

BRAC 2005
Intelligence Joint Cross-Service Group

Meeting Minutes of October 13, 2004

The Deputy Under Secretary of Defense (Counterintelligence and Security), Chair, Intelligence Joint Cross-Service Group (IJCSG), Ms. Carol Haave led this meeting. The list of attendees is attached (Attachment 1). These minutes reference slides from the briefing to the IJCSG Principals dated October 13, 2004. The briefing is classified and is held at the Technical Integration Center for review by individuals with appropriate clearances who have the authority and responsibility to view BRAC material.

Ms. Haave opened the twentieth meeting of the IJCSG by noting that the first item of business is a briefing by [REDACTED], DOD Office of the General Counsel, on BRAC ethics and conflicts of interest. [REDACTED] handed out two documents (Attachments 3 and 4). She then proceeded with "Conflicts of Interest and BRAC" briefing. [REDACTED] emphasized that Principals and Alternates absent from the briefing will be sent the briefing material and will have fulfilled their obligations when Ms. Haave received their updated financial statements. Mr. Wayne Howard is to monitor compliance with these procedures.

[REDACTED]
[REDACTED]. Ms. Haave then asked Mr. Howard to proceed with the briefing.

Mr. Howard provided a brief status update of Capacity and Military Value Analysis, Scenario Development and the 20-year Force Structure. The Capacity data was ready for Quality Control review on 12 Oct, and the Military Value data should be ready for review by 25 Oct. The CMS representative reported they are making progress in finalizing the Force Structure Report to the IJCSG and should have it complete by 20 Oct.

[REDACTED]

[REDACTED]

[REDACTED]

Ms. Haave addressed the content in briefing slides #3 and #4. She thanked the Army member for responding to her request for new ideas for this meeting. She expressed disappointment in the lack of response from the other members of the IJCSG. She again reiterated her request for additional ideas to transform intelligence or improve its infrastructure through BRAC. Ms. Haave asked that ideas for JICs and improved support to COCOMs be forwarded to the JCS, J2. The discussion concluded with the IJCSG members in agreement that the Core Team would coordinate with Education and Training JCSG on scenarios that involve military intelligence training.

Mr. Howard then discussed the current NGA scenarios using slide #5 as a guide for discussion. After some discussion, Ms. Haave tasked the Core Team to bring to the IJCSG for deliberation a series of proposals re-locating NGA, NSA, NRO and DIA outside the NCR, or at least relocating some of their functions outside the NCR. She explained that the ISG was quite clear they expected to see such scenarios analyzed and presented to the IJCSG for decision. [REDACTED] (CMS) opined that the answer for one scenario basically would be the answer for all. The DIA representative stated the real problem is that a move outside NCR would jeopardize the ability to retain analysis with expertise developed over a career.

Mr. Howard next asked [REDACTED], CMS, to address the issues contained in slide #6. [REDACTED] explained the FY06-11 GDIP was on track to correct facility with single point failures and mission assurance issuing with appropriate funding. As such, it appears the PBD 339 and CCP issues will be resolved outside BRAC. However, the over guidance issues remain valid and of some concern. [REDACTED] said the COOP Report was to be completed on 22 Oct and that he would provide a weekly update.

The IJCSG members next discussed slide #7 and agreed there are no closure, realignment or disestablishment actions associated with the listed COOP and Mission Assurance overguidance submissions.

[REDACTED]

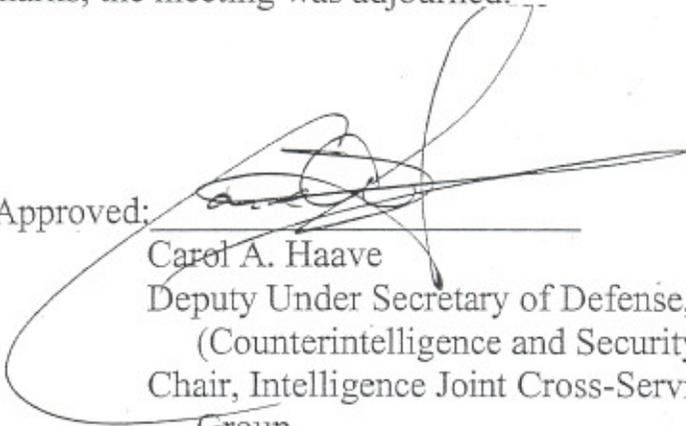
[REDACTED]

[REDACTED]

The IJCSG members next discussed the classified ideas contained in slides #8 through #12. They collectively agreed to turn the ideas into proposals and/or reconsider with Service input. Ms. Haave acknowledged that some of the proposals may have significant cost implications.

