "In a matter of seconds, the blast destroyed most of the nine-story concrete and granite building, and the surrounding area looked like a war zone. Dozens of cars were incinerated, and more than 300 nearby buildings were damaged or destroyed."

    Knowing this information, and knowing that the FBI headquarters building requires Level V security standards, does the current location of the Hoover building pose any security or other risks to surrounding buildings and structures?

[redacted]

b5 -1 per FBI

46. Has GSA or the FBI consulted with anyone representing Washington, DC Mayor Muriel Bowser or the City Council since the decision was made to cancel the original procurement and the issuance of your new proposal on February 12, 2018?

[redacted]

b5 -1 per FBI

47. Has the GSA or FBI consulted with the National Capital Planning Commission (NCPC) or reviewed and considered the new square guidelines established by the NCPC for the land currently occupied by the Hoover building?

[redacted]

b5 -1 per FBI

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Senator Whitehouse:

48. Have there been any communications between FBI and GSA and any representative of the Trump Organization about this project? If so, will you disclose them to the Committee?

b5 -1 per FBI

49. Can you assure the committee that this change in approach has nothing do to who the President is and the Trump Organization's ownership of a nearby hotel?

b5 -1 per FBI

50. Who directed the cancellation of the Acquisition by Exchange process?

b5 -1 per FBI

51. Who decided to reconsider the demolish and rebuild strategy that was previously set aside by GSA as too expensive? How have the numbers changed to now make this not only a viable option, but the most cost effective option?

b5 -1 per FBI

52. Though the proposal from the FBI and GSA estimates the new demolish and rebuild plan will save around $200 million from the previous suburban consolidation plan, the new plan does not appear to include estimated costs for relocating the 2,300 staff currently in the DC area that will no longer fit in the new building. How much will it cost to move those people and renovate or build office space for their new assignments in Idaho, West Virginia, or Alabama? Will those costs be paid for by GSA or the FBI?

b5 -1 per FBI

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b5 -1 per FBI

53. What security upgrades can be made to the current Hoover Building's location that would compare to what could be possible in a suburban campus which has more room for fencing, security checkpoints, and other protective features?

b5 -1 per FBI

54. The Trump infrastructure plan reportedly includes a request for $2.2 billion for the FBI headquarters. The FBI has already set aside $1.125 billion for the project. Why is the FBI setting aside funding for the project if it is generally the GSA's role to own and build federal buildings?

b5 -1 per FBI

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[redacted]

b5 -1 per FBI

Senator Van Hollen:

29. Please provide a fully transparent comparison of the differences in total cost of the new proposed headquarters verses the total estimated cost of building a headquarters based on the February 2016 Prospectus PNCR-FBI-NCR17 submitted to this Committee. This information should include (but is not limited to): cost of demolition of the existing Hoover building, rent for the swing space, cost of continuation of lease payments for current non-Hoover building employees that have to be continued, and the cost per employee for each location.

Attached is JEH Demolish and Rebuild vs. FY2016 Prospectus Comparison, a table comparing the costs of the new proposed headquarters to the estimated costs based on the 2016 prospectus. These estimates fully include both GSA and FBI costs and the estimated imputed values of the JEH site in both the re-use and disposal scenarios. In addition to the scope and size of each scenario, the table provides detailed costs for design and construction, land, and swing, move, and FF & E (implementation). The grand total of these areas is provided, along with the cost per employee.

[redacted]

b5 -1 per FBI

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FY2016 Prospectus Comparison vs. JEH Demolish and Rebuild

Suburban Campus 2016 Prospectus Exchange	Location / Procurement Type	JEH Site 2018 Proposed Demolish & Rebuild	Non-NCR Sites[1] 2018 Federal Construction
10,606	Personnel	8,300	2,306
2023	Year of Occupancy	2025	2023
2,349,013	Main Building (GSF)	1,910,909	507,320
2,135,466	Main Building (RSF)	1,737,190	461,200
169,101	Ancillary Buildings (RSF)	-	-
2,641,461	Garages (GSF)	715,000	784,015
7,769	Garage (Spaces)	900	2,306
2017	Award Year	2019	2019
2% Compounded	Annual Construction Inflation	2% Compounded	2% Compounded
Major Cost Elements Included in EPW Report			
$2,650 M	**Design & Construction**	**$1,926 M**	**$386 M**
$1,848 M	Main Building Cost	$1,763 M	$327 M
$224 M	Ancillary Building Cost	-	-
$232 M	Garage Cost	$125 M	$46 M
$144 M	Site Work or Demolition Cost	$38 M	$13 M
$127 M	Exchange Developer Fee	-	-
$75 M	Site Acquisition Cost	-	-
$249,859	*Cost Per Seat*	*$232,948*	*$167,442*
$915 M	**Implementation Cost**	**$1,402 M**	**$72 M**
-	Temp Swing Space Move & Rep	$479 M	-
$915 M	FBI Fit-Out	$923 M	$72 M
$3,565 M	**Total Cost**	**$3,328 M**	**$459 M**
Additional Cost Element Considerations			
$776 M	**Additional Considerations**	**$639 M**	**$57 M**
$107 M	Esclation: D&C (2019 Award)	-	-
$37 M	Escalation: FBI Fit-Out (2019 Award)	-	-
$75 M	GSA M&I	$75 M	-
-$363 M	JEH Exchange Proceeds[2]	-	-
$255 M	Off-Site Transportation Improvements	-	-
-	Temp Swing Space Rent	$172 M	-
$310 M	Interim Private Lease Payments	$310 M	-
$84 M	JEH Potential Captial Repairs[3]	$17 M	-
$271 M	JEH Operating Costs[4]	$65 M	-
-	Employee Relocation Cost	-	$57 M

[1] *Non-NCR cost are representative; efforts at Non-NCR locations are tied to mission and extend beyond the relocation of NCR HQ personnel*

[2] *Average JEH credit offered*

[3] *Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish and five years in the 2016 prospectus scenario.*

[4] *GSA provides FBI with full delegated authority for JEH; FBI contracts for and pays ~$42M/year in utility and maintenance cost and also transfers ~$43M/year (which is not shown) in rent payments to GSA*

On page 11 of your proposal, you compare the cost to consolidate 11,000 employees into a campus setting and 8,300 employees into a Hoover Building rebuild. This is comparing apples and oranges. Did GSA and the FBI compare the cost of consolidating 8,300 employees in a Hoover rebuild to consolidating those 8,300 employees at a new location?

AMERICAN OVERSIGHT

DOJ-FBI-18-0520, 18-0521-R-000243 18-cv-2422(FBI)-358

Attached is JEH Demolish and Rebuild vs. 8,300-seat Suburban Comparison, a table comparing the costs of the 8,300 employees in the Hoover rebuild to consolidating 8,300 employees at a new suburban location. These estimates fully include both GSA and FBI costs and the estimated imputed values of the JEH site in both the re-use and disposal scenarios. In addition to the scope and size of each scenario, the table provides detailed costs for design and construction, land, and swing, move, and FF & E (implementation). The grand total of these areas is provided, along with the cost per employee.

[redacted]

b5 -1 per FBI

AMERICAN OVERSIGHT

8,300 Seat
Suburban Campus vs. JEH Demolish and Rebuild

Suburban Campus [1] 2018 Federal Construction	Location Procurement Type	JEH Site 2018 Proposed Demolish & Rebuild
8,300	Personnel	8,300
2025	Year of Occupancy	2025
1,910,909	Main Building (GSF)	1,910,909
1,737,190	Main Building (RSF)	1,737,190
138,000	Ancillary Buildings (RSF)	-
2,273,250	Garages (GSF)	715,000
6,495	Garage (Spaces)	900
2019	Award Year	2019
2% Compounded	Annual Construction Inflation	2% Compounded
	Major Cost Element Included in FPW Report	
$2,152 M	**Design & Construction**	**$1,926 M**
$1,576 M	Main Building Cost	$1,763 M
$213 M	Ancillary Building Cost	-
$202 M	Spaces Garage Cost	$125 M
$87 M	Site Work or Demolition Cost	$38 M
$75 M	Site Acquisition Cost	-
$259,313	*Cost Per Seat*	*$232,648*
$923 M	**Implementation Cost**	**$1,402 M**
$0 M	Temp Swing Space Move & Rep	$479 M
$923 M	FBI Fit-Out	$923 M
$3,075 M	**Total Cost**	**$3,328 M**
	Additional Cost Element Considerations	
$409 M	**Additional Considerations**	**$639 M**
$75 M	GSA M&I	$75 M
-$586 M	JEH Disposal Proceeds [1]	-
$255 M	Off-Site Transportation Improvements	-
-	Temp Swing Space Rent	$172 M
$310 M	Interim Private Lease Payments	$310 M
$84 M	JEH Potential Captial Repairs [2]	$17 M
$271 M	JEH Operating Costs [3]	$65 M

[1] *Estimated value in 2027; proceeds will not reduce the cost of the project*

[2] *Necessary or emergency repairs estimated at $16.7M, calculated using an industry standard annual reserve of 2% of the $836M functional replacement value of JEH with one year under demolish and five years in the 2016 prospectus scenario.*

[3] *GSA provides FBI with full delegated authority for JEH; FBI contracts for and pays ~$42M/year in operating costs (utility and maintenance) and also transfers ~$43M/year (which is not shown) in rent payments to GSA*

AMERICAN OVERSIGHT
DOJ-FBI-18-0520, 18-0521-R-000245
18-cv-2422(FBI)-360

[redacted] b6 -1, 2 per FBI
b7C -1 per FBI

From: [redacted]
Sent: Monday, June 26, 2017 6:06 PM
To: [redacted] Nia RUBIN - WPIA-C
Cc: Mack Gaither - WPIA; Joel Berelson
Subject: Re: Download rights for Amendment files

Thks [redacted]

[redacted]

.

-------- Original message --------
From: [redacted] b6 -1, 2 per FBI
b7C -1 per FBI
b7E -1 per FBI
Date: 6/26/17 6:03 PM (GMT-05:00)
To: [redacted], Nia RUBIN - WPIA-C <nia.francis@gsa.gov>
Cc: Mack Gaither - WPIA <mack.gaither@gsa.gov>, [redacted] Joel Berelson <joel.berelson@gsa.gov>
Subject: RE: Download rights for Amendment files

[redacted]

Done. You should have received an e mail notification granting you access.

[redacted] b6 -1, 2 per FBI
b7C -1 per FBI

Savills Studley
1201 F Street, NW
Suite 500
Washington, DC 20004
[redacted]

From: [redacted] b6 -1, 2 per FBI
b7C -1 per FBI
b7E -1 per FBI
Sent: Monday, June 26, 2017 3:51 PM
To: Nia RUBIN - WPIA-C <nia.francis@gsa.gov>; [redacted]
Cc: Mack Gaither - WPIA <mack.gaither@gsa.gov>; [redacted] Joel Berelson <joel.berelson@gsa.gov>
Subject: RE: Download rights for Amendment files

Done.

But [redacted] will need to potentially modify the settings for Amendment 4 as he is the owner of that doc.

[redacted]

AMERICAN OVERSIGHT

Savills Studley
1201 F Street, NW
Suite 500
Washington, DC 20004
[redacted]

b6 -2 per FBI

From: Nia RUBIN - WPIA-C [mailto:nia.francis@gsa.gov]
Sent: Monday, June 26, 2017 3:23 PM
To: [redacted]
Cc: Mack Gaither - WPIA <mack.gaither@gsa.gov>; [redacted] Joel Berelson <joel.berelson@gsa.gov>
Subject: Download rights for Amendment files

b6 -1, 2 per FBI
b7C -1 per FBI
b7E -1 per FBI

[redacted], please change [redacted] permissions to download the amendments per his request.

Thank you.

Sent from my iPhone

On Jun 26, 2017, at 1:30 PM, [redacted] wrote:

b6 -1, 2 per FBI
b7C -1 per FBI
b7E -1 per FBI

> Nia,
>
> Please ask [redacted] to provide me with the ability to download the phase II RFP amendment folder files for Amendments 1, 2 and 3.
>
> v/r
>
> [redacted]
> [redacted]

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

FBI Headquarters Consolidation Program Management Office
<image001.png>
<image002.jpg>
[redacted]
Federal Bureau of Investigation
935 Pennsylvania Ave, NW
Suite 8360
Washington, DC 20535
[redacted]

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

Daniel Mathews - P

From: Daniel Mathews - P
Sent: Wednesday, January 31, 2018 3:26 PM
To: Aaron Hassinger - WPIA
Cc: [redacted] Haley, Richard L. (FD) (FBI); Michael Gelber b6 -1 per FBI b7C -1 per FBI
Subject: Modifications to slide deck
Attachments: EPW Presentation_DraftFinal_20180130 (3).pdf

Aaron,

Can you have a new version created with these changes to the slide deck? Andrew was generally positive about the direction of it, but he left the door open to ask for additional changes. Any chance we could get them by 5 pm?

Thanks,

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

AMERICAN OVERSIGHT

[redacted]

From: [redacted]

b6 - 1 per FBI
b7C - 1 per FBI

Sent: Wednesday, January 31, 2018 5:01 PM
To: Daniel Mathews - P; Aaron Hassinger - WPIA; Haley, Richard L. (FD) (FBI); Michael Gelber
Cc: Grant, Douglas S. (FD) (FBI); [redacted]
Subject: Updated Slide Deck for EPW
Attachments: EPW Presentation_DraftFinal_20180131.pdf

All,

Attached is the latest version of the EPW report reflecting all edits received today.

Thanks, [redacted]

b6 - 1 per FBI
b7C - 1 per FBI
b7E - 1 per FBI

From: Daniel Mathews - P [mailto:daniel.mathews@gsa.gov]
Sent: Wednesday, January 31, 2018 3:26 PM
To: Aaron Hassinger - WPIA <aaron.hassinger@gsa.gov>
Cc: [redacted] Haley, Richard L. (FD) (FBI) [redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Modifications to slide deck

Aaron,

Can you have a new version created with these changes to the slide deck? Andrew was generally positive about the direction of it, but he left the door open to ask for additional changes. Any chance we could get them by 5 pm?

Thanks,

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

AMERICAN OVERSIGHT

FEDERAL BUREAU OF INVESTIGATION
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DELETED PAGE INFORMATION SHEET
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AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Monday, January 29, 2018 7:16 PM
To: [redacted] Grant, Douglas S. (FD) (FBI); [redacted]
[redacted]
Cc: [redacted] Young, Andrew N. (FLSD) (FBI)
Subject: Fwd: FBI HQ Report - Current Document Set
Attachments: MARK UP VERSION_EPW Presentation_DraftFinal_20180126.pdf; 1-29 Campus vs JEH Program Elements.pdf; 1-29-18 Cost Break Down for 8300 Seats (1).pdf

b6 - 1 per FBI
b7C - 1 per FBI

.

