

**Defense Legal Services Agency
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) to handle the trials of enemy combatants, and Habeas Corpus (HC) to handle detainee challenges to lawfulness of detention.

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 which is 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 which includes 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 progressing, 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 detainee challenges to the lawfulness of detention (Habeas Corpus cases) in the Federal District Courts in Washington, DC. Currently 41 detainees have unfettered access to the court and more than a majority with pending litigation. This litigation resulted from the Boumediene Supreme Court decision, which affirmed the rights of the detainees to have these cases heard. The District Courts have established a rigorous trial schedule which requires two types

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I. Description of Operations Financed (cont.)

of funding. First, the litigation effort requires maintaining a staff of attorneys, paralegals, and administrative/support personnel. These personnel operate 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 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 information involved in these cases is 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 so that it can be presented in court settings.

Operating support funding for OMC & HC includes supplies, rent, furniture, design and construction cost, training, contract support, reimbursement to the U.S. Marshals Service, Information Technology (IT) support, telecommunications, and security. Additional funding also provides support for an interpretation and translation contract and provides for translation and declassification of documents relating to habeas cases.

Civilian Pay and Allowance funding is used to support 205 military personnel and 130 temporary full-time civilians of the OMC. The majority of personnel work in four sections: (1) the appointing authority, which includes the Office of the Legal Advisor, (2) the prosecution office, (3) the defense office, and (4) the Review Panel. Funding also supports the Habeas Corpus effort that includes 79 temporary full time civilians and OMC operations at GTMO operations. These funds cover temporary duty (TDY) costs for the

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I. Description of Operations Financed (cont.)

OMC personnel to meet with their detainee clients, to participate in commission hearings, and the travel between GTMO and a satellite office. Addition, funding supports HC personnel TDY cost traveling to the same location as OMC personnel.

II. Force Structure Summary:

N/A

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III. Financial Summary (\$ in thousands)

A. BA Subactivities	FY 2018						
	FY 2017 <u>Actuals</u>	Budget <u>Request</u>	<u>Congressional Action</u>			Current <u>Estimate</u>	FY 2019 <u>Estimate</u>
			<u>Amount</u>	<u>Percent</u>	<u>Appropriated</u>		
DLSA	111,132	115,000	0	0.0	0	115,000	127,023
Total	111,132	115,000	0	0.0	0	115,000	127,023

<u>Summary by Operation</u>	FY 2017	FY 2018	FY 2019
	<u>Actuals</u>	<u>Estimate</u>	<u>Estimate</u>
Operation FREEDOM'S SENTINEL (OFS)	\$111,132	\$115,000	\$127,023
Operation INHERENT RESOLVE (OIR)	\$0	\$0	\$0
European Deterrence Initiative (EDI)	\$0	\$0	\$0
Base to OCO	\$0	\$0	\$0
Counter Terrorism/Other Forces (CTOF)	\$0	\$0	\$0
Operation ENDURING FREEDOM - Horn of Africa (OEF-HOA)	\$0	\$0	\$0
Operation Totals	\$111,132	\$115,000	\$127,023

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III. Financial Summary (\$ in thousands)

B. <u>Reconciliation Summary</u>	Change	Change
	<u>FY 2018/FY 2018</u>	<u>FY 2018/FY 2019</u>
OCO Funding	115,000	115,000
Congressional Adjustments (Distributed)		
Congressional Adjustments (Undistributed)		
Adjustments to Meet Congressional Intent		
Congressional Adjustments (General Provisions)		
Carryover		
Subtotal Appropriated Amount	115,000	
Fact-of-Life Changes (2018 to 2018 Only)		
Subtotal OCO Funding	115,000	
Baseline Appropriation		
Reprogrammings		
Price Changes		1,689
Functional Transfers		-242
Program Changes		10,576
Current Estimate	115,000	127,023
Less: Baseline Appropriation		
Normalized Current Estimate	115,000	

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III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
FY 2018 President's Budget Request (Amended, if applicable)		115,000
1. Congressional Adjustments		
a. Distributed Adjustments		
b. Undistributed Adjustments		
c. Adjustments to Meet Congressional Intent		
d. General Provisions		
e. Carryover		
FY 2018 Appropriated Amount		115,000
2. Baseline Appropriation		
3. Fact-of-Life Changes		
FY 2018 OCO Funding		115,000
4. Reprogrammings (Requiring 1415 Actions)		
Revised FY 2018 Estimate		115,000
5. Less: Baseline Appropriation		
FY 2018 Normalized Current Estimate		115,000
6. Price Change		1,689
7. Functional Transfers		-242
a. Transfers In		
b. Transfers Out		
1) OMC Security Program (OSS) Realignment	-242	
The OMC Security Program (OSS) and associated resources will transfer to Washington Headquarters Services (WHS) from DLSA (OMC Convening Authority) to ensure that security inquires and actions on OMC organizations are done independently to safeguard the legal processes and ethical obligations that protect client rights (FY 2018 Baseline: \$242 thousand; +0 FTEs)		
8. Program Increases		12,471