The IJCSG members had a lengthy intellectual discussion on Information Flow and Mission Synergy (slide #13) centered on the need for information sharing. The Principals collectively agreed that without a single, integrated, all-source data base, Defense Intelligence was not maximizing the data/knowledge collected. The Principals also discussed the potential impact of having to rely solely on Defense Intelligence assets without support from the National Agencies. The group agreed to continue working the proposals on slides #14, #16 and #17.

In summary, the Chair stated that the meeting had resulted in an excellent dialogue and the members should continue to think on the ideas presented and discussed today. Lastly, she thanked the Core Team for their continued excellent work.. Upon conclusion of her remarks, the meeting was adjourned.

Approved: 

Carol A. Haave
Deputy Under Secretary of Defense,
(Counterintelligence and Security)
Chair, Intelligence Joint Cross-Service
Group

Attachments:

1. List of Attendees
2. IJCSG Principals Meeting Brief of October 13, 2004
3. Conflicts of Interest and BRAC
4. Potential Conflicting Financial and Personal Interests

**Intelligence JCSG Meeting
October 13, 2004**

Attendees

Members:

- Ms. Carol Haave, Deputy Under Secretary of Defense (Counterintelligence and Security, Chair)
- Ms. Karin Dolan, Assistant Director for Intelligence Support, United States Marine Corps

Alternates:

- Ms. Jean Bennett, United States Army, G2
- Mr. Mark Ewing, Defense Intelligence Agency for the Director
- Ms. Karyn Vice, National Security Agency
- Mr. Larry Burgess, National Reconnaissance Office for the Director

Others:

- Mr. Wayne Howard, Core Team Facilitator

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

DCN: 11319

**Intelligence JCSG Meeting
October 13, 2004**

Attendees

Others: (Continued)

[Redacted]

* [Redacted]

[Redacted]

[Redacted]

[Redacted]



Conflicts of Interest and BRAC

Introduction

- As a member of a DOD base closure executive group, you hold a position of special trust and confidence regarding the BRAC process
- As you know, your work will result in a list of recommended base realignments and closures that will potentially impact the lives of many citizens and their communities

Introduction

- If the public does not have complete confidence in the fairness of our procedures, their support for the BRAC process cannot be assured
- For this reason, participants must be fair and impartial, both in reality and perception
- Also, as government employees, you must avoid conflicts of interest as you carry out your duties
- That is why you are being briefed today

Conflicts of Interest

First Issue: What is a conflict of interest?

- A conflict arises when your personal financial interests (or those of someone close to you) may be affected by the BRAC decision or recommendation



Conflicts of Interest

- A criminal statute (18 USC 208) provides as follows:
 - Employees are prohibited from participating **personally and substantially** in an official capacity in any **particular matter** in which they (or any person whose interests are imputed to them) **have a financial interest**, if the matter will have a **direct and predictable** effect on that interest

Conflicts of Interest

- Key terms:
 - **Personal and Substantial Participation**
 - Your involvement makes a difference, even if it is advice or recommendations, and not determinative
 - **In a Particular Matter**
 - Focused on an identifiable class of persons (like a certain community)
 - **Having a Direct and Predictable Effect**
 - Involves a close causal link and real possibility that any decision or action will affect the financial interest involved
 - **Financial Interest**
 - Personal financial asset, or that of someone with a certain type of relationship with you

Resolving Conflicts

- Disqualification
 - This means that you are disqualified – or “recused” -- from taking official action on any particular matter that could affect the covered financial interest
 - The extent of your disqualification is determined by your direct supervisor, with advice from the ethics counselor

Resolving Conflicts

- Change of Duties
 - If your official duties cannot be separated from your financial interests, or the whole of the “particular matter” is too complicated to be subdivided based on the nature of your interest, you may need to be removed from the project altogether