-------- Original message --------
From: Michael Gelber - PD <michael.gelber@gsa.gov>
Date: 1/29/18 6:51 PM (GMT-05:00)
To: "Abrams, Andrew" [redacted] "Connolly, David C. C. EOP/OMB" [redacted] Angela Donatelli [redacted] "Newman, Kimberly A." [redacted]
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov>, "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: FBI HQ Report - Current Document Set

b6 per OMB
b7E - 1 per FBI

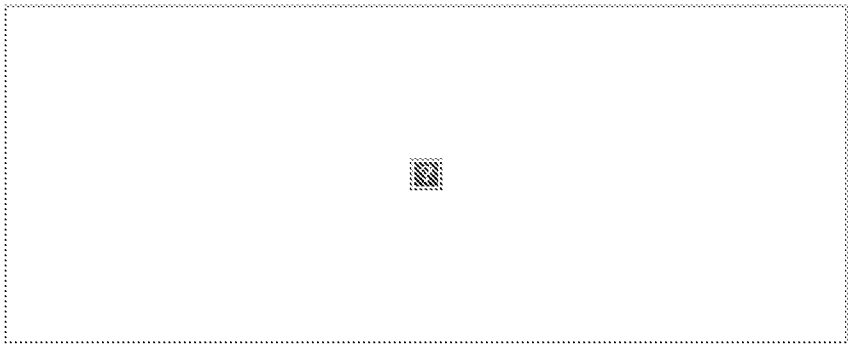
Sharing three file in preparation for our meeting tomorrow (01/30) morning:

(1) a working copy of the Senate report;

(2) a listing of Program of Requirements changes; and

(3) a cost estimate for a new facility on the current downtown site.

--



AMERICAN OVERSIGHT

Daniel Mathews - P

From:	Daniel Mathews - P
Sent:	Wednesday, January 31, 2018 2:39 PM
To:	Abrams, Andrew D. EOP/OMB
Cc:	Haley, Richard L. (FD) (FBI); Michael Gelber
Subject:	rough draft
Attachments:	EPW Presentation_DraftFinal_20180130 (2).pdf

Andrew,

Can you do a quick call in the next 15 mins? Rich has a 3 pm meeting. We could walk you through this in a few minutes.

Thanks,

--
Daniel W. Mathews
Commissioner
Public Buildings Service
General Services Administration
202-501-1100

AMERICAN OVERSIGHT

Aaron Hassinger - WPIA

b6 - 1 per FBI, per OMB
b7C - 1 per FBI

From: Aaron Hassinger - WPIA
Sent: Wednesday, January 31, 2018 4:47 PM
To: Daniel Mathews - P; Haley, Richard L. (FD) (FBI); Angela M. Donatelli; [redacted]
Cc: Mary Gibert - AD; Michael Gelber - PD; Shapour Ebadi; [redacted] Grant, Douglas S. (FD) (FBI)
Subject: OMB Requested Documents Email 1 of 3
Attachments: 1. Hoover Repositioning Report - Draft November 27 2006.pdf; 2. JEH Site Analysis 9-5-2006 (1).pdf

All,

b5 per GSA, per OMB

[redacted]

--
Aaron D. Hassinger, LEED AP
Project Executive
Office of Design and Construction
Public Buildings Service
National Capital Region
U.S. General Services Administration
301 7th Street, SW, Room 7512
Washington, DC 20407
aaron.hassinger@gsa.gov
[redacted] cell)
202-208-0382 (office)

b6 per GSA

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Thursday, February 1, 2018 1:58 PM
To: [redacted]
Cc: Haley, Richard L. (FD) (FBI); Grant, Douglas S. (FD) (FBI)
Subject: RE: Breakout of FBI Fit-Out

b6 -1 per FBI
b7C -1 per FBI

Thanks [redacted]

b6 -1 per FBI, per OMB
b7C -1 per FBI
b7E -1 per FBI

-----Original Message-----
From: [redacted]
Sent: Thursday, February 1, 2018 12:13 PM
To: Newman, Kimberly A. EOP/OMB [redacted]
Cc: Haley, Richard L. (FD) (FBI) [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
Subject: RE: Breakout of FBI Fit-Out

Kim,

b5 -1 per FBI

As requested; [redacted]

Please let me know if there is anything else I can provide.

[redacted]

-----Original Message-----
From: Newman, Kimberly A. EOP/OMB [mailto: [redacted]
Sent: Thursday, February 01, 2018 11:08 AM
To: [redacted]
Cc: Haley, Richard L. (FD) (FBI) [redacted] Grant, Douglas S. (FD) (FBI) [redacted]
Subject: Breakout of FBI Fit-Out

b5 per OMB
b6 -1 per FBI, per OMB
b7C -1 per FBI
b7E -1 per FBI

Morning [redacted]
Are you [redacted]
[redacted] Also, it appears that the number [redacted]
[redacted] Whatever the correct number, please speak to that.

Thanks [redacted]
Kim

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget |

AMERICAN OVERSIGHT

b6 per OMB

AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Thursday, February 1, 2018 6:08 PM
To: Newman, Kimberly A. EOP/OMB
Subject: Re: FBI HQ

Still getting something tonight?

-

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/1/18 4:44 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: FBI HQ

b6 per OMB
b7E -1 per FBI

Should be sending back a marked up deck to you and Dan later this afternoon.

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Thursday, February 1, 2018 7:12 PM
To: Haley, Richard L. (FD) (FBI)
Subject: Re: FBI HQ

Likely first thing tomorrow. Sent to Kathy about an hour ago.

Sent from my iPhone

On Feb 1, 2018, at 6:08 PM, Haley, Richard L. (FD) (FBI) [redacted] wrote:

Still getting something tonight? **b7E -1 per FBI**

-

--------- Original message ---------
From: "Newman, Kimberly A. EOP/OMB" [redacted] <mailto: [redacted]
Date: 2/1/18 4:44 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted] **b6 per OMB**
Subject: FBI HQ **b7E -1 per FBI**

Should be sending back a marked up deck to you and Dan later this afternoon.

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Friday, February 2, 2018 9:36 AM
To: [redacted] Grant, Douglas S. (FD) (FBI)
Subject: Fwd: Slide Deck Markup
Attachments: FBI HQ deck revised 2-1-18.pdf; mark up of 1-31-18 FBI HQ deck.pdf

b6 - 1 per FBI
b7C - 1 per FBI

-

-------- Original message --------
From: "Abrams, Andrew D. EOP/OMB" [redacted]
Date: 2/2/18 9:26 AM (GMT-05:00)
To: Daniel Mathews - P <daniel.mathews@gsa.gov>, "Haley, Richard L. (FD) (FBI)" [redacted]
Cc: "Boden, James EOP/OMB" [redacted] 'Connolly, David C. EOP/OMB" [redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Slide Deck Markup

b5 per OMB
b6 per OMB
b7E -1 per FBI

Dan and Rich:

Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

[redacted]

Thanks.

AMERICAN OVERSIGHT

Abrams, Andrew D. EOP/OMB

From: Abrams, Andrew D. EOP/OMB
Sent: Friday, February 2, 2018 2:38 PM
To: Daniel Mathews - P; Haley, Richard L. (FD) (FBI)
Cc: Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Michael Gelber
Subject: RE: Slide Deck Markup

If you would like to block some time this evening or Monday am to follow up, let us know or give a call. Thanks.

From: Abrams, Andrew D. EOP/OMB
Sent: Friday, February 2, 2018 9:26 AM
To: 'Daniel Mathews - P' <daniel.mathews@gsa.gov> [redacted]
Cc: Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Slide Deck Markup

b5 per OMB
b6 per OMB
b7E -1 per FBI

Dan and Rich:

Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

[redacted]

Thanks.

AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Friday, February 2, 2018 3:16 PM
To:	Abrams, Andrew D. EOP/OMB
Cc:	Daniel Mathews - P; Haley, Richard L. (FD) (FBI); Boden, James EOP/OMB; Connolly, David C. EOP/OMB
Subject:	Re: Slide Deck Markup
Attachments:	EPW Presentation_20180202_v2.pdf

Thank you.

In preparation for the planned conversation sharing a revised version of the presentation.

This version includes the additional slides the Commissioner referenced yesterday.

This version does not address the line edits you shared this morning as the team is reviewing those comments.

b6 per OMB

On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:

> If you would like to block some time this evening or Monday am to follow up, let us know or give a call. Thanks.
>
> ---
>
> **From:** Abrams, Andrew D. EOP/OMB
> **Sent:** Friday, February 2, 2018 9:26 AM
> **To:** 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted]
> **Cc:** Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
> **Subject:** Slide Deck Markup
>
> **b5 per OMB**
> **b6 per OMB**
> **b7E -1 per FBI**
>
> Dan and Rich:
>
> Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

AMERICAN OVERSIGHT

[redacted]

Thanks.

--

[redacted]

AMERICAN OVERSIGHT

Abrams, Andrew D. EOP/OMB

From:	Abrams, Andrew D. EOP/OMB
Sent:	Friday, February 2, 2018 3:33 PM
To:	Michael Gelber - PD
Cc:	Daniel Mathews - P; Haley, Richard L. (FD) (FBI); Boden, James EOP/OMB; Connolly, David C. EOP/OMB
Subject:	RE: Slide Deck Markup

Thanks Michael

From: Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
Sent: Friday, February 2, 2018 3:16 PM
To: Abrams, Andrew D. EOP/OMB [redacted]
Cc: Daniel Mathews - P <daniel.mathews@gsa.gov>; [redacted] Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted]
Subject: Re: Slide Deck Markup

b6 per OMB
b7E -1 per FBI

Thank you.

In preparation for the planned conversation sharing a revised version of the presentation.

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On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:

b6 per OMB

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>
> **From:** Abrams, Andrew D. EOP/OMB
> **Sent:** Friday, February 2, 2018 9:26 AM
> **To:** 'Daniel Mathews - P' <daniel.mathews@gsa.gov> [redacted]
> **Cc:** Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
> **Subject:** Slide Deck Markup
>
> b5 per OMB
> b6 per OMB
> b7E -1 per FBI
>
> Dan and Rich:
>
> Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

AMERICAN OVERSIGHT

Thanks.

--

AMERICAN OVERSIGHT

Connolly, David C. EOP/OMB

From: Connolly, David C. EOP/OMB
Sent: Friday, February 2, 2018 4:21 PM
To: 'Michael Gelber - PD'; Abrams, Andrew D. EOP/OMB
Cc: Daniel Mathews - P; Haley, Richard L. (FD) (FBI); Boden, James EOP/OMB
Subject: RE: Slide Deck Markup

4:30 works for OMB.

From: Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
Sent: Friday, February 2, 2018 4:01 PM
To: Abrams, Andrew D. EOP/OMB [redacted]
Cc: Daniel Mathews - P <daniel.mathews@gsa.gov> [redacted] Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted]
Subject: Re: Slide Deck Markup

b6 per OMB
b7E -1 per FBI

Regarding timing for a call would 4:15 or 4:30 this afternoon work for the group?

If so I can send out the invitation.

b6 per OMB

On Fri, Feb 2, 2018 at 3:32 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:

> Thanks Michael
>
> **From:** Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
> **Sent:** Friday, February 2, 2018 3:16 PM
> **To:** Abrams, Andrew D. EOP/OMB [redacted]
> **Cc:** Daniel Mathews - P <daniel.mathews@gsa.gov>; [redacted] Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted]
> **Subject:** Re: Slide Deck Markup
>
> b6 per OMB
> b7E -1 per FBI
>
> Thank you.
>
> In preparation for the planned conversation sharing a revised version of the presentation.
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> This version includes the additional slides the Commissioner referenced yesterday.
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>
> b6 per OMB
>
> On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:
>
> > If you would like to block some time this evening or Monday am to follow up, let us know or give a call.
> > Thanks.

AMERICAN OVERSIGHT

From: Abrams, Andrew D. EOP/OMB
Sent: Friday, February 2, 2018 9:26 AM
To: 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted]
Cc: Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Slide Deck Markup

b5 per OMB
b6 per OMB
b7E -1 per FBI

Dan and Rich:

Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

[redacted]

Thanks.

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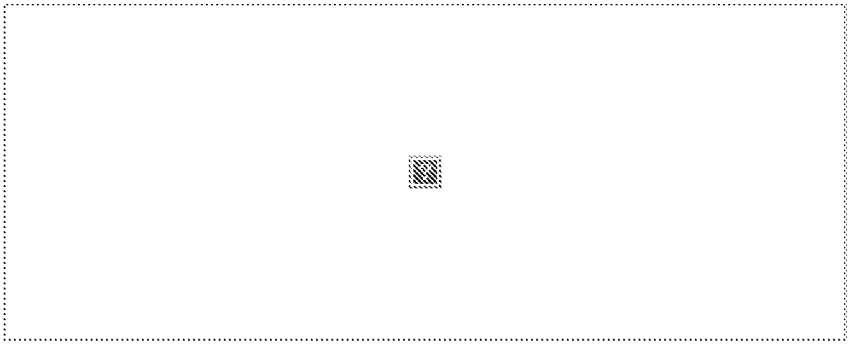
AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Tuesday, February 6, 2018 11:26 AM
To:	Abrams, Andrew D. EOP/OMB; Connolly, David C. EOP/OMB; Boden, James EOP/OMB
Cc:	Daniel Mathews - P; Haley, Richard L. (FD) (FBI)
Subject:	Re: Slide Deck Markup
Attachments:	20180205_OMB RFI based on 1.31.18 Presentationv1.pdf; mark up of 1-31-18 FBI HQ deck.pdf

Sharing response to the questions presented on the "red ink' version of the presentation.

Adding a copy of the red ink file for reference.

On Fri, Feb 2, 2018 at 3:16 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:

> Thank you.
>
> In preparation for the planned conversation sharing a revised version of the presentation.
>
> This version includes the additional slides the Commissioner referenced yesterday.
>
> This version does not address the line edits you shared this morning as the team is reviewing those comments.
>
> **b6 per OMB**
>
> On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:
>
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> > Thanks.
> >
> > ---
> >
> > **From:** Abrams, Andrew D. EOP/OMB
> > **Sent:** Friday, February 2, 2018 9:26 AM
> > **To:** 'Daniel Mathews - P' <daniel.mathews@gsa.gov> [redacted]
> > **Cc:** Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
> > **Subject:** Slide Deck Markup
> >
> > **b6 per OMB**
> > **b7E -1 per FBI**
> >
> > Dan and Rich:

AMERICAN OVERSIGHT

Sorry for the delayed response. Attached are two versions of the slide deck mark up.

Thanks.

