

**Overseas Contingency Operations  
Operation and Maintenance, Defense-Wide  
Budget Activity 04: Administrative and Service-Wide Activities**

**I. Description of Operations Financed:** The Defense Legal Service Agency (DLSA) maintains two separate efforts involving detainees at Guantanamo Bay, Cuba (GTMO), the Office of Military Commissions (OMC) and Habeas Corpus (HC). The Office of Military Commissions (OMC) was established by the Secretary of Defense on March 21, 2002, under the Defense Legal Service Agency (DLSA) to handle the trials of enemy combatants who violate the laws of war. The commission is comprised of both military and civilian personnel, who work in four sections: 1) the appointing authority (similar to a convening authority), which includes the Office of the Legal Advisor; 2) the prosecution office; 3) the defense office; and 4) the Review Panel (judges who consider appeals). The Military Commissions Act (MCA) was enacted in response to the Supreme Court requirement for legislation to continue the OMC process. Several major terrorists have been transferred to GTMO whose trials began under the MCA statutory framework in FY 2009. Tribunals are now in progress, including the USS Cole bombing case and the 9/11 cases. Funding requirements are expected to continue unabated. The OMC incurs normal government activity operating expenses, including salaries and benefits, travel, rental of office space and equipment, communications, and the cost of supplies and equipment. Continued supplemental funding is essential for OMC to accomplish its mission. The Habeas Corpus Group (HC) is separate and distinct from the tribunal process. In this process, DoD is engaged in Federal litigation regarding detainees. Over 200 detainees have filed Habeas Corpus cases in the Federal District Courts in Washington, DC. Even with recent releases, over 100 habeas cases are still pending. In the Boumediene Supreme Court decision, the US Supreme Court affirmed the rights of the detainees to have these cases heard. The District Courts have established a rigorous trial schedule which requires two types of funding. First, the litigation effort requires the hiring of 85 attorneys and 25 paralegal/administrative/support personnel. These personnel will be housed in rental space in the National Capital Region (NCR) which has stringent security requirements. Ancillary requirements for these DLSA temporary employees include information technology (IT) support; courier, security and translation services; office equipment, and rental

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**I. Description of Operations Financed (cont.)**

expenses. Second, the Federal District Court ordered that habeas petitioners' counsel have space and facilities set aside for their use which includes 24/7 security guards, equipment, IT support, rental expenses, and translation services. Given that most of the materials considered in these litigations are classified, additional funding is needed for contracts, rental expenses, translation expenses, and security expenses as well as temporary duty travel expenses to allow the Intelligence Community to fulfill requirements to declassify vast volumes of documents and information in order that it may be presented in court settings. FY 2016 will have an increase in motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911 suspects. This will entail more transcription, translation, closed circuit television, and temporary duty costs. All decisions made are at the discretion of the judges.

**II. Force Structure Summary:**

N/A

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III. Financial Summary (\$ in thousands):

CBS No.	CBS Title	FY 2014 <u>Actual</u>	FY 2015 <u>Enacted</u>	<u>Delta</u>	FY 2016 <u>Estimate</u>
<b>OFS</b>					
1.0	Personnel	\$12,701	\$17,638	\$11	\$17,649
2.0	Personnel Support	\$2,796	\$3,612	\$13	\$3,625
3.0	Operating Support	\$82,522	\$83,750	\$4,976	\$88,726
	<b>OFS Total</b>	<b>\$98,019</b>	<b>\$105,000</b>	<b>\$5,000</b>	<b>\$110,000</b>
	<b>Grand Total</b>	<b>\$98,019</b>	<b>\$105,000</b>	<b>\$5,000</b>	<b>\$110,000</b>

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**III. Financial Summary (\$ in thousands):**

<u>OFS</u>	<u>FY 2014</u> <u>Actual</u>	<u>FY 2015</u> <u>Enacted</u>	<u>Delta</u>	<u>FY 2016</u> <u>Estimate</u>
1. CBS Category/Subcategory				
1.2 Civilian Pay and Allowances	\$12,701	\$17,638	\$11	\$17,649
Total	\$12,701	\$17,638	\$11	\$17,649

**A. Narrative Justification:** OMC: Funding is used to support 195 military personnel and 39 temporary full-time civilians at GTMO. The majority of personnel work in four sections: the appointing authority which includes the Office of the Legal Advisor, the prosecution office, the defense office, and the Review Panel (judges who consider appeals). HC: Personnel support costs for HC include 85 attorneys and 25 other personnel.

**B. Explanation of Changes between FY 2015 and FY 2016:** The changes are the result of anticipated changes in workforce compensation costs.

<u>OFS</u>	<u>FY 2014</u> <u>Actual</u>	<u>FY 2015</u> <u>Enacted</u>	<u>Delta</u>	<u>FY 2016</u> <u>Estimate</u>
2. CBS Category/Subcategory				
2.0 Personnel Support	\$2,796	\$3,612	\$13	\$3,625
Total	\$2,796	\$3,612	\$13	\$3,625

**A. Narrative Justification:** OMC: Funding provides personnel support costs in support of

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**III. Financial Summary (\$ in thousands):**

GTMO operations. These funds cover temporary duty (TDY) costs for the OMC personnel to meet with their detainee clients and to participate in commission hearings. Travel is required to GTMO and a satellite office. HC: TDY costs cover HC personnel. These people travel to the same locations as OMC personnel above.

