Headquarters and Support Activities (H&SA)
Military Value Not Priority
NCR and Leased Properties Targeted

DOD Recommendation: Consolidate Defense Information Systems Agency and Establish Joint C4ISR D&A Capability, Relocate Army Headquarters and Field Operating Agencies, Collocate Missile and Space Defense Agencies, Consolidate Army Test and Evaluation Command (ATEC) Headquarters, Collocate Miscellaneous Army Leased Locations, Relocate Miscellaneous Department of Navy Leased Locations, Collocate Defense/Military Department Adjudication Activities, Collocate Miscellaneous Air Force Leased Locations and National Guard, Headquarters Leased Locations, etc…
Justification: Vacate leased office space and reduce DOD presence in the NCR.
Payback: Various
Economic Impact: Various
Community Infrastructure Assessment: Various
Environmental Impact: Various

Substantial Deviation: Military Value Not Priority

The Secretary of Defense did not comply with the BRAC stature to use the force structure, and the BRAC criteria established in law to develop recommendations. Instead, The Headquarters and Support Activities Joint Cross-Service Group (H&SA JCSG) relied on guidance not related to military value provided by representatives of the Secretary of Defense to focus on moving headquarters functions and vacating leased office space out of the National Capitol Region. The minutes of a February 17, 2005 meeting of the H&SA JCSG, record the acknowledgement that DOD's guidance to get out of leased office space, particularly in the NCR, could not be supported by the capacity assessment or military value analysis -- "*Was it DOD guidance to get out of leased space? Yes, but there is no supporting documentation--there was the general sense that being in the NCR is not good--most space in the NCR is leased, so the connection was made that vacating leased space is favorable.*" Rather than placing the guidance within the framework of a military value assessment to allow for adequate data collection, due consideration, and some sort of auditable scoring, it was conveyed to the members of the group by senior OSD officials outside the formal analysis process adopted by the H&SA JCSG. This guidance was clearly conveyed to the OSD member of the H&SA Joint Cross-Service Group by Ray Dubois in the minutes of the January 5, 2005, meeting of the H&SA group --"*The OSD Member met with Mr. DuBois and gave him an NCR update. Mr. DuBois stated the leadership expectations include four items: (1) significant reduction of leased space in the NCR; (2) reduce DOD presence in the NCR in terms of activities and employees; (3) MDA, DISA, and the NGA are especially strong candidates to move out of the NCR; and (4) HSA JCSG should propose bold candidate recommendations and let the ISG and IEC temper those recommendations if necessary.*" These "expectations are further reinforced by the March 24, 2003, minutes of the H&SA Joint Cross-Service Group which state "*Thinning of headquarters in the National Capitol Region (NCR) remains a DOD objective.*" According to the justification accompanying the recommendation to move the Missile Defense Agency to Huntsville stated: "*this recommendation meets several important Department of Defense objectives with regard to the future of leased space, rationalization of the Department's presence within 100 miles of the*

Pentagon, and enhanced security for DOD activities." Note the absence of any connection to a BRAC criteria or to the military value principles established on Oct 14, 2004 by the Chairman of the Infrastructure Steering Group.

There is no substantive military value to locations outside the NCR as demonstrated by the continued presence of the Pentagon. For Major Headquarters activities, which require constant interaction with Pentagon leadership and the US Congress, the National Capitol Region should have a higher military value.