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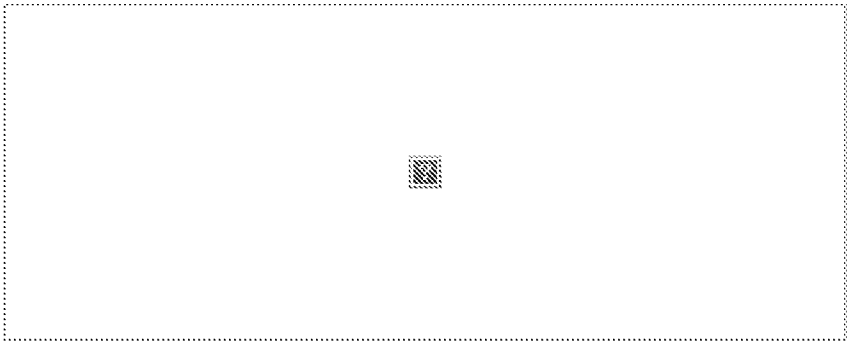
AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Abrams, Andrew D. EOP/OMB

From: Abrams, Andrew D. EOP/OMB
Sent: Tuesday, February 6, 2018 11:55 AM
To: Michael Gelber - PD; Connolly, David C. EOP/OMB; Boden, James EOP/OMB
Cc: Daniel Mathews - P; Haley, Richard L. (FD) (FBI)
Subject: RE: Slide Deck Markup

Thanks Michael. Is the plan to get us a revised slide deck at some point in the near future? This document is helpful but it would be easiest to structure a discussion around a full deck and stop at the spots that need further elucidation and/or require executive decision.

Meanwhile we will go through this and try to pull together clarifying explanations and send them back to you.

From: Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
Sent: Tuesday, February 6, 2018 11:26 AM
To: Abrams, Andrew D. EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Boden, James EOP/OMB [redacted]
Cc: Daniel Mathews - P <daniel.mathews@gsa.gov>; [redacted]
Subject: Re: Slide Deck Markup

b6 per OMB
b7E -1 per FBI

Sharing response to the questions presented on the "red ink' version of the presentation.

Adding a copy of the red ink file for reference.

On Fri, Feb 2, 2018 at 3:16 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:

> Thank you.
>
> In preparation for the planned conversation sharing a revised version of the presentation.
>
> This version includes the additional slides the Commissioner referenced yesterday.
>
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b6 per OMB

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>
> **From:** Abrams, Andrew D. EOP/OMB
> **Sent:** Friday, February 2, 2018 9:26 AM
> **To:** 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted]
> **Cc:** Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB

b6 per OMB
b7E -1 per FBI

AMERICAN OVERSIGHT

[redacted] Michael Gelber <michael.gelber@gsa.gov>

b5 per OMB
b6 per OMB

Subject: Slide Deck Markup

Dan and Rich:

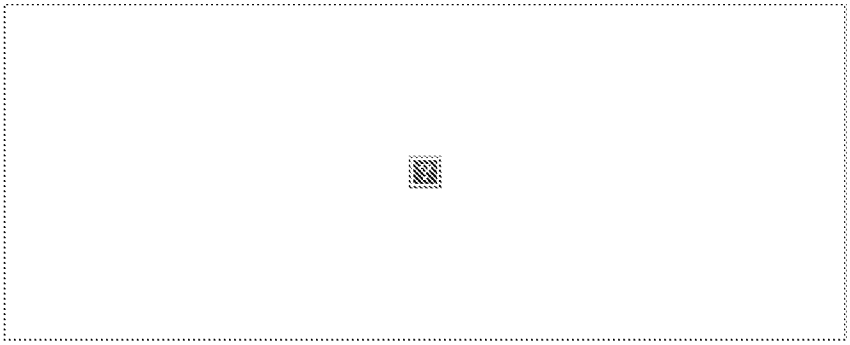
Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

[redacted]

[redacted]

Thanks.

AMERICAN OVERSIGHT



AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Tuesday, February 6, 2018 1:28 PM
To:	Abrams, Andrew D. EOP/OMB
Cc:	Connolly, David C. C. EOP/OMB; Boden, James; Daniel Mathews - PBS; Haley, Richard L. (FD) (FBI)
Subject:	RE: Slide Deck Markup

Thank you.

We are revising the slide deck and will share it once complete.

On Feb 6, 2018 11:54, "Abrams, Andrew D. EOP/OMB" [redacted] wrote: **b6 per OMB**

> Thanks Michael. Is the plan to get us a revised slide deck at some point in the near future? This document is helpful but it would be easiest to structure a discussion around a full deck and stop at the spots that need further elucidation and/or require executive decision.
>
> Meanwhile we will go through this and try to pull together clarifying explanations and send them back to you.
>
> **From:** Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
> **Sent:** Tuesday, February 6, 2018 11:26 AM
> **To:** Abrams, Andrew D. EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Boden, James EOP/OMB [redacted]
> **Cc:** Daniel Mathews - P <daniel.mathews@gsa.gov> [redacted]
> **Subject:** Re: Slide Deck Markup
>
> **b6 per OMB**
> **b7E -1 per FBI**
>
> Sharing response to the questions presented on the "red ink' version of the presentation.
>
> Adding a copy of the red ink file for reference.
>
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>
> > Thank you.
> >
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AMERICAN OVERSIGHT

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On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] b6 per OMB

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>
> ---
>
> **From:** Abrams, Andrew D. EOP/OMB
> **Sent:** Friday, February 2, 2018 9:26 AM
> **To:** 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted] b5 per OMB
> **Cc:** Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB b6 per OMB
> [redacted] Michael Gelber <michael.gelber@gsa.gov> b7E -1 per FBI
> **Subject:** Slide Deck Markup
>
> Dan and Rich:
>
> Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]
>
> [redacted]

AMERICAN OVERSIGHT

[redacted]

Thanks.

[redacted]

--

[redacted]

AMERICAN OVERSIGHT

Michael Gelber - PD

From: Michael Gelber - PD
Sent: Tuesday, February 6, 2018 6:36 PM
To: Abrams, Andrew D. EOP/OMB; Connolly, David C. C. EOP/OMB; Boden, James
Cc: Daniel Mathews - PBS; Haley, Richard L. (FD) (FBI)
Subject: Re: Slide Deck Markup
Attachments: EPW Presentation_20180206_v1.pdf

Providing a revised slide deck for your review.

[redacted] b5 per OMB

On Tue, Feb 6, 2018 at 1:27 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:
Thank you.

We are revising the slide deck and will share it once complete.

On Feb 6, 2018 11:54, "Abrams, Andrew D. EOP/OMB" [redacted] wrote: b6 per OMB

Thanks Michael. Is the plan to get us a revised slide deck at some point in the near future? This document is helpful but it would be easiest to structure a discussion around a full deck and stop at the spots that need further elucidation and/or require executive decision.

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To: Abrams, Andrew D. EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Boden, James EOP/OMB [redacted]
Cc: Daniel Mathews - P <daniel.mathews@gsa.gov>; [redacted] b6 per OMB b7E -1 per FBI
Subject: Re: Slide Deck Markup

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AMERICAN OVERSIGHT

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To: 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted]
Cc: Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Slide Deck Markup

b5 per OMB
b6 per OMB
b7E -1 per FBI

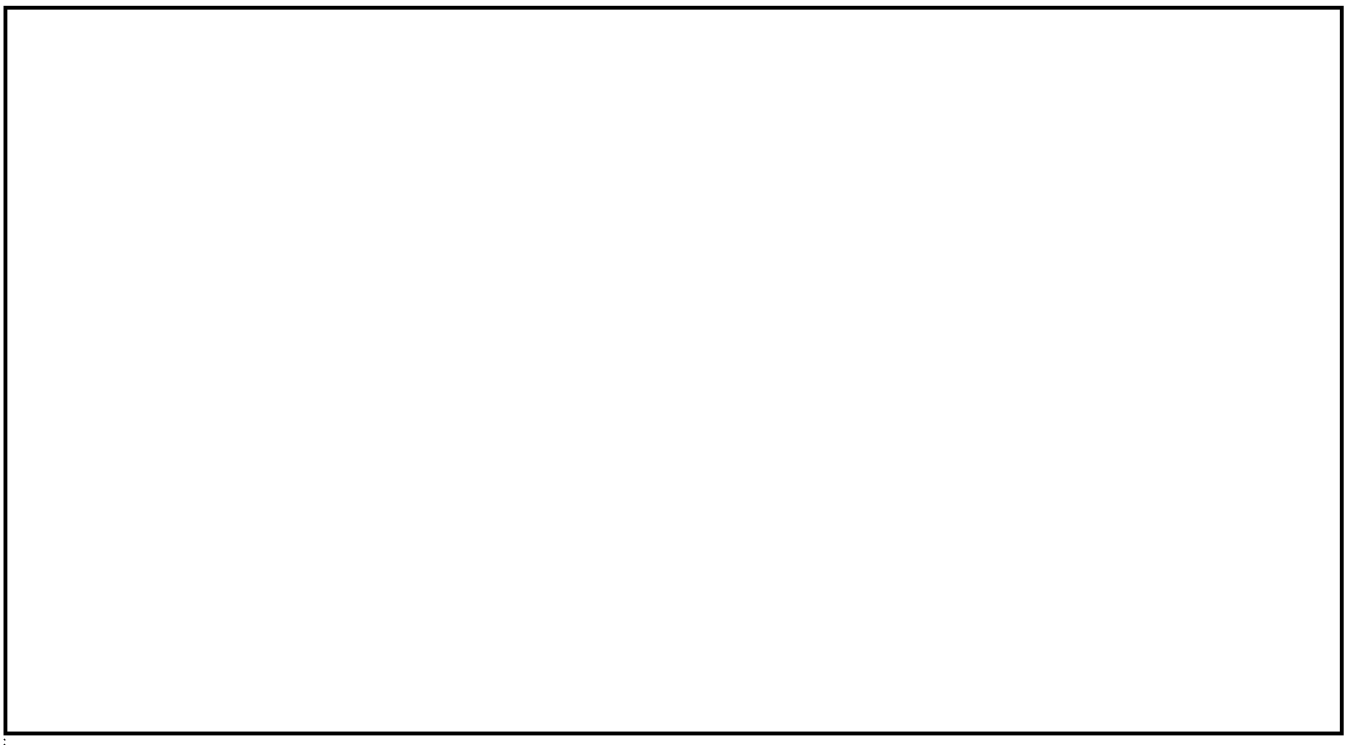
Dan and Rich:

Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

[redacted]

[redacted]

AMERICAN OVERSIGHT



Thanks.

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AMERICAN OVERSIGHT

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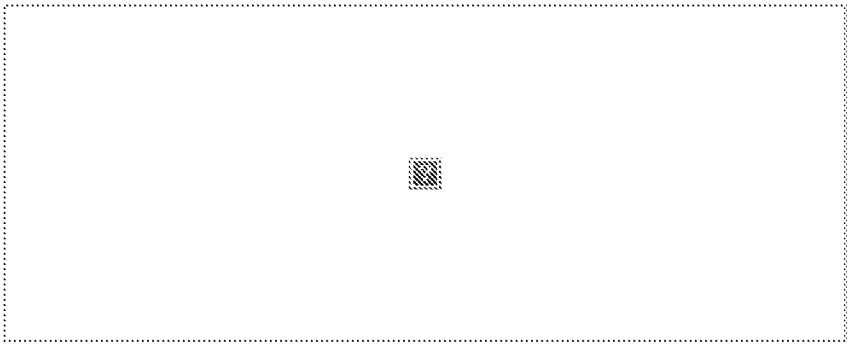

AMERICAN OVERSIGHT

Abrams, Andrew D. EOP/OMB

From: Abrams, Andrew D. EOP/OMB
Sent: Tuesday, February 6, 2018 7:43 PM
To: Michael Gelber - PD; Connolly, David C. EOP/OMB; Boden, James EOP/OMB
Cc: Daniel Mathews - PBS; Haley, Richard L. (FD) (FBI)
Subject: RE: Slide Deck Markup

Thanks Michael

From: Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
Sent: Tuesday, February 6, 2018 6:36 PM
To: Abrams, Andrew D. EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Boden, James EOP/OMB [redacted]
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov>; Rich Haley [redacted]
Subject: Re: Slide Deck Markup

b5 per OMB
b6 per OMB
b7E -1 per FBI

Providing a revised slide deck for your review.

[redacted]

On Tue, Feb 6, 2018 at 1:27 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:

> Thank you.
>
> We are revising the slide deck and will share it once complete.

b6 per OMB

> On Feb 6, 2018 11:54, "Abrams, Andrew D. EOP/OMB" [redacted] wrote:
>
> > Thanks Michael. Is the plan to get us a revised slide deck at some point in the near future? This document is helpful but it would be easiest to structure a discussion around a full deck and stop at the spots that need further elucidation and/or require executive decision.
> >
> > Meanwhile we will go through this and try to pull together clarifying explanations and send them back to you.
> >
> > **From:** Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
> > **Sent:** Tuesday, February 6, 2018 11:26 AM
> > **To:** Abrams, Andrew D. EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Boden, James EOP/OMB [redacted]
> > **Cc:** Daniel Mathews - P <daniel.mathews@gsa.gov>; [redacted]
> > **Subject:** Re: Slide Deck Markup
>
> b6 per OMB
> b7E -1 per FBI
>
> > Sharing response to the questions presented on the "red ink' version of the presentation.
> >
> > Adding a copy of the red ink file for reference.

AMERICAN OVERSIGHT

On Fri, Feb 2, 2018 at 3:16 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:

Thank you.

In preparation for the planned conversation sharing a revised version of the presentation.

This version includes the additional slides the Commissioner referenced yesterday.

This version does not address the line edits you shared this morning as the team is reviewing those comments.

b6 per OMB

On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:

If you would like to block some time this evening or Monday am to follow up, let us know or give a call. Thanks.

From: Abrams, Andrew D. EOP/OMB
Sent: Friday, February 2, 2018 9:26 AM
To: 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted]
Cc: Boden, James EOP/OMB [redacted] Connolly, David C. EOP/O[redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Slide Deck Markup

b5 per OMB
b6 per OMB
b7E -1 per FBI

Dan and Rich:

Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

[redacted]

[redacted]

AMERICAN OVERSIGHT

[redacted] b5 per OMB

Thanks.

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AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Wednesday, February 7, 2018 6:12 AM
To: Newman, Kimberly A. EOP/OMB
Subject: Re: FBI HQ

You should have latest revised slides from GSA yesterday afternoon (Andrew got them). I land around noon your time if you want to chat. R

--

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/6/18 2:53 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: FBI HQ

b5 per OMB
b6 per OMB
b7E -1 per FBI

Where are we? Got a point-by-point getback on markup from Michael this a.m. Are you all still working through the deck or are we waiting for executives decision on sensitive issues? [redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

AMERICAN OVERSIGHT

U.S. Department of Justice

Federal Bureau of Investigation
Washington, D.C. 20535

November 18, 2022

AUSTIN EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET, NW
WASHINGTON, D.C. 20005-1503

American Oversight v. Federal Bureau of Investigation
Civil Action No.: 18-cv-02422
FOIPA Request No.: 1415577-000 and 1415579-000
Subject: Communications Regarding FBI Headquarters Consolidation

Dear Mr. Evers:

This is a corrected version of the release letter dated October 31, 2022. Additional pages were processed and released.

You were previously advised we were consulting with other agencies concerning information related to your Freedom of Information/Privacy Acts (FOIPA) request.

