



United States  
**Office of Government Ethics**

1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

Director

June 6, 2005

The Honorable John W. Warner  
Chairman  
Committee on Armed Services  
United States Senate  
228 Russell Senate Office Building  
Washington, DC 20510-6050

Dear Mr. Chairman:

This letter is in connection with actions taken by Dr. Francis Harvey to comply with the ethics agreement he entered into as a condition of his confirmation as the Secretary of the Department of the Army. The terms of that agreement were initially outlined in Dr. Francis Harvey's letter to William J. Haynes II, General Counsel and Designated Agency Ethics Official to the Department of Defense, dated October 7, 2004.

As required by 5 C.F.R. § 2634.802(b), an appointee has three months after Senate confirmation to comply with his ethics agreement. For Secretary Harvey, that deadline was no later than February 14, 2005. Exceptions to the three-month deadline can be made in cases of unusual hardship, as determined by our office. Pursuant to requests for an extension of the compliance period from the Department of the Army, dated February 11, 2005 and April 13, 2005, we granted Secretary Harvey a total of 90 additional days, until May 15, 2005, to complete the divestiture of his limited partnerships in the Carlyle Group and the Greenwich Fund.

As described in the enclosed letter from the Deputy General Counsel for Ethics and Fiscal Law, Secretary Harvey has complied with all elements of his ethics agreement except for divestiture of his interest in one remaining limited partnership, the Greenwich Fund Limited Partnership. The partnership contains several underlying holdings, one of which is currently a Department of Defense contractor, Allied Waste Industries, Incorporated. The Army has requested that we permit

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Secretary Harvey to continue to disqualify himself from particular matters affecting the partnership until he is able to sell his interest. We agree that this would be a reasonable resolution of the problem.

Secretary Harvey is not required to divest the limited partnership in order to comply with Federal conflict of interest laws. We are satisfied that recusal from matters affecting the partnership is an effective and appropriate remedy. We have been assured by the Department of the Army that Secretary Harvey's recusal will neither materially impair his ability to perform the duties of his position nor adversely affect the efficient accomplishment of the Department's mission. Under the circumstances, we believe it would be appropriate to consider Secretary Harvey to be in compliance with his ethics agreement.

Please feel free to contact me or have a member of your staff contact Judy Kim, Deputy General Counsel for Financial Disclosure, if you have any questions about this matter. We can be reached at 202-482-9292.

Sincerely,



Marilyn L. Glynn  
Acting Director

cc: Matt Reres  
Deputy General Counsel  
(Ethics & Fiscal)  
Department of the Army