Since the headquarters activities identified by Mr. Dubois as *"especially strong candidates to move out of the NCR"* were in leased locations, and since the leadership wanted to vacate leased space in the NCR as a whole, the H&SA group developed a mechanism to score leased activities at a lower military value. Three weeks after the meeting in which the OSD representative to the H&SA JCSG conveyed Mr. Dubois expectations, a February 15, 2005 memorandum for the Chairman of the Infrastructure Steering Group directed a change in the metric associated with measuring military value and meeting DOD's new antiterrorist standards. According to that memorandum activities that are in DOD owned space would receive a score of 1 while activities located in leased locations where DOD represents 25% or more of the occupancy would receive a score of 0. The memorandum goes on to state that *"the implication of this metric change is that all leased space will now be largely scored poorly. The formalization of this methodology has a minimal impact on the military value results. The results of this change are consistent with the strategy used by HSA JCSG to pursue leased space".*

Why would an activity in a DOD owned activity score higher for force protection than an activity that is in leased space simply because of who owns the title? How does the ownership of the facility affect standoff distances, blast resistant windows, or reinforced support beams–true measures of force protection? Is the new Office of Naval Research leased facility, built with force protection standards in mind, less secure than the Washington Navy Yard, 8th and I, or Los Angeles Air Force Base? The GAO stated in its report on July 1, 2005 that "*Initially, the group prepared military value data call questions that could determine whether a leased location met the force protection requirements. However, group officials stated that most of these questions were discarded because of inconsistencies in how the questions were answered.*" Even with this admission, DOD changed the metrics late in the process to treat leased buildings different because, as their own statements demonstrate, their goal was to get out of leased space per the OSD imperative. Force protection was used as a justification and the military value metric was changed late in the process to achieve the desired end. The GAO stated in its July 1, 2005 report that "the (DOD) official also stated that application of the standards in BRAC was not the result of a threat or vulnerability assessment of the affected facilities.

This problem also existed in other Cross Service Groups as demonstrated by the minutes from the Technical Joint Cross-Service Group of February 22, 2005, which clearly state that DARPA and ONR had higher quantitative military values than Anacostia, which has a higher military value than Bethesda, but the decision was made to move them to the lowest military value of the three. Among the justifications given: *"Vacate leased space in the National Capital Region."*

The minutes of the Technical Joint Cross-Service Group of January 19, 2005, as it relates to the recommendation to move the extramural research elements (DARPA, ONR, etc.....) to Bethesda includes the statement that *"the military value analysis is irrelevant as this scenario strives to get out of leased space per the OSD imperative and there is currently no military value for research at Anacostia."* This statement clearly demonstrates that military value and the OSD leased space imperative are separate issues and that, despite the law, the leased space imperative was given greater priority than military value and was the driving factor in this decision.

The GAO found that the H&SA JCSG developed proposal without receiving all the data and therefore relied on transformational goals and military judgement rather than the legislated criteria.

As noted throughout the minutes of the H&SA, vacating leased space was treated differently and installations inside the NCR were treated differently simply because they were leased facilities and/or inside the NCR. Direction to do so was provided by senior Pentagon officials as "imperatives" and "expectations". The Missile Defense Agency and the Defense Information Services Agency were specifically identified as likely candidates. This is in direct contradiction to section 2903(c)(3)(A) of the BRAC law which requires all installations within the United States to be treated equally. Never before have installations within a specific region been targeted by the Department of Defense for closure.

Vacating leased office space was identified as one of the draft transformational options in a June 19, 2003, memorandum for the Undersecretary of Defense from the acting chair of the HSA JCSG and cited in many H&SA JCSG meetings as the rationale for numerous recommendation. However, as stated in the March 22, 2005 briefing notes of the BRAC Red Team *"since transformation is not one of the final selection criteria, transformational justifications have no legal basis and should be removed."*

The only selection criteria which were permitted to be used were those spelled out in section 2913 of title 10, United States Code. Section 2913(f) specifically states:*"(f) Relation to Other Materials—The final selection criteria specified in this section shall be the only criteria to be used, along with the force structure plan and infrastructure inventory referred to in section 2912, in making recommendations for the closure or realignment of military installations inside the United States under this part in 2005."*

Giving priority to OSD imperatives and Transformational Options, rather than military value is a substantial deviation from section 2913. Treating leased facilities and installations within the NCR is a substantial deviation from section 2903(c)(3)(A) that requires all installations to be treated equally.