A portion of that information has been returned to the FBI and is enclosed. The documents were reviewed under the FOIA/FOIPA, Title 5, United States Code, Sections (s) 552/552a. Below you will find check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. The checked exemptions used to withhold information are further explained in the enclosed Explanation of Exemptions.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☐ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☑ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☑ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☑ (b)(5)	☐ (b)(9)	☐ (k)(6)
☑ (b)(6)		☐ (k)(7)

557 pages were reviewed and 46 pages are being released.

☑ The appropriate redactions were made by the General Services Administration and the Office of Management and Budget.

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Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by emailing the FBI's FOIA Public Liaison at foipaquestions@fbi.gov. The subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified. You may also contact the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

☑ See additional information which follows.

Sincerely,

Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

In response to your Freedom of Information Act (FOIA) request, enclosed is a processed copy of Bates stamped documents 18-cv-2422(FBI)-503 through 18-cv-2422(FBI)-557; 18-cv-2422(FBI)-992 through 18-cv-2422(FBI)-995; 18-cv-2422(FBI)-1020 through 18-cv-2422(FBI)-1021; 18-cv-2422(FBI)-1441 through 18-cv-2422(FBI)-1820; 18-cv-2422(FBI)-1822 through 18-cv-2422(FBI)-1825; 18-cv-2422(FBI)-1828 through 18-cv-2422(FBI)-1829; 18-cv-2422(FBI)-1833 through 18-cv-2422(FBI)-1922; 18-cv-2422(FBI)-1924 through 18-cv-2422(FBI)-1925; 18-cv-2422(FBI)-1928 through 18-cv-2422(FBI)-1945.

The enclosed documents represents the twenty-second interim release of responsive information. This material is being provided to you at no charge.

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FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

(i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.

(ii) **Intelligence Records**. To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

(i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.

(ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

(iii) **Requests for Confidential Informant Records.** The FBI can neither confirm nor deny the existence of confidential informant records pursuant to FOIA exemptions (b)(7)(D), (b)(7)(E), and (b)(7)(F) [5 U.S.C.§ § 552 (b)(7)(D), (b)(7)(E), and (b)(7)(F)] and Privacy Act exemption (j)(2) [5 U.S.C.§ 552a (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records would reveal confidential informant identities and information, expose law enforcement techniques, and endanger the life or physical safety of individuals. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

(i) **Record Searches and Standard Search Policy.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems, such as the Central Records System (CRS), or locations where responsive records would reasonably be found. The CRS is an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. The standard search policy is a search for main entity records in the CRS. Unless specifically requested, a standard search does not include a search for reference entity records, administrative records of previous FOIPA requests, or civil litigation files.

a. *Main Entity Records* – created for individuals or non-individuals who are the subjects or the focus of an investigation
b. *Reference Entity Records*- created for individuals or non-individuals who are associated with a case but are not known subjects or the focus of an investigation

(ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.

(iii) **Foreseeable Harm Standard.** As amended in 2016, the Freedom of Information Act provides that a federal agency may withhold responsive records only if: (1) the agency reasonably foresees that disclosure would harm an interest protected by one of the nine exemptions that FOIA enumerates, or (2) disclosure is prohibited by law (5 United States Code, Section 552(a)(8)(A)(i)). The FBI considers this foreseeable harm standard in the processing of its requests.

(iv) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative "FBI file." An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.

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EXPLANATION OF EXEMPTIONS

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

(b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;

(b)(2) related solely to the internal personnel rules and practices of an agency;

(b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;

(b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

(d)(5) information compiled in reasonable anticipation of a civil action proceeding;

(j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;

(k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;

(k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;

(k)(4) required by statute to be maintained and used solely as statistical records;

(k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;

(k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;

(k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

FBI/DOJ

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 18-cv-02422

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AMERICAN OVERSIGHT

[redacted]

From: [redacted]
Sent: Tuesday, June 5, 2018 11:25 PM
To: Harmon, Zachary J. (DO) (FBI)
Subject: Fwd: EPW New HQ QFRS
Attachments: EPW QFRs_All Haley QFR's 02.28.2018_crosswalk to Matthews QFRs_v3 ogc comments.docx

b6 - 1 per FBI
b7C - 1 per FBI

Zack--

Please see [redacted] note below. Given the sensitivities related to the new HQ project, please route (or let me know how best to route) the below.

[redacted]

--------- Original message ---------
From: [redacted]
Date: 6/5/18 2:34 PM (GMT-05:00)
To: [redacted]
Cc: [redacted]
Subject: EPW New HQ QFRS

b6 - 1 per FBI
b7C - 1 per FBI
b7E - 1 per FBI

Hi [redacted]

Per my vmail a few minutes ago, here is the current draft of [redacted]

b5 - 1 per FBI
b6 - 1 per FBI
b7C - 1 per FBI

[redacted]

Best Regards,
[redacted]

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
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FOI/PA# 18-cv-02422

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AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Monday, January 29, 2018 6:50 PM
To:	Abrams, Andrew; Connolly, David C. C. EOP/OMB; Angela Donatelli; Newman, Kimberly A.
Cc:	Daniel Mathews - PBS; Haley, Richard L. (FD) (FBI)
Subject:	FBI HQ Report - Current Document Set
Attachments:	MARK UP VERSION_EPW Presentation_DraftFinal_20180126.pdf; 1-29 Campus vs JEH Program Elements.pdf; 1-29-18 Cost Break Down for 8300 Seats (1).pdf

Sharing three file in preparation for our meeting tomorrow (01/30) morning:

(1) a working copy of the Senate report;

(2) a listing of Program of Requirements changes; and

(3) a cost estimate for a new facility on the current downtown site.

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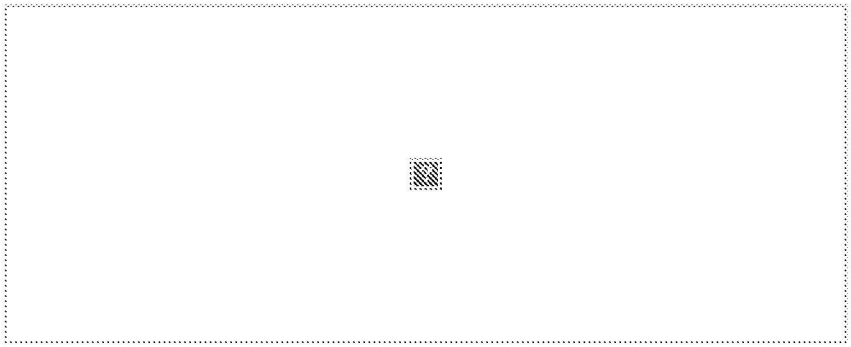