**B. Explanation of Changes between FY 2015 and FY 2016:** A Funding increase in motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911 suspects. This will entail more transcription, translation, closed circuit television, and temporary duty costs.

<u>OFS</u>	<u>FY 2014</u>	<u>FY 2015</u>	<u>Delta</u>	<u>FY 2016</u>
	<u>Actual</u>	<u>Enacted</u>		<u>Estimate</u>
3. CBS Category/Subcategory				
3.0 Operating Support	\$82,522	\$83,750	\$4,976	\$88,726
Total	\$82,522	\$83,750	\$4,976	\$88,726

**A. Narrative Justification:** OMC: These costs include supplies, rent, furniture, design and construction cost, training, contract support, reimbursement to the U.S. Marshals Service, Information Technology (IT) support, telecommunications, and security. Funding also provides for an interpretation and translation contract. HC: These costs include supplies, rent, furniture, design and construction, training, contract support, IT support, telecommunications, and security. Funding also provides for translation and declassification of documents relating to habeas cases.

**B. Explanation of Changes between FY 2015 and FY 2016:** A Funding increase in motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911

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**III. Financial Summary (\$ in thousands):**

suspects. This will entail more transcription, translation, closed circuit television, and temporary duty costs.

	FY 2014	FY 2015		FY 2016
	<u>Actual</u>	<u>Enacted</u>	<u>Delta</u>	<u>Estimate</u>
<b>Total</b>	\$98,019	\$105,000	\$5,000	\$110,000

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IV. Performance Criteria:

N/A

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**V. OP 32 Line Items as Applicable (Dollars in thousands):**

<u>OP 32 Line</u>	<u>FY 2014</u> <u>Actual</u>	<u>Change</u> <u>FY 2014/FY 2015</u>		<u>FY 2015</u> <u>Enacted</u>	<u>Change</u> <u>FY 2015/FY 2016</u>		<u>FY 2016</u> <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	12,701	127	4,810	17,638	216	-205	17,649
<b>199 Total Civ Compensation</b>	<b>12,701</b>	<b>127</b>	<b>4,810</b>	<b>17,638</b>	<b>216</b>	<b>-205</b>	<b>17,649</b>
308 Travel of Persons	2,796	50	766	3,612	61	-48	3,625
<b>399 Total Travel</b>	<b>2,796</b>	<b>50</b>	<b>766</b>	<b>3,612</b>	<b>61</b>	<b>-48</b>	<b>3,625</b>
771 Commercial Transport	1	0	0	1	0	0	1
<b>799 Total Transportation</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
912 Rental Payments to GSA (SLUC)	7,709	139	7	7,855	134	211	8,200
913 Purchased Utilities (Non-Fund)	235	4	11	250	4	56	310
914 Purchased Communications (Non-Fund)	1,092	20	1	1,113	19	118	1,250
915 Rents (Non-GSA)	619	11	80	710	12	28	750
917 Postal Services (U.S.P.S)	0	0	56	56	1	1	58
920 Supplies & Materials (Non-Fund)	842	15	123	980	17	103	1,100
921 Printing & Reproduction	1	0	0	1	0	1	2
922 Equipment Maintenance By Contract	24,733	445	25	25,203	428	1,669	27,300
923 Facilities Sust, Rest, & Mod by Contract	11,623	209	118	11,950	203	297	12,450
925 Equipment Purchases (Non-Fund)	20	0	0	20	0	10	30
932 Mgt Prof Support Svcs	7,266	131	869	8,266	141	123	8,530
933 Studies, Analysis & Eval	1,976	36	219	2,231	38	271	2,540
934 Engineering & Tech Svcs	100	2	93	195	3	27	225
951 Other Costs (Special Personal Svc Pay)	8,915	0	169	9,084	0	16	9,100
957 Other Costs (Land and Structures)	2,189	39	-28	2,200	37	-7	2,230
959 Other Costs (Insurance Claims/Indmnties)	542	10	28	580	10	60	650
987 Other Intra-Govt Purch	154	3	286	443	8	49	500
989 Other Services	14,505	261	-2,154	12,612	214	674	13,500
<b>999 Total Other Purchases</b>	<b>82,521</b>	<b>1,325</b>	<b>-97</b>	<b>83,749</b>	<b>1,269</b>	<b>3,707</b>	<b>88,725</b>



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<u>OP 32 Line</u>	FY 2014	Change		FY 2015	Change		FY 2016
	<u>Actual</u>	<u>FY 2014/FY 2015</u>		<u>Enacted</u>	<u>FY 2015/FY 2016</u>		<u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
Total	98,019	1,502	5,479	105,000	1,546	3,454	110,000