Resolving Conflicts

- Waiver
 - Your appointing official may determine that your financial interest is not so substantial as to require your disqualification or change of duties
 - Waivers are issued, in writing, by the appointing official, after consultation with an ethics counselor
 - Waivers must be issued prior to your taking any official action in the matter; thus, until you have a waiver, you may not act on the matter in your official capacity

Resolving Conflicts

- Authorization
 - If the situation does not present a true conflict (under 18 USC 208), but does create the *appearance* of a conflict (under 5 CFR 2635.502), your supervisor may authorize you to continue working in the area at issue
 - Authorization is granted if government needs outweigh perceptions/concerns by on-lookers
 - This requires written documentation and advance approval

Resolving Conflicts

- Eliminate Personal Interest/Position
 - For example...
 - Resign from position as a board member or officer of a private organization
 - Sell real estate or stock ownership if financial interests trigger the conflict
 - Step down from off-duty employment
 - Postpone job search with interested parties until retirement

Avoiding Conflicts

- What We Ask You To Do....
 - **Examine** your financial situation and identify any interests that may trigger a real/apparent conflict based on your support of BRAC
 - **Advise** your BRAC supervisor of any concerns
 - **Seek guidance** from your ethics counselor
 - **Follow the guidance** worked out by the ethics counselor and your supervisor to resolve any conflicts of interest

CONFLICTS OF INTEREST AND BRAC

Potential Conflicting Financial and Personal Interests

What is a conflict of interest? You will have a conflict if any of your personal financial interests, or those of someone with a relationship with you, may be affected by the BRAC decisions or recommendations. Ethics laws and regulations require personnel to avoid not only actual conflicts, but even the appearance of a conflict of interest or a loss of impartiality. Because of the importance and visibility of the BRAC process, which could potentially impact the lives of many Americans and their communities, the Department must ensure that the public has complete confidence in the fairness of the process.

As individuals participating in BRAC deliberations, you are participating personally and substantially in the BRAC process. As such, you must be concerned about potential conflicts of interest. That is why you have received the conflicts of interest training. Most, if not all of you, have already filed either a Public or Confidential Financial Disclosure Report (SF 278 or OGE 450) based on your BRAC or other official responsibilities. If you have not done so, please consult with one of your BRAC or ethics attorneys immediately. While these reports are a good starting point, you may have added interests since you filed your last report. Also, many of the interests and relationships that may be involved in the BRAC process are not reportable. For example, you do not report your personal residence or vacation property unless you rent them.

We have developed this guidance to help you identify the interests and relationships that are not reported on the disclosure forms. Please review it as soon as you can to determine whether you have any of the financial interests or relationships discussed below. If you believe that any of these interests or relationships may be affected by any potential BRAC decision, please contact your BRAC or ethics attorney to discuss as soon as possible. When you become aware that specific installations are identified in the BRAC process, please review your interests and relationships again in connection with those installations and contact your attorneys to discuss.

RELATIONSHIPS

1. **General Partners:** Do you have general partners in business ventures?
2. **Potential Employers:** Are you negotiating for, or do you have an arrangement concerning, prospective employment with an organization?
3. **Members of your Household:** Do you have members of your household in addition to those whose interests are already reported on your financial statements, *i.e.*, someone other than your spouse or minor child?
4. **Business Relationship:** Do you have, or seek to have, a business, contractual or financial relationship with someone, other than a routine consumer transaction?

7. Potential employment interest with a person/organization that could be affected by closing or realigning a military installation

Examples of how the relationships and interests may interact follow:

1. Your sister works for a contractor whose major source of business is the military installation, and she owns her home in the vicinity.
2. Your daughter works at a restaurant that depends upon the patronage of personnel at a military installation.
3. You are actively participating in a Save-The-Base organization in your personal capacity.
4. Your son has a large investment in municipal bonds issued by a city that could be greatly affected if a major base closed.

As we discussed, if you determine that any of these interests or relationships exist, please contact your BRAC or ethics attorney so that you can discuss them in a timely fashion and take appropriate action to resolve any questions.

JCSGs and DoD

Navy

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Army

Air Force

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]