AMERICAN OVERSIGHT

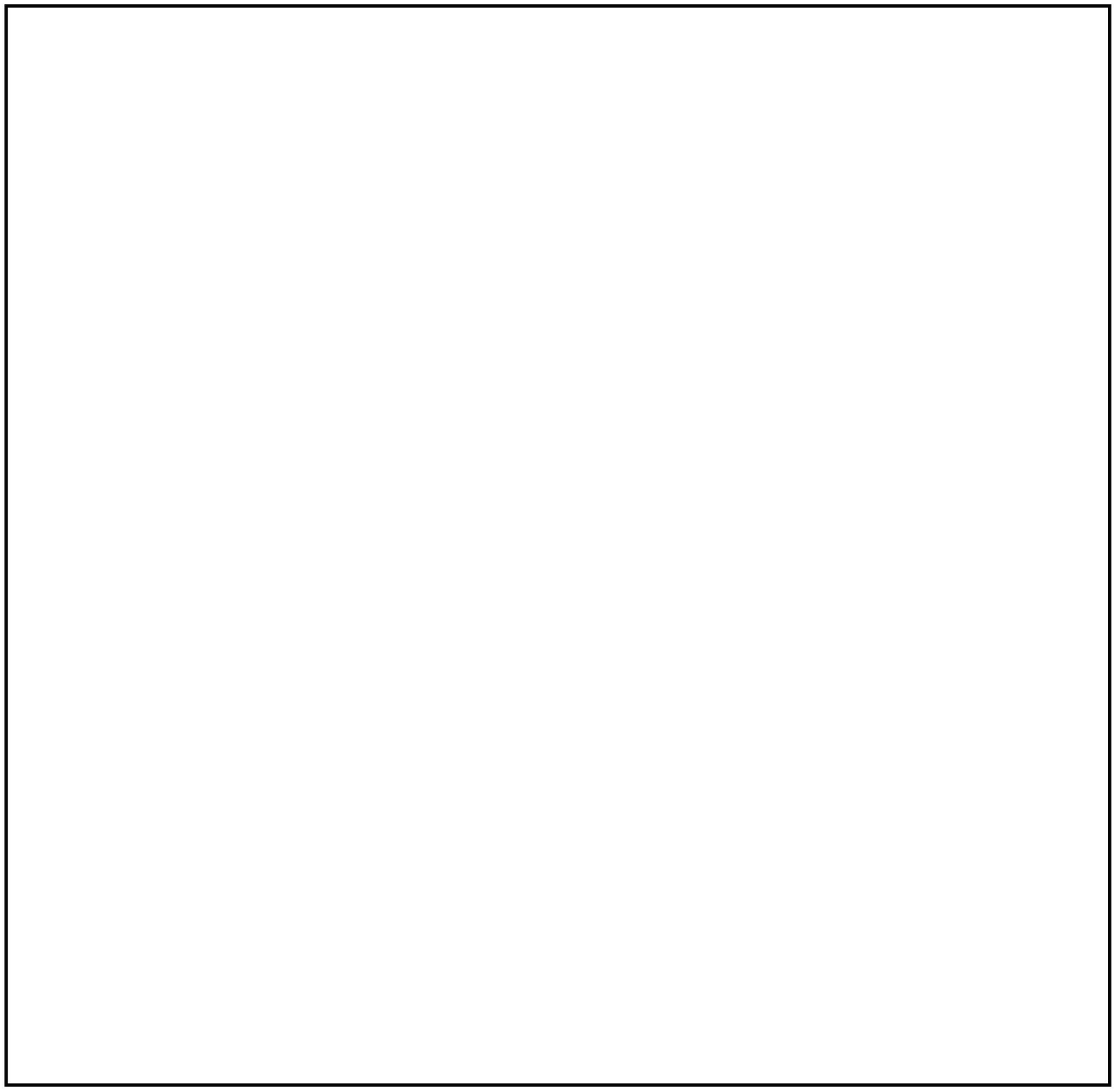
STATEMENT OF MR. MICHAEL GELBER

ACTING COMMISSIONER PUBLIC BUILDINGS SERVICE U.S. GENERAL SERVICES ADMINISTRATION

BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

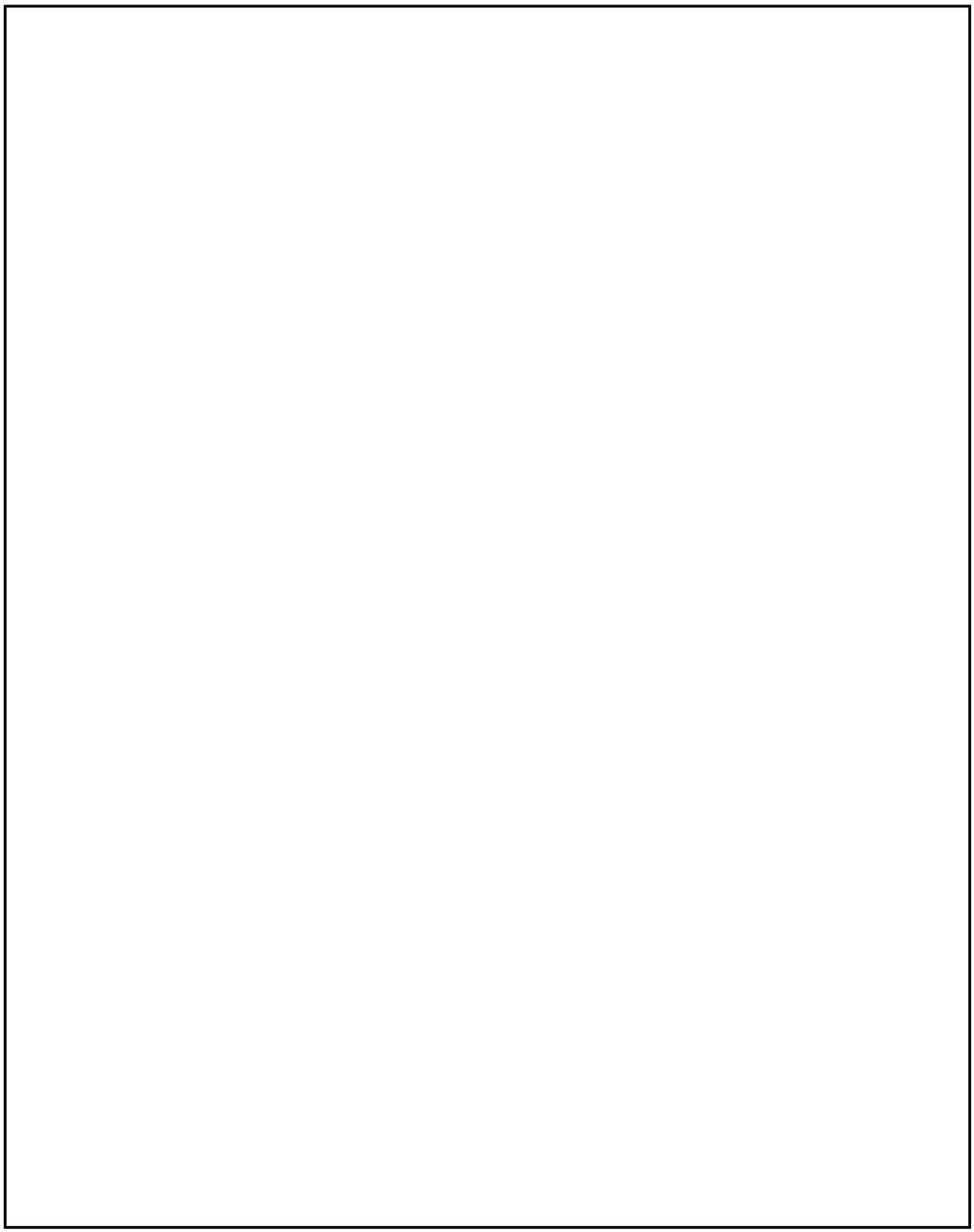
August 2, 2017

b5 per GSA



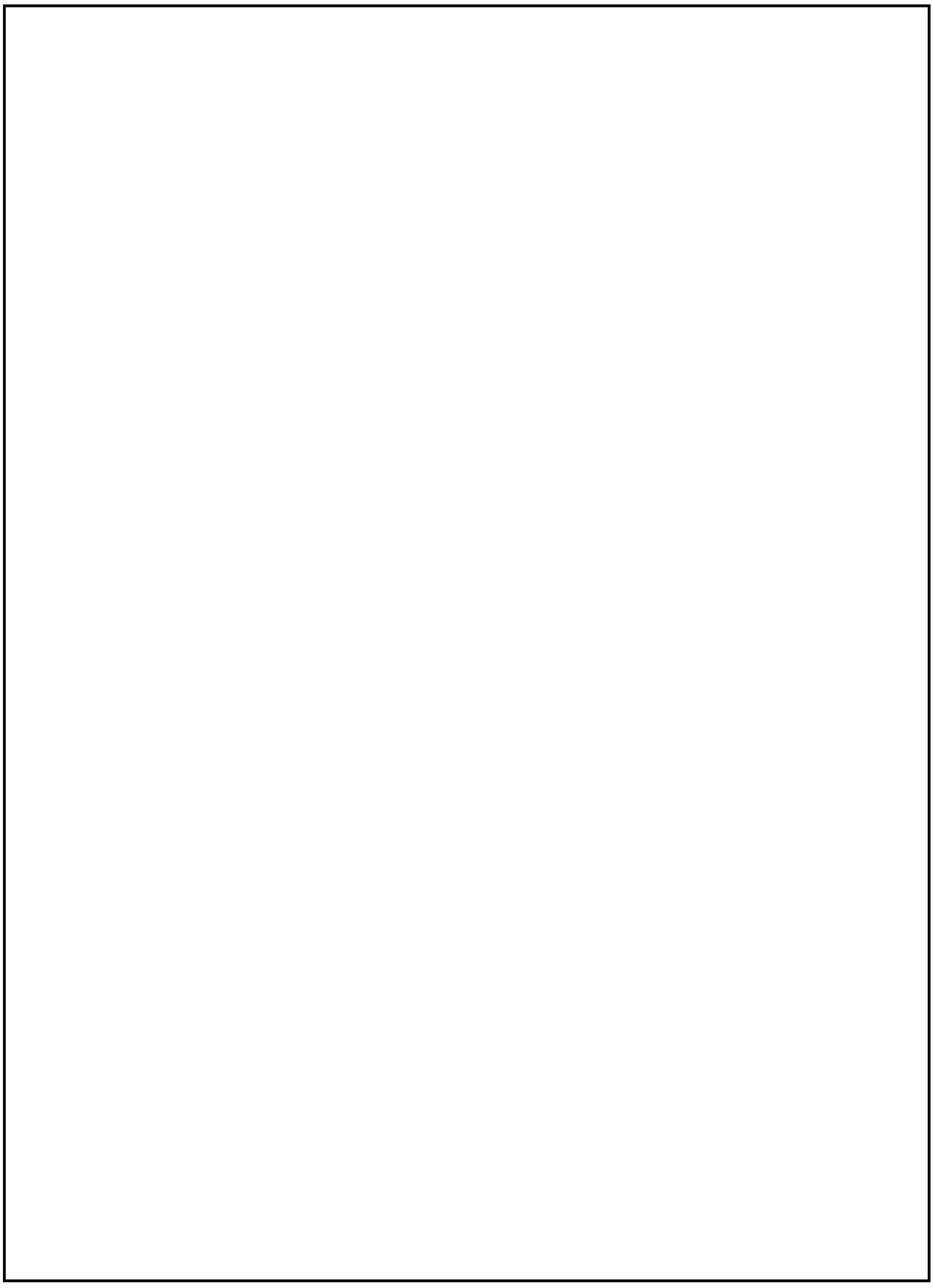
AMERICAN OVERSIGHT

18-cv-2422(FBI)-992
DOJ-FBI-18-0520, 18-0521-S-000005

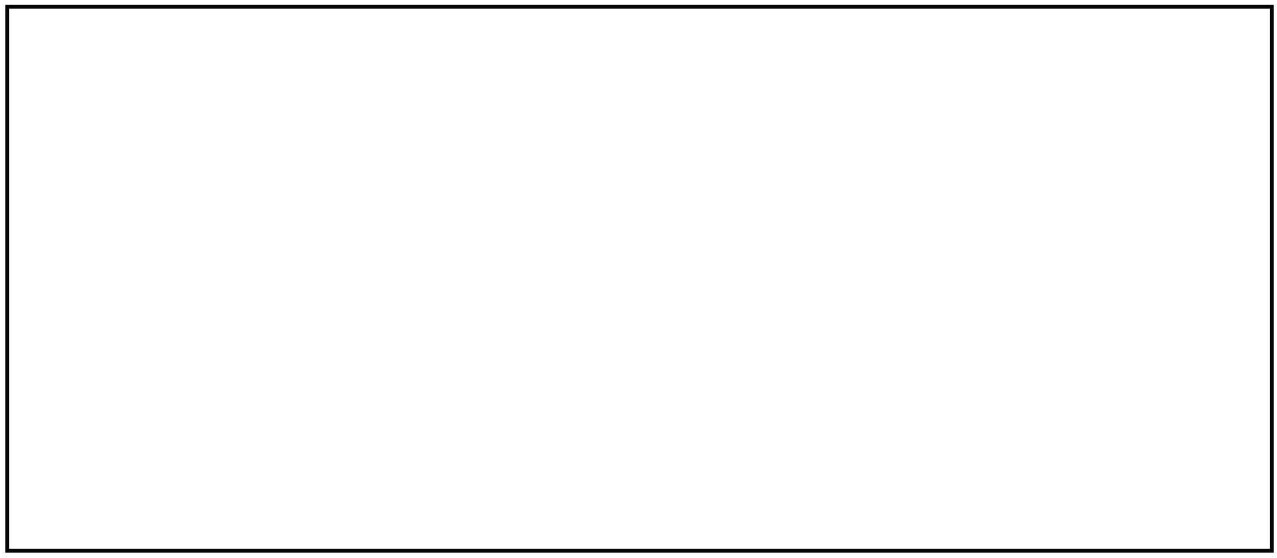


AMERICAN OVERSIGHT
18-cv-2422(FBI)-993
DOJ-FBI-18-0520, 18-0521-S-000006

b5 per GSA



AMERICAN OVERSIGHT
18-cv-2422(FBI)-994
DOJ-FBI-18-0520, 18-0521-S-000007



AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Thursday, January 4, 2018 6:00 PM
To: [redacted]
Cc:
Subject: Re: Write-up From Director's Meeting Today

b6 -1 per FBI
b7C -1 per FBI

Great summary thx

-------- Original message --------
From: [redacted]
Date: 1/4/18 5:41 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Cc: [redacted]
Subject: Write-up From Director's Meeting Today

b6 -1 per FBI
b7C -1 per FBI
b7E -1 per FBI

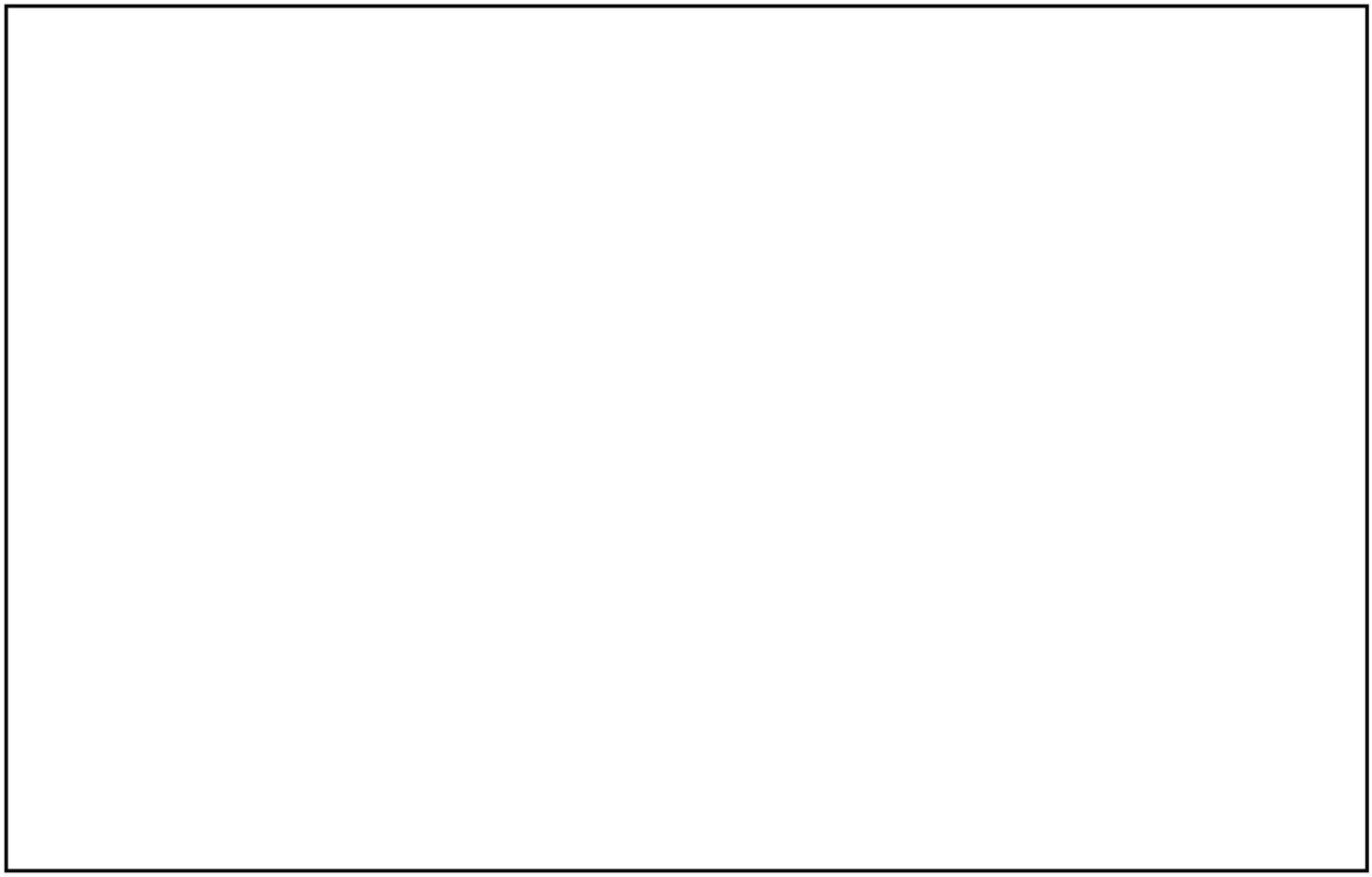
Rich, I hope everything on your end is OK.

b5 per GSA

[redacted]

AMERICAN OVERSIGHT

b5 per GSA



b6 -1 per FBI
b7C -1 per FBI

AMERICAN OVERSIGHT

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 18-cv-02422

Total Deleted Page(s) = 458
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Page 360 ~ b5 - per GSA; b7E - -4 per FBI;
Page 361 ~ b5 - per GSA; b7E - -4 per FBI;

AMERICAN OVERSIGHT

Page 362 ~ b5 - per GSA; b7E - -4 per FBI;
Page 363 ~ b5 - per GSA; b7E - -4 per FBI;
Page 364 ~ b5 - per GSA; b7E - -4 per FBI;
Page 365 ~ b5 - per GSA; b7E - -4 per FBI;
Page 366 ~ b5 - per GSA; b7E - -4 per FBI;
Page 367 ~ b5 - per GSA; b7E - -4 per FBI;
Page 368 ~ b5 - per GSA; b7E - -4 per FBI;
Page 369 ~ b5 - per GSA; b7E - -4 per FBI;
Page 370 ~ b5 - per GSA; b7E - -4 per FBI;
Page 371 ~ b5 - per GSA; b7E - -4 per FBI;
Page 372 ~ b5 - per GSA; b7E - -4 per FBI;
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Page 374 ~ b5 - per GSA; b7E - -4 per FBI;
Page 375 ~ b5 - per GSA; b7E - -4 per FBI;
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Page 377 ~ b5 - per GSA; b7E - -4 per FBI;
Page 378 ~ b5 - per GSA; b7E - -4 per FBI;
Page 379 ~ b5 - per GSA; b7E - -4 per FBI;
Page 393 ~ b5 - -1 per FBI, per OMB;
Page 394 ~ b5 - -1 per FBI, per GSA, per OMB;
Page 395 ~ b5 - 1 per FBI, per GSA, per OMB; b7E - 4 per FBI;
Page 396 ~ b5 - 1 per FBI, per GSA, per OMB; b7E - 4 per FBI;
Page 397 ~ b5 - -1 per FBI, per GSA, per OMB;
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Page 402 ~ b5 - 1 per FBI, per GSA, per OMB; b7E - 4 per FBI;
Page 403 ~ b5 - 1 per FBI, per GSA, per OMB; b7E - 4 per FBI;
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Page 432 ~ b5 - -1 per FBI, per GSA, per OMB;
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Page 434 ~ b5 - 1 per FBI, per GSA, per OMB; b7E - 4 per FBI;
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Page 451 ~ b5 - per GSA, per OMB;

AMERICAN OVERSIGHT

Page 452 ~ b5 - per GSA, per OMB; b7E - 4 per FBI;
Page 453 ~ b5 - per GSA, per OMB; b7E - 4 per FBI;
Page 454 ~ b5 - per GSA, per OMB;
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Page 456 ~ b5 - per GSA, per OMB;
Page 457 ~ b5 - per GSA, per OMB;
Page 458 ~ b5 - per GSA, per OMB; b7E - 4 per FBI;
Page 459 ~ b5 - per GSA, per OMB; b7E - 4 per FBI;
Page 460 ~ b5 - per GSA, per OMB;
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Page 490 ~ b5 - - 1 per FBI, per OMB;
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AMERICAN OVERSIGHT

Aaron Hassinger - WPIA

b6 - 1 per FBI, per OMB
b7C - 1 per FBI

From: Aaron Hassinger - WPIA
Sent: Wednesday, January 31, 2018 4:47 PM
To: Haley, Richard L. (FD) (FBI); Daniel Mathews - P; Angela M. Donatelli; [redacted]
Cc: Michael Gelber - PD; Mary Gibert - AD; Shapour Ebadi [redacted] Grant, Douglas S. (FD) (FBI)
Subject: OMB Requested Documents Email 2 of 3
Attachments: 3. J Edgar Hoover Building (DC0090ZZ) BER_Final Submission_02.02.11.pdf; 4. JEH Work 2006 to Present.xls

b5 per GSA, per OMB

All,

[redacted]

Thanks,

-Aaron

--
Aaron D. Hassinger, LEED AP
Project Executive
Office of Design and Construction
Public Buildings Service
National Capital Region
U.S. General Services Administration
301 7th Street, SW, Room 7512
Washington, DC 20407
aaron.hassinger@gsa.gov
[redacted](cell)
202-208-0382 (office)

b6 per GSA

AMERICAN OVERSIGHT

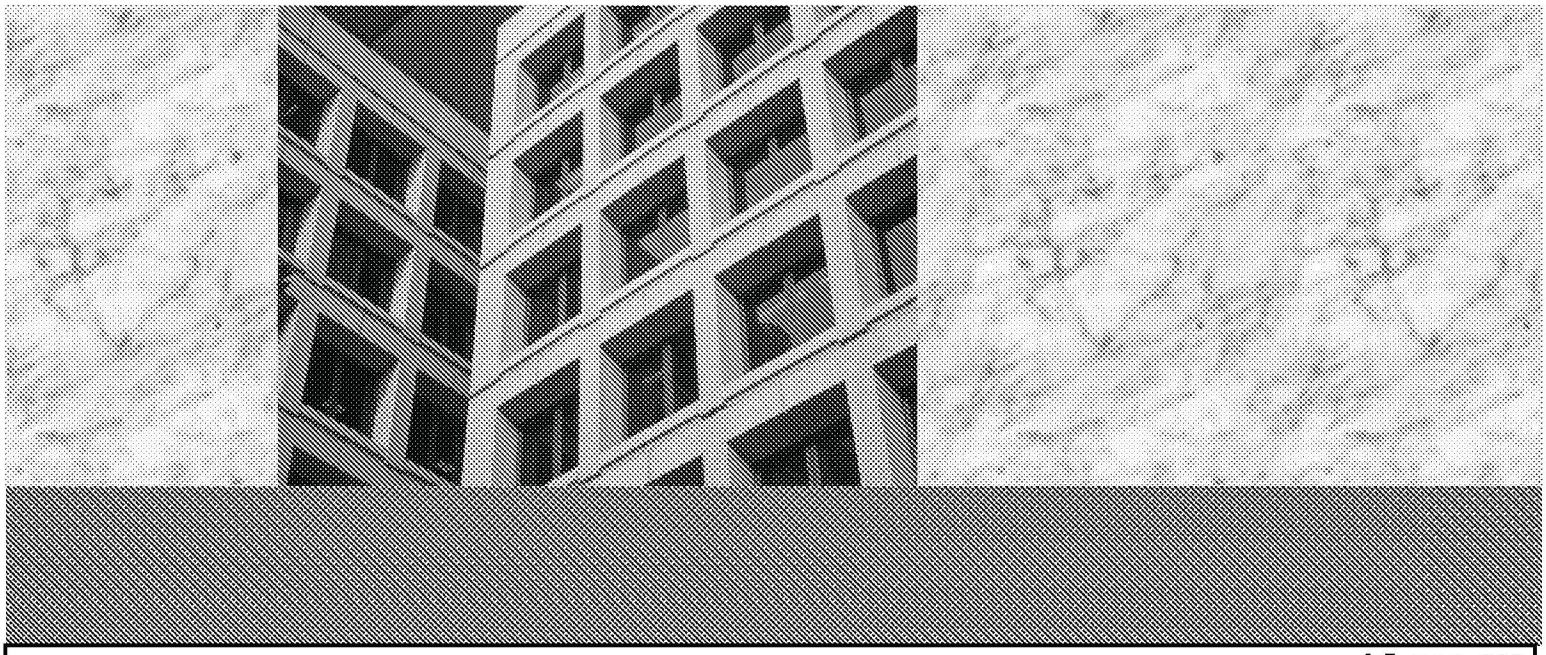
PROPERTY OF THE UNITED STATES GOVERNMENT
~~FOR OFFICIAL USE ONLY~~

Building Evaluation Report

for the

J. EDGAR HOOVER BUILDING

935 Pennsylvania Avenue NW, Washington, DC
Building Number DC0090ZZ



b5 per GSA
b7E -4 per FBI

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Wednesday, February 7, 2018 1:16 PM
To: Haley, Richard L. (FD) (FBI)
Subject: RE: FBI HQ

[redacted] Cha ching! Let's get this party started!

b5 per OMB
b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 6:12 AM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

You should have latest revised slides from GSA yesterday afternoon [redacted] got them). I land around noon your time if you want to chat. R

-

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/6/18 2:53 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: FBI HQ

b5 per OMB
b6 per OMB
b7E - 1 per FBI

Where are we? Got a point-by-point getback on markup from Michael this a.m. Are you all still working through the deck or are we waiting for executives decision on sensitive issues? [redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted]

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Wednesday, February 7, 2018 1:27 PM
To: Haley, Richard L. (FD) (FBI)
Subject: RE: FBI HQ

Doin' it!

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 1:26 PM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 per OMB
b7E - 1 per FBI

Yep. Let's buy it and move on....:-)

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 10:16 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: FBI HQ

b5 per OMB
b6 per OMB
b7E - 1 per FBI

[redacted] Cha ching! Let's get this party started!

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 6:12 AM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

You should have latest revised slides from GSA yesterday afternoon [redacted] got them). I land around noon your time if you want to chat. R

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/6/18 2:53 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: FBI HQ

b6 per OMB
b7E - 1 per FBI

AMERICAN OVERSIGHT

Where are we? Got a point-by-point getback on markup from Michael this a.m. Are you all still working through the deck or are we waiting for executives decision on sensitive issues? [redacted]

[redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

b5 per OMB
b6 per OMB

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Wednesday, February 7, 2018 1:38 PM
To: Haley, Richard L. (FD) (FBI)
Subject: RE: FBI HQ

Kill me. Stars in perfect alignment – this is real. Finally.

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 1:36 PM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 per OMB
b7E - 1 per FBI

Then you can come over and run the budget for the building for me....bet you would look good in a blue hard hat. R

--

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 10:27 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: FBI HQ

b6 per OMB
b7E - 1 per FBI

Doin' it!

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 1:26 PM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 per OMB
b7E - 1 per FBI

Yep. Let's buy it and move on....;-)

--

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 10:16 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: FBI HQ

b5 per OMB
b6 per OMB
b7E - 1 per FBI

[redacted] Cha ching! Let's get this party started!

AMERICAN OVERSIGHT

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 6:12 AM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

You should have latest revised slides from GSA yesterday afternoon [redacted] got them). I land around noon your time if you want to chat. R

-

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/6/18 2:53 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)' [redacted]
Subject: FBI HQ

b5 per OMB
b6 per OMB
b7E - 1 per FBI

Where are we? Got a point-by-point getback on markup from Michael this a.m. Are you all still working through the deck or are we waiting for executives decision on sensitive issues? [redacted]

[redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From: Haley, Richard L. (FD) (FBI)
Sent: Wednesday, February 7, 2018 1:44 PM
To: Newman, Kimberly A. EOP/OMB
Subject: Re: FBI HQ

I'm excited. R

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 10:38 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: FBI HQ

b6 per OMB
b7E - 1 per FBI

Kill me. Stars in perfect alignment – this is real. Finally.

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 1:36 PM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 per OMB
b7E - 1 per FBI

Then you can come over and run the budget for the building for me....bet you would look good in a blue hard hat. R

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 10:27 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: FBI HQ

b6 per OMB
b7E - 1 per FBI

Doin' it!

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 1:26 PM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 per OMB
b7E - 1 per FBI

Yep. Let's buy it and move on....:-)

AMERICAN OVERSIGHT

--

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 10:16 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: RE: FBI HQ

b5 per OMB
b6 per OMB
b7E - 1 per FBI

[redacted] Cha ching! Let's get this party started!

From: Haley, Richard L. (FD) (FBI) [redacted]
Sent: Wednesday, February 7, 2018 6:12 AM
To: Newman, Kimberly A. EOP/OMB [redacted]
Subject: Re: FBI HQ

b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

You should have latest revised slides from GSA yesterday afternoon [redacted] got them). I land around noon your time if you want to chat. R

-

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/6/18 2:53 PM (GMT-05:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: FBI HQ

b5 per OMB
b6 per OMB
b7E - 1 per FBI

Where are we? Got a point-by-point getback on markup from Michael this a.m. Are you all still working through the deck or are we waiting for executives decision on sensitive issues? [redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

AMERICAN OVERSIGHT

[redacted]

b6 - 1 per FBI
b7C - 1 per FBI

From: [redacted]
Sent: Wednesday, February 7, 2018 3:46 PM
To: Haley, Richard L. (FD) (FBI); [redacted]
Subject: Re: Call in tomorrow...

Yes - I think we can do it over lunch

-------- Original message --------
From: "Haley, Richard L. (FD) (FBI)" [redacted]
Date: 2/7/18 12:33 PM (GMT-08:00)
To [redacted]
Subject: FW: Call in tomorrow...

b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

Can we make this work?

-----Original Message-----
From: Newman, Kimberly A. EOP/OMB [mailto: [redacted]
Sent: Wednesday, February 07, 2018 2:45 PM
To: Haley, Richard L. (FD) (FBI) [redacted]
Subject: Call in tomorrow...

Kathy wants to talk about FBI HQ tomorrow at 3 pm with you and GSA. Can you call in from out there? Below is the number.

Call in number: [redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted]|

AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

From:	Haley, Richard L. (FD) (FBI)
Sent:	Wednesday, February 7, 2018 4:17 PM
To:	Newman, Kimberly A. EOP/OMB
Subject:	Re: Call in tomorrow...

Ok. R

-------- Original message --------
From: "Newman, Kimberly A. EOP/OMB" [redacted]
Date: 2/7/18 11:44 AM (GMT-08:00)
To: "Haley, Richard L. (FD) (FBI)" [redacted]
Subject: Call in tomorrow...

b6 per OMB
b7E - 1 per FBI

Kathy wants to talk about FBI HQ tomorrow at 3 pm with you and GSA. Can you call in from out there? Below is the number.

Call in number: [redacted]

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Thursday, February 8, 2018 11:47 AM
To:	Abrams, Andrew D. EOP/OMB; Connolly, David C. C. EOP/OMB; Boden, James
Cc:	Daniel Mathews - PBS; Haley, Richard L. (FD) (FBI)
Subject:	Re: Slide Deck Markup
Attachments:	EPW Presentation_20180208_v1.pdf

Providing a revised slide deck for your review.

New footnotes on slides 9, 11 and 12.

On Tue, Feb 6, 2018 at 6:36 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:

> Providing a revised slide deck for your review.
>
> As noted Slide 15 (entitled "Cost of Delay") is still in development.
>
> On Tue, Feb 6, 2018 at 1:27 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:
>
> > Thank you.
> >
> > We are revising the slide deck and will share it once complete.
> >
> > On Feb 6, 2018 11:54, "Abrams, Andrew D. EOP/OMB" [redacted] wrote: b6 per OMB
> >
> > > Thanks Michael. Is the plan to get us a revised slide deck at some point in the near future? This document is helpful but it would be easiest to structure a discussion around a full deck and stop at the spots that need further elucidation and/or require executive decision.
> > >
> > > Meanwhile we will go through this and try to pull together clarifying explanations and send them back to you.
> > >
> > > **From:** Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
> > > **Sent:** Tuesday, February 6, 2018 11:26 AM
> > > **To:** Abrams, Andrew D. EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Boden, James EOP/OMB [redacted]
> > > **Cc:** Daniel Mathews - P <daniel.mathews@gsa.gov>; [redacted]
> > > **Subject:** Re: Slide Deck Markup
> > > b5 per GSA
> > > b6 per OMB
> > > b7E - 1 per FBI
> > >
> > > [redacted]

AMERICAN OVERSIGHT

[redacted]

b5 per GSA

On Fri, Feb 2, 2018 at 3:16 PM, Michael Gelber - PD <michael.gelber@gsa.gov> wrote:

Thank you.

In preparation for the planned conversation sharing a revised version of the presentation.

This version includes the additional slides the Commissioner referenced yesterday.

This version does not address the line edits you shared this morning as the team is reviewing those comments.

b6 per OMB

On Fri, Feb 2, 2018 at 2:38 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:

If you would like to block some time this evening or Monday am to follow up, let us know or give a call. Thanks.

From: Abrams, Andrew D. EOP/OMB
Sent: Friday, February 2, 2018 9:26 AM
To: 'Daniel Mathews - P' <daniel.mathews@gsa.gov>; [redacted]
Cc: Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Michael Gelber <michael.gelber@gsa.gov>
Subject: Slide Deck Markup

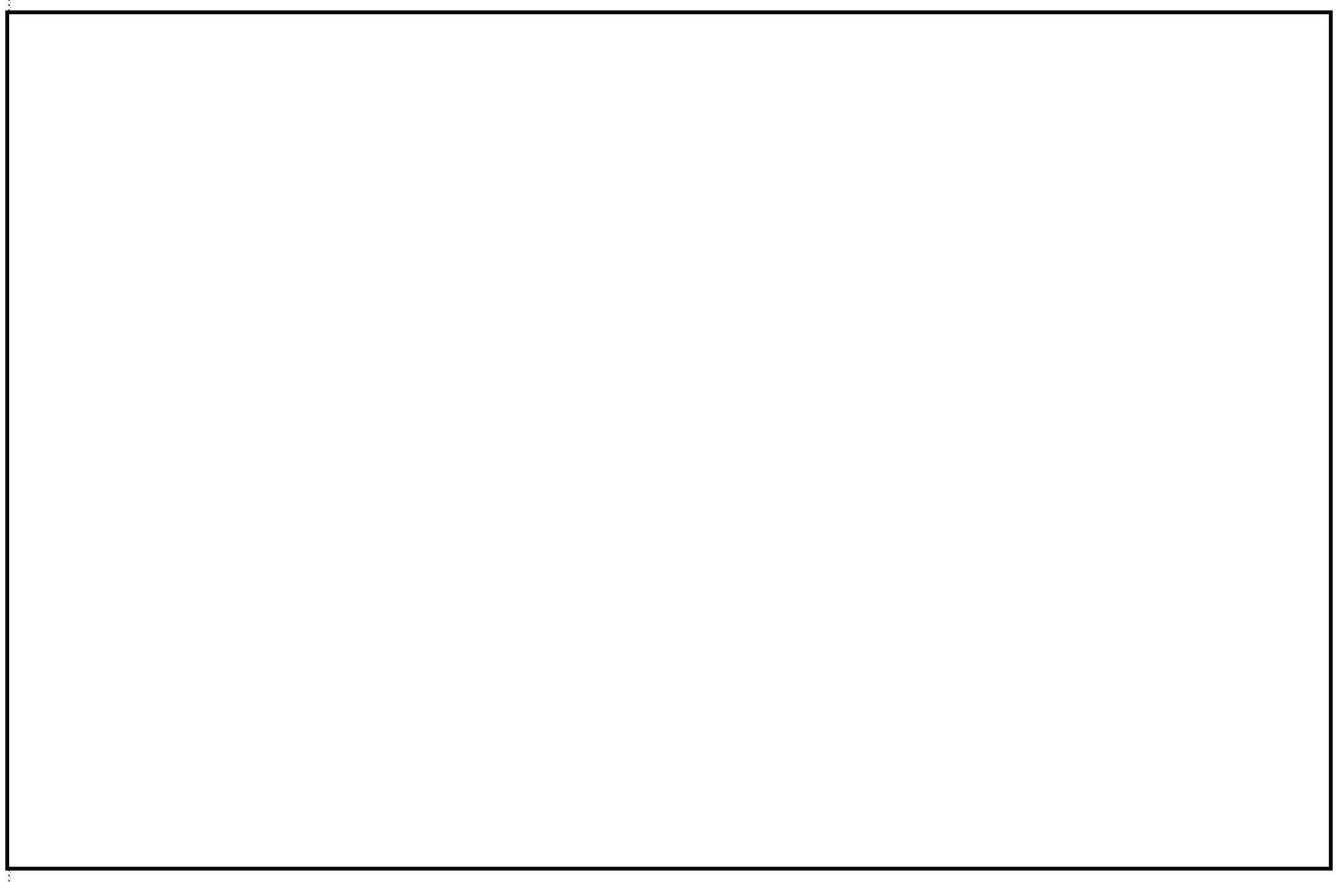
b5 per OMB
b6 per OMB
b7E - 1 per FBI

Dan and Rich:

Sorry for the delayed response. Attached are two versions of the slide deck mark up. [redacted]

AMERICAN OVERSIGHT

b5 per OMB



Thanks.

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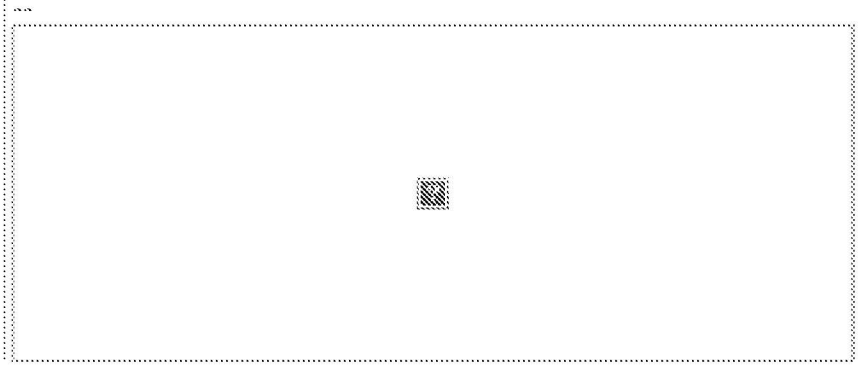
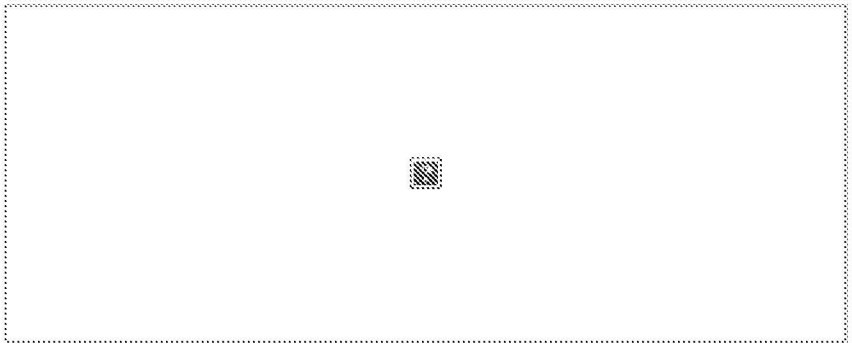
AMERICAN OVERSIGHT





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AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From:	Newman, Kimberly A. EOP/OMB
Sent:	Thursday, February 8, 2018 4:22 PM
To:	allison.brigati@gsa.gov; daniel.mathews@gsa.gov; Michael Gelber - PD; Haley, Richard L. (FD) (FBI); Lofthus, Lee J (JMD)
Cc:	Kraninger, Kathleen L. EOP/OMB; Marten, Lexi N. EOP/OMB; Abrams, Andrew D. EOP/OMB; Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Donatelli, Angela M. EOP/OMB
Subject:	Handouts from FBI HQ Meeting
Attachments:	FBI Headquarters Project-Gap Analysis.docx; FBI HQ Deck_Required Changes_v2 clean.docx; FBI Next Steps.docx; FBI HQ Factsheet.docx

All,
Attached please find the handouts referenced during today's meeting. Please let us know if you have questions or concerns.

Thanks.
Kim

Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

b6 per OMB

AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Friday, February 9, 2018 10:23 AM
To:	Kraninger, Kathleen L. EOP/OMB; Abrams, Andrew D. EOP/OMB; Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Donatelli, Angela M. EOP/OMB; Newman, Kimberly A. EOP/OMB; Marten, Lexi N. EOP/OMB
Cc:	allison.brigati@gsa.gov; daniel.mathews@gsa.gov; Jack St. John - A; Lofthus, Lee J (JMD); Haley, Richard L. (FD) (FBI)
Subject:	Re: Handouts from FBI HQ Meeting
Attachments:	EPW Presentation_Final_20180209.pdf

Providing a revised slide deck for review and approval.

This version incorporates the edits requested yesterday.

On Thu, Feb 8, 2018 at 4:21 PM, Newman, Kimberly A. EOP/OMB [redacted] wrote:

b6 per OMB

> All,
> Attached please find the handouts referenced during today's meeting. Please let us know if you have questions or concerns.
>
> Thanks.
> Kim
>
> Kimberly Armstrong Newman | Senior Policy & Budget Analyst, Office of Management & Budget | Executive Office of the President | ☎ [redacted] |

--

AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Saturday, February 10, 2018 5:43 PM
To:	Abrams, Andrew; Boden, James; Connolly, David C. C. EOP/OMB; Angela Donatelli; Newman, Kimberly A.
Cc:	Daniel Mathews - PBS; Allison Brigati - M; Brennan Hart - A; Jack St. John - A; Haley, Richard L. (FD) (FBI)
Subject:	Fwd: EPW Presentation_Final_20180210.pdf
Attachments:	ATT00001.htm; EPW Presentation_Final_20180210.pdf

02/10/2018 version of FBI HQ project presentation.

Second attempt to send.

---------- Forwarded message ----------
From: "Aaron Hassinger - WPIA" <aaron.hassinger@gsa.gov>
Date: Feb 10, 2018 17:15
Subject: EPW Presentation_Final_20180210.pdf
To: "Michael Gelber - PD" <michael.gelber@gsa.gov>, "Daniel Mathews - P" <daniel.mathews@gsa.gov>, "Mary Gibert - AD" <mary.gibert@gsa.gov>, "Shapour Ebadi" <shapour.ebadi@gsa.gov>, <joseph.garon@gsa.gov>
Cc:

All,

See attached the newest version of the presentation.

Thanks,

AMERICAN OVERSIGHT

Aaron Hassinger
GSA

[redacted]

b6 per GSA

AMERICAN OVERSIGHT

Abrams, Andrew D. EOP/OMB

From:	Abrams, Andrew D. EOP/OMB
Sent:	Sunday, February 11, 2018 4:18 PM
To:	Michael Gelber - PD; Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Donatelli, Angela M. EOP/OMB; Newman, Kimberly A. EOP/OMB
Cc:	Daniel Mathews - PBS; Allison Brigati - M; Brennan Hart - A; Jack St. John - A; Haley, Richard L. (FD) (FBI); Kraninger, Kathleen L. EOP/OMB; Marten, Lexi N. EOP/OMB
Subject:	Status of FBI Materials
Attachments:	FBI HQ Factsheet.docx

b5 per OMB

I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my understanding:

Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

b6 - 1 per FBI
b7C - 1 per FBI

From: Haley, Richard L. (FD) (FBI)
Sent: Sunday, February 11, 2018 4:24 PM
To: [redacted] Grant, Douglas S. (FD) (FBI); [redacted]
Subject: Fwd: Status of FBI Materials
Attachments: FBI HQ Factsheet.docx

.

b5 per OMB
b6 per OMB
b7E - 1 per FBI

-------- Original message --------
From: "Abrams, Andrew D. EOP/OMB" [redacted]
Date: 2/12/18 8:19 AM (GMT+10:00)
To: Michael Gelber - PD <michael.gelber@gsa.gov>, "Boden, James EOP/OMB" [redacted] "Connolly, David C. EOP/OMB" [redacted] "Donatelli, Angela M. EOP/OMB" [redacted] 'Newman, Kimberly A. EOP/OMB' [redacted]
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov>, Allison Brigati - M <allison.brigati@gsa.gov>, Brennan Hart - A <brennan.hart@gsa.gov>, "Jack St. John - A" <jack.stjohn@gsa.gov>, "Haley, Richard L. (FD) (FBI)" [redacted] "Kraninger, Kathleen L. EOP/OMB" [redacted] "Marten, Lexi N. EOP/OMB" [redacted]
Subject: Status of FBI Materials

I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my understanding:

[redacted]

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[redacted]

Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

AMERICAN OVERSIGHT

Haley, Richard L. (FD) (FBI)

b6 - 1 per FBI
b7C - 1 per FBI

From: Haley, Richard L. (FD) (FBI)
Sent: Sunday, February 11, 2018 4:26 PM
To: Abrams, Andrew D. EOP/OMB; Michael Gelber - PD; Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Donatelli, Angela M. EOP/OMB; Newman, Kimberly A. EOP/OMB;
Cc: Daniel Mathews - PBS; Allison Brigati - M; Brennan Hart - A; Jack St. John - A; Kraninger, Kathleen L. EOP/OMB; Marten, Lexi N. EOP/OMB
Subject: Re: Status of FBI Materials

FBI concurs. We have a few additional Q&As we will get to Kim tonight.

b5 per OMB
b6 per OMB
b7E - 1 per FBI

-------- Original message --------
From: "Abrams, Andrew D. EOP/OMB"
Date: 2/12/18 8:19 AM (GMT+10:00)
To: Michael Gelber - PD <michael.gelber@gsa.gov>, "Boden, James EOP/OMB"
"Connolly, David C. EOP/OMB"
"Donatelli, Angela M. EOP/OMB" "Newman, Kimberly A. EOP/OMB"
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov>, Allison Brigati - M <allison.brigati@gsa.gov>, Brennan Hart - A <brennan.hart@gsa.gov>, "Jack St. John - A" <jack.stjohn@gsa.gov>, "Haley, Richard L. (FD) (FBI)" "Kraninger, Kathleen L. EOP/OMB"
"Marten, Lexi N. EOP/OMB"
Subject: Status of FBI Materials

I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my understanding:

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[redacted]

Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

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Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Sunday, February 11, 2018 4:57 PM
To: Haley, Richard L. (FD) (FBI)
Cc: [redacted]
Subject: Re: Status of FBI Materials

Will do - thanks

b6 - 1 per FBI
b7C - 1 per FBI
b7E - 1 per FBI

Sent from my iPhone

On Feb 11, 2018, at 4:29 PM, Haley, Richard L. (FD) (FBI) [redacted] wrote:

Hi Kim - [redacted] is coordinating with [redacted] I will be out of pocket for few hours so if you need anything go through him. Thx R

-

-------- Original message --------
From: "Haley, Richard L. (FD) (FBI)" [redacted]
b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI
Date: 2/12/18 8:26 AM (GMT+10:00)
To: "Abrams, Andrew D. EOP/OMB" [redacted] <mailto [redacted] Michael Gelber - PD <michael.gelber@gsa.gov<mailto:michael.gelber@gsa.gov>>, "Boden, James EOP/OMB" [redacted] <mailto [redacted] "Connolly, David C. EOP/OMB" [redacted] <mailto [redacted] 'Donatelli, Angela M. EOP/OMB' [redacted] <mailto [redacted] "Newman, Kimberly A. EOP/OMB" [redacted] <mailto [redacted]
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov<mailto:daniel.mathews@gsa.gov>>, Allison Brigati - M <allison.brigati@gsa.gov<mailto:allison.brigati@gsa.gov>>, Brennan Hart - A <brennan.hart@gsa.gov<mailto:brennan.hart@gsa.gov>>, "Jack St. John - A" <jack.stjohn@gsa.gov<mailto:jack.stjohn@gsa.gov>>, "Kraninger, Kathleen L. EOP/OMB" [redacted] <mailto [redacted] 'Marten, Lexi N. EOP/OMB' [redacted] <mailto [redacted]
Subject: Re: Status of FBI Materials

FBI concurs. We have a few additional Q&As we will get to Kim tonight.

-

AMERICAN OVERSIGHT

b6 per OMB
b7E - 1 per FBI

-------- Original message --------
From: "Abrams, Andrew D. EOP/OMB" [redacted] mailto [redacted]
Date: 2/12/18 8:19 AM (GMT+10:00)
To: Michael Gelber - PD <michael.gelber@gsa.gov<mailto:michael.gelber@gsa.gov>>, "Boden, James EOP/OMB" [redacted] mailto [redacted] "Connolly, David C. EOP/OMB" [redacted] mailto [redacted] "Donatelli, Angela M. EOP/OMB" [redacted] mailto [redacted] "Newman, Kimberly A. EOP/OMB" [redacted] mailto: [redacted]
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov<mailto:daniel.mathews@gsa.gov>>, Allison Brigati - M <allison.brigati@gsa.gov<mailto:allison.brigati@gsa.gov>>, Brennan Hart - A <brennan.hart@gsa.gov<mailto:brennan.hart@gsa.gov>>, "Jack St. John - A" <jack.stjohn@gsa.gov<mailto:jack.stjohn@gsa.gov>>, "Haley, Richard L. (FD) (FBI)" [redacted] "Kraninger, Kathleen L. EOP/OMB" [redacted] mailto: [redacted] "Marten, Lexi N. EOP/OMB" [redacted] mailto: [redacted]
Subject: Status of FBI Materials

I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my understanding:

b5 per OMB

[redacted]

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Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

AMERICAN OVERSIGHT

Michael Gelber - PD

From:	Michael Gelber - PD
Sent:	Sunday, February 11, 2018 5:09 PM
To:	Abrams, Andrew D. EOP/OMB
Cc:	Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Donatelli, Angela M. EOP/OMB; Newman, Kimberly A. EOP/OMB; Daniel Mathews - PBS; Allison Brigati - M; Brennan Hart - A; Jack St. John - A; Haley, Richard L. (FD) (FBI); Kraninger, Kathleen L. EOP/OMB; Marten, Lexi N. EOP/OMB
Subject:	Re: Status of FBI Materials
Attachments:	FBI Q&A 02112018.docx

Sharing a Q&A document for the group's review.

b5 per OMB
b6 per OMB

On Sun, Feb 11, 2018 at 4:18 PM, Abrams, Andrew D. EOP/OMB [redacted] wrote:

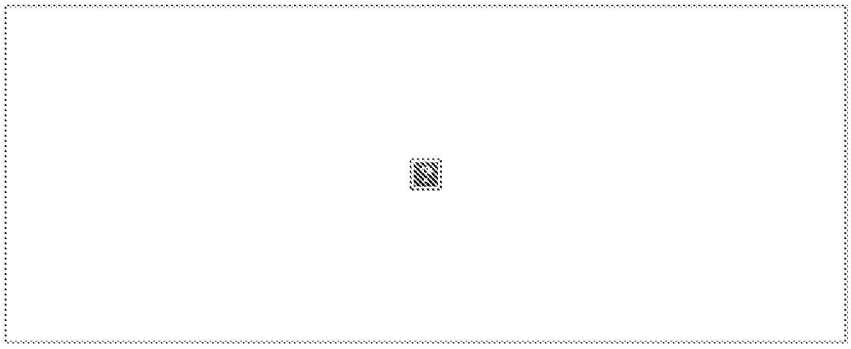
> I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my understanding:
>
> [redacted]
>
> Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has

AMERICAN OVERSIGHT

visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

--



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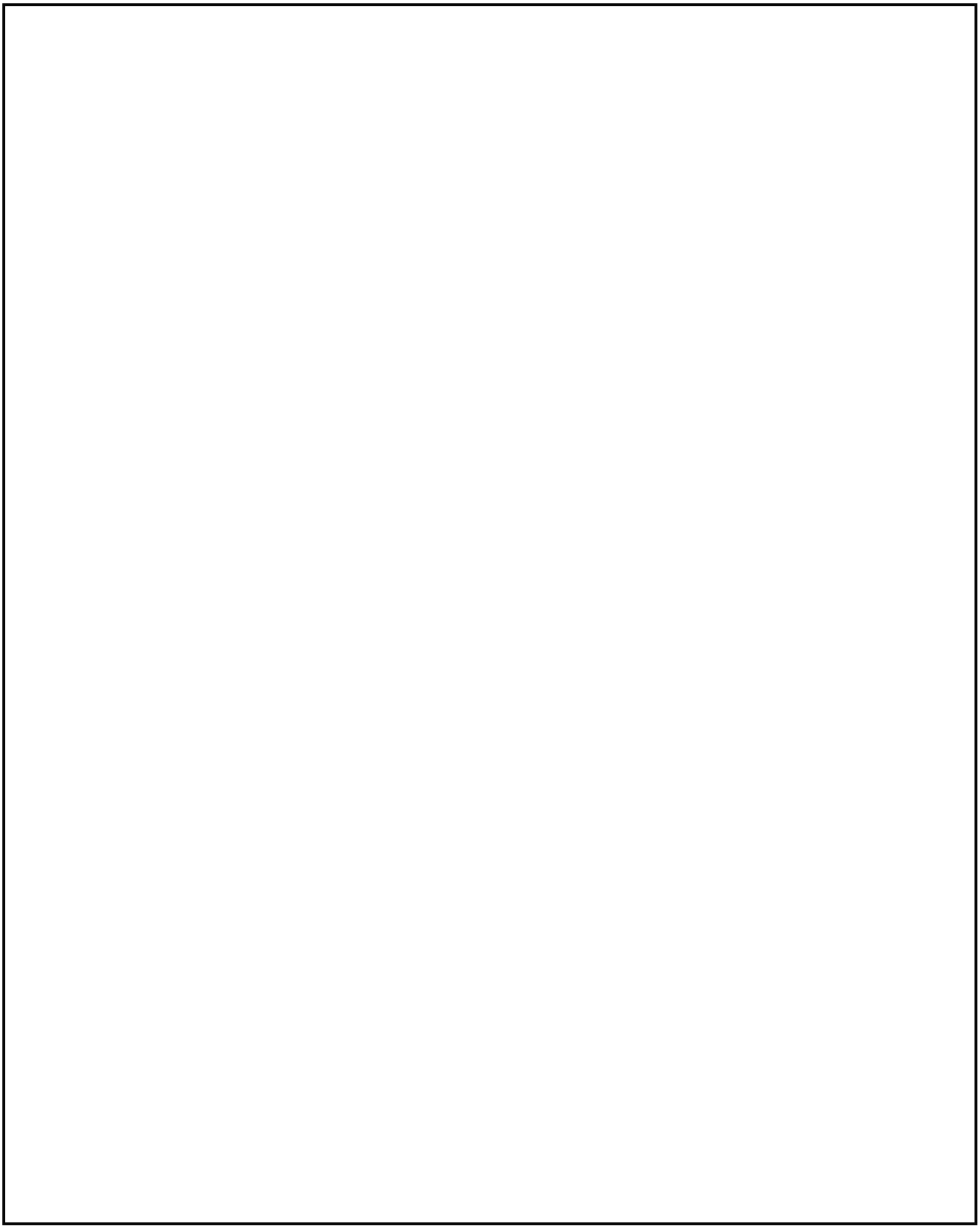
FBI HQ Project
Questions and Answers

b5 per GSA, per OMB



AMERICAN OVERSIGHT

Abrams, Andrew D. EOP/OMB

From:	Abrams, Andrew D. EOP/OMB
Sent:	Sunday, February 11, 2018 7:25 PM
To:	Michael Gelber - PD
Cc:	Boden, James EOP/OMB; Connolly, David C. EOP/OMB; Donatelli, Angela M. EOP/OMB; Newman, Kimberly A. EOP/OMB; Daniel Mathews - PBS; Allison Brigati - M; Brennan Hart - A; Jack St. John - A; Haley, Richard L. (FD) (FBI); Kraninger, Kathleen L. EOP/OMB; Marten, Lexi N. EOP/OMB
Subject:	RE: Status of FBI Materials

b5 per OMB
b6 -1 per FBI
b7C -1 per FBI

Michael et al.:

Thanks for these -- they are very helpful and we are generally comfortable with the content. We are working on a few tweaks that might speak to the [redacted] and we will get them to you shortly.

Meanwhile, we do think that it would be worthwhile to add a few more questions likely to come from [redacted] I don't think anybody needs to run to do these tonight, but Saul, [redacted] could probably draft answers in an hour tomorrow am. And they should be modified as appropriate but you will get the gist:

[redacted]

Thanks, everyone, for continuing to churn through this.

b6 per OMB
b7E - 1 per FBI

From: Michael Gelber - PD [mailto:michael.gelber@gsa.gov]
Sent: Sunday, February 11, 2018 5:09 PM
To: Abrams, Andrew D. EOP/OMB [redacted]
Cc: Boden, James EOP/OMB [redacted] Connolly, David C. EOP/OMB [redacted] Donatelli, Angela M. EOP/OMB [redacted] Newman, Kimberly A. EOP/OMB [redacted] Daniel Mathews - PBS <daniel.mathews@gsa.gov>; Allison Brigati - M <allison.brigati@gsa.gov>; Brennan Hart - A <brennan.hart@gsa.gov>; Jack St. John - A <jack.stjohn@gsa.gov>; Haley, Richard L. (FD) (FBI) [redacted] Kraninger, Kathleen L. EOP/OMB <Kathleen.L.Kraninger@omb.eop.gov>; Marten, Lexi N. EOP/OMB [redacted]
Subject: Re: Status of FBI Materials

Sharing a Q&A document for the group's review.

On Sun, Feb 11, 2018 at 4:18 PM, Abrams, Andrew D. EOP/OMB [redacted] b6 per OMB wrote:

> I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my

AMERICAN OVERSIGHT

understanding: b5 per OMB

[redacted]

Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

--

AMERICAN OVERSIGHT

[redacted]

From: [redacted]
Sent: Sunday, February 11, 2018 6:59 PM
To: Haley, Richard L. (FD) (FBI); [redacted] Grant, Douglas S. (FD) (FBI) [redacted] [redacted] Young, Andrew N. (FLSD) (FBI)
Subject: RE: Status of FBI Materials
Attachments: FBI Roll out QA 2.docx

b6 - 1 per FBI
b7C - 1 per FBI

Hey Rich - Here are the Q&As for Kim that [redacted] and I worked on for your review. If Kim says that she can't wait, then I will send to her.

From: Haley, Richard L. (FD) (FBI)
Sent: Sunday, February 11, 2018 4:24 PM
To: [redacted] Grant, D (FD) (FBI) [redacted]
Subject: Fwd: Status of FBI Materials

b6 - 1 per FBI
b7C - 1 per FBI
b7E - 1 per FBI

-

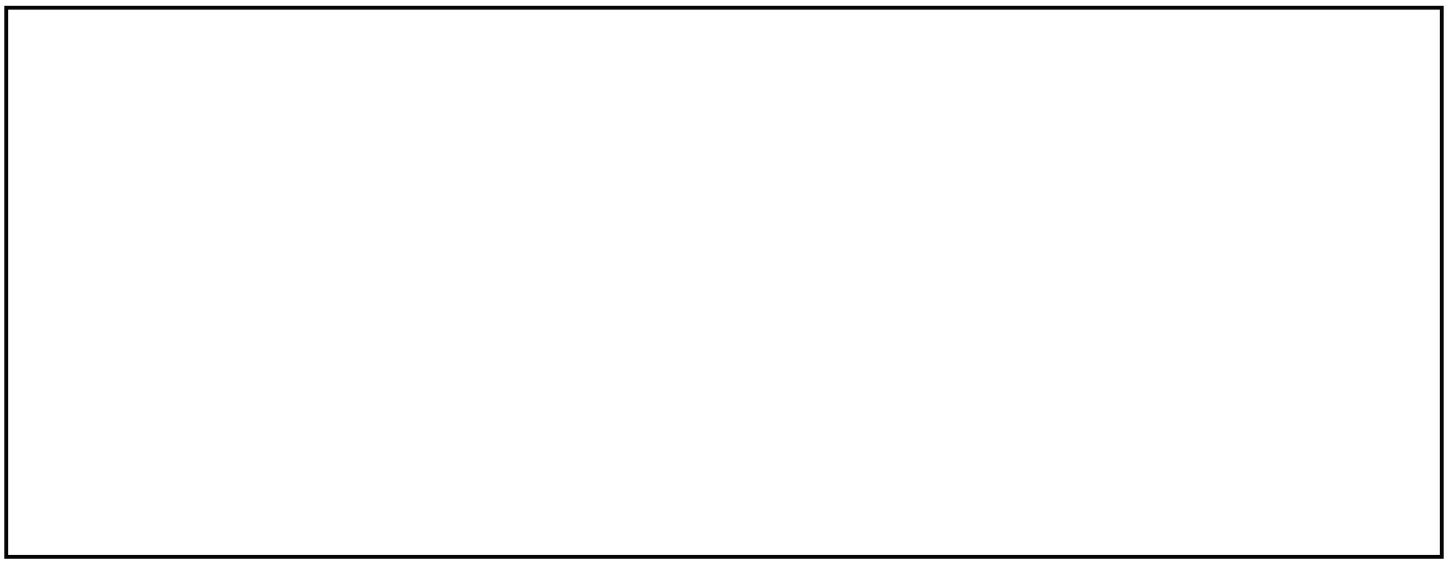
-------- Original message --------
From: "Abrams, Andrew D. EOP/OMB" [redacted]
Date: 2/12/18 8:19 AM (GMT+10:00)
To: Michael Gelber - PD <michael.gelber@gsa.gov>, "Boden, James EOP/OMB" [redacted] "Connolly, David C. EOP/OMB" [redacted] "Donatelli, Angela M. EOP/OMB" [redacted] "Newman, Kimberly A. EOP/OMB" [redacted]
Cc: Daniel Mathews - PBS <daniel.mathews@gsa.gov>, Allison Brigati - M <allison.brigati@gsa.gov>, Brennan Hart - A <brennan.hart@gsa.gov>, "Jack St. John - A" <jack.stjohn@gsa.gov>, "Haley, Richard L. (FD) (FBI)" [redacted] "Kraninger, Kathleen L. EOP/OMB" [redacted] "Marten, Lexi N. EOP/OMB" [redacted]
Subject: Status of FBI Materials

b5 per OMB
b6 per OMB
b7E - 1 per FBI

I wanted to review the bidding on the status of materials for Monday's FBI HQ rollout. Based on my understanding:

[redacted]

AMERICAN OVERSIGHT



Are there other materials in the ether? We just want to make sure that everyone knows what is out there and has visibility into it.

Thanks for your help and patience with the Sunday afternoon fire drill.

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Sunday, February 11, 2018 7:43 PM
To: [redacted]
Cc: [redacted] Haley, Richard L. (FD) (FBI)
Subject: FBI internal email

b6 - 1 per FBI
b7C - 1 per FBI

[redacted]

Could you please send the email from Bowdich to FBI staff to Michael Gelber at GSA? They want to be on the same page and it would be useful for them to have it.

b5 - 1 per FBI
b6 - 1, 3 per FBI
b7C - 1 per FBI

Rich agreed to the below substitute paragraph for the final version.

Original:: [redacted]

Revised [redacted]

Please let me know if you think sharing with Michael at GSA is a problem.

Thanks [redacted]
Kim

Sent from my iPhone

AMERICAN OVERSIGHT

Newman, Kimberly A. EOP/OMB

From: Newman, Kimberly A. EOP/OMB
Sent: Sunday, February 11, 2018 7:58 PM
To: [redacted]
Cc: [redacted] Haley, Richard L. (FD) (FBI)
Subject: Re: FBI internal email

b6 - 1 per FBI
b7C - 1 per FBI

Ok. Let me know when you've final sign off. Also, ETA on your Q&As?

Thanks

Sent from my iPhone

b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

> On Feb 11, 2018, at 7:56 PM, [redacted] wrote:
>
> Here is the current version with the change referenced below incorporated. We need to still run this version by the A/DD, but it shouldn't change much. It is fine to go to GSA, but it is a draft/not final.
>
> -----Original Message-----
> From: Newman, Kimberly A. EOP/OMB [mailto:[redacted]
> Sent: Sunday, February 11, 2018 7:44 PM
> To: [redacted]
> Cc: [redacted] Haley, Richard L. (FD) (FBI) [redacted]
> Subject: FBI internal email
>
> [redacted]
> Could you please send the email from Bowdich to FBI staff to Michael Gelber at GSA? They want to be on the same page and it would be useful for them to have it.
>
> Rich agreed to the below substitute paragraph for the final version.
>
> Original:: [redacted]
>
> Revised: [redacted]
>
> Please let me know if you think sharing with Michael at GSA is a problem.
>
> Thanks [redacted]
> Kim
>
> Sent from my iPhone

b5 - 1 per FBI
b6 - 1, 3 per FBI
b7C - 1 per FBI

AMERICAN OVERSIGHT

> <Acting_DD_Message_HQ_Consolidation_Feb._9v_4.docx>

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[redacted]

From: [redacted]

b6 - 1 per FBI
b7C - 1 per FBI

Sent: Sunday, February 11, 2018 7:56 PM
To: Newman, Kimberly A. EOP/OMB; [redacted]
Cc: Haley, Richard L. (FD) (FBI)
Subject: RE: FBI internal email
Attachments: Acting_DD_Message_HQ_Consolidation_Feb._9v_4.docx

Here is the current version with the change referenced below incorporated. We need to still run this version by the A/DD, but it shouldn't change much. It is fine to go to GSA, but it is a draft/not final.

-----Original Message-----
From: Newman, Kimberly A. EOP/OMB [mailto: [redacted]
Sent: Sunday, February 11, 2018 7:44 PM
To [redacted]
Cc: [redacted] Haley, Richard L. (FD) (FBI) [redacted]
Subject: FBI internal email

b6 - 1 per FBI, per OMB
b7C - 1 per FBI
b7E - 1 per FBI

[redacted]

Could you please send the email from Bowdich to FBI staff to Michael Gelber at GSA? They want to be on the same page and it would be useful for them to have it.

b5 - 1 per FBI
b6 - 1, 3 per FBI
b7C - 1 per FBI

Rich agreed to the below substitute paragraph for the final version.

Original:: [redacted]

Revised: [redacted]

Please let me know if you think sharing with Michael at GSA is a problem.

Thanks [redacted]!
Kim

Sent from my iPhone

AMERICAN OVERSIGHT