

**Defense Legal Services Agency  
Operation Enduring Freedom/Operation New Dawn  
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.

In FY 2014, 13 full time equivalent (FTE)s and \$1.730 million in funding are realigned from the OMC to the Washington Headquarters Services (WHS). The OMC Security Program and associated personnel are realigned from the OMC to the direction and control of the Director, WHS. By doing so, it will empower the OMC Security Chief to create, implement and maintain an effective, comprehensive, and independent security program for the OMC.

**Defense Legal Services Agency  
Operation Enduring Freedom/Operation New Dawn  
Operation and Maintenance, Defense-Wide  
Budget Activity 04: Administrative and Service-Wide Activities**

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

Furthermore, it will provide a robust security program that will eliminate Unauthorized Disclosures of classified information, as well as enhance efforts to prevent security violations from recurring.

Additionally, in FY 2014, 8 FTEs and \$1.054 million in funding is transferred from DLSA to wHS for the consolidation of personnel adjudication functions from various Defense agencies, field activities, and the Military Departments into a single Department of Defense-wide Central Adjudication Facility (CAF) that will promote and enhance greater consistency, standardization and efficiency throughout the adjudicative process, and eliminate redundant administrative, IT and management functions. These 8 FTEs and their associated funding are specifically under the Overseas Contingency Operations (OCO). Base resource for DLSA transferred to the CAF are addressed in the Base DLSA Budget.

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. 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 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

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Operation Enduring Freedom/Operation New Dawn  
Operation and Maintenance, Defense-Wide  
Budget Activity 04: Administrative and Service-Wide Activities**

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

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.

**II. Force Structure Summary:**

N/A

**Defense Legal Services Agency**  
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**Budget Activity 04: Administrative and Service-Wide Activities**

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

<b>CBS No.</b>	<b>CBS Title</b>	<b>FY 2012 <u>Actual</u></b>	<b>FY 2013 <u>Request</u></b>	<b><u>Delta</u></b>	<b>FY 2014 <u>Estimate</u></b>
<b>OEF</b>					
1.0	Personnel	\$15,230	\$20,334	\$-2,784	\$17,550
2.0	Personnel Support	\$2,163	\$3,390	\$0	\$3,390
3.0	Operating Support	\$78,608	\$78,598	\$0	\$78,598
	<b>OEF Total</b>	<b>\$96,001</b>	<b>\$102,322</b>	<b>\$-2,784</b>	<b>\$99,538</b>
	<b>Grand Total</b>	<b>\$96,001</b>	<b>\$102,322</b>	<b>\$-2,784</b>	<b>\$99,538</b>

**Defense Legal Services Agency**  
**Operation Enduring Freedom/Operation New Dawn**  
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<b><u>OEF</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>	<b><u>Delta</u></b>	<b><u>FY 2014</u></b>
	<b><u>Actual</u></b>	<b><u>Request</u></b>		<b><u>Estimate</u></b>
1. CBS Category/Subcategory				
1.2 Civilian Pay and Allowances	\$15,230	\$20,334	\$-2,784	\$17,550
Total	\$15,230	\$20,334	\$-2,784	\$17,550

**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.

**Impact if not funded:** DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

**B. Explanation of Changes between FY 2013 and FY 2014:** In FY 2014, 13 FTEs and \$1.730 million in funding are realigned from the OMC to the Washington Headquarters Services (WHS). The OMC Security Program and associated personnel are realigned from the OMC to the direction and control of the Director, WHS. By doing so, it will empower the OMC Security Chief to create, implement, and maintain an effective, comprehensive and independent security program for the OMC. Furthermore, it will provide a robust security

**Defense Legal Services Agency  
 Operation Enduring Freedom/Operation New Dawn  
 Operation and Maintenance, Defense-Wide  
 Budget Activity 04: Administrative and Service-Wide Activities**

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program that will eliminate Unauthorized Disclosures of classified information, as well as enhance efforts to prevent security violations from reoccurring.

Additionally, 8 FTEs and \$1.054 million in funding will be transferred from DLSA to WHS for the consolidation of personnel adjudication functions from various Defense agencies, field activities and the Military Departments into a single Department of Defense-wide Central Adjudication Facility (CAF) that will promote and enhance greater consistency, standardization and efficiency throughout the adjudicative process, and eliminate redundant administrative, IT and management functions.

<u>OEF</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Delta</u>	<u>FY 2014</u>
	<u>Actual</u>	<u>Request</u>		<u>Estimate</u>
2. CBS Category/Subcategory				
2.0 Personnel Support	\$2,163	\$3,390	\$0	\$3,390
Total	\$2,163	\$3,390	\$0	\$3,390

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

**Impact if not funded:** DLSA will be unable to provide legal services for the continuation

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**Operation Enduring Freedom/Operation New Dawn**  
**Operation and Maintenance, Defense-Wide**  
**Budget Activity 04: Administrative and Service-Wide Activities**

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

of prosecutions and the holding of detainees.

**B. Explanation of Changes between FY 2013 and FY 2014:** FY 2014 request is the same in FY 2013.

<b><u>OEF</u></b>	<b><u>FY 2012</u></b>	<b><u>FY 2013</u></b>	<b><u>Delta</u></b>	<b><u>FY 2014</u></b>
	<b><u>Actual</u></b>	<b><u>Request</u></b>		<b><u>Estimate</u></b>
3. CBS Category/Subcategory				
3.0 Operating Support	\$78,608	\$78,598	\$0	\$78,598
Total	\$78,608	\$78,598	\$0	\$78,598

**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.

**Impact if not funded:** DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

**B. Explanation of Changes between FY 2013 and FY 2014:** FY 2014 request is the same as FY 2013.

Defense Legal Services Agency  
 Operation Enduring Freedom/Operation New Dawn  
 Operation and Maintenance, Defense-Wide  
 Budget Activity 04: Administrative and Service-Wide Activities

III. Financial Summary (\$ in thousands):

Enter Description

<u>OEF</u>	<u>FY 2012</u>	<u>FY 2013</u>	<u>Delta</u>	<u>FY 2014</u>
	<u>Actual</u>	<u>Request</u>	<u>Delta</u>	<u>Estimate</u>
4. CBS Category/Subcategory				
Total				
	<u>FY 2012</u>	<u>FY 2013</u>	<u>Delta</u>	<u>FY 2014</u>
	<u>Actual</u>	<u>Request</u>	<u>Delta</u>	<u>Estimate</u>
<b>Total</b>	<b>\$96,001</b>	<b>\$102,322</b>	<b>\$-2,784</b>	<b>\$99,538</b>

Defense Legal Services Agency  
Operation Enduring Freedom/Operation New Dawn  
Operation and Maintenance, Defense-Wide  
Budget Activity