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III. Financial Summary (\$ in thousands)

C. <u>Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
a. Annualization of New FY 2018 Program		
b. One-Time FY 2019 Increases		
c. Program Growth in FY 2019		
1) Civilian Pay and Allowances	12,236	
The increase supports 60 additional FTEs. The Military Commissions Convening Authority approved a request for 60 FTEs the Chief, Military Commissions Defense, to increase attorney, paralegal, investigator, and administrator support due to workload increases related to progression in the trial process. In addition the increase supports additional civilian attorneys which will be offset by savings from contracts not being renewed. These personnel have the qualifications to serve as learned counsel and for intelligence analysts. (FY 2018 Baseline: \$29,596 thousand; +60 FTEs)		
2) Operating Support	235	
The increase supports the additional costs associated with the Military Commission trials progress, the amount of evidence introduced by the prosecution and defense teams have increased and thus resources are necessary for each side to adequately operate. (FY 2018 Baseline: \$82,595 thousand; +0 FTEs)		
9. Program Decreases		-1,895
a. Annualization of FY 2018 Program Decreases		
b. One-Time FY 2018 Increases		
c. Program Decreases in FY 2019		
1) Personnel Support	-1,895	
The decrease is attributable to reductions in		

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III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
contract support requirements. Savings were realigned to civilian compensation and benefits to support the approved request from the Military Commissions for more attorneys, paralegals, investigators, and administrators. (FY 2018 Baseline: \$4,629 thousand; +0 FTEs)		
FY 2019 Budget Request		127,023

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IV. Performance Criteria:

N/A

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<u>V. Personnel Summary</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>Change FY 2017/ FY 2018</u>	<u>Change FY 2018/ FY 2019</u>
<u>Civilian End Strength (Total)</u>	<u>120</u>	<u>149</u>	<u>209</u>	<u>29</u>	<u>60</u>
U.S. Direct Hire	120	149	209	29	60
Total Direct Hire	120	149	209	29	60
<u>Civilian FTEs (Total)</u>	<u>120</u>	<u>149</u>	<u>209</u>	<u>29</u>	<u>60</u>
U.S. Direct Hire	120	149	209	29	60
Total Direct Hire	120	149	209	29	60
Average Annual Civilian Salary (\$ in thousands)	202.5	198.6	200.2	-3.9	1.6

Personnel Summary Explanations:

The FY 2019 Civilian End Strength and Civilian FTEs reflect OCO requirements for the Management & Professional Support Services.

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

<u>OP 32 Line</u>	<u>FY 2017</u> <u>Actuals</u>	<u>Change</u> <u>FY 2017/FY 2018</u>		<u>FY 2018</u> <u>Estimate</u>	<u>Change</u> <u>FY 2018/FY 2019</u>		<u>FY 2019</u> <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	24,296	475	4,825	29,596	151	12,085	41,832
199 Total Civ Compensation	24,296	475	4,825	29,596	151	12,085	41,832
308 Travel of Persons	2,241	38	455	2,734	49	-497	2,286
399 Total Travel	2,241	38	455	2,734	49	-497	2,286
771 Commercial Transport	29	0	-29	0	0	0	0
799 Total Transportation	29	0	-29	0	0	0	0
912 Rental Payments to GSA (SLUC)	140	2	1	143	3	0	146
913 Purchased Utilities (Non-Fund)	481	8	-376	113	2	1	116
914 Purchased Communications (Non-Fund)	2,633	45	-1,975	703	13	5	721
915 Rents (Non-GSA)	10,615	180	190	10,985	198	22	11,205
920 Supplies & Materials (Non-Fund)	404	7	395	806	15	-37	784
921 Printing & Reproduction	38	1	-39	0	0	0	0
922 Equipment Maintenance By Contract	7,955	135	-3,641	4,449	80	9	4,538
923 Facilities Sust, Rest, & Mod by Contract	4,211	72	-1,625	2,658	48	5	2,711
925 Equipment Purchases (Non-Fund)	29	0	-29	0	0	0	0
932 Mgt Prof Support Svcs	39,452	671	5,933	46,056	829	-1,292	45,593
934 Engineering & Tech Svcs	6,170	105	858	7,133	128	14	7,275
959 Other Costs (Insurance Claims/Indmnties)	70	1	-49	22	0	0	22
987 Other Intra-Govt Purch	1,271	22	520	1,813	33	3	1,849
989 Other Services	9,594	163	-3,327	6,430	116	13	6,559
990 IT Contract Support Services	1,503	26	-170	1,359	24	3	1,386
999 Total Other Purchases	84,566	1,438	-3,334	82,670	1,489	-1,254	82,905
Total	111,132	1,951	1,917	115,000	1,689	10,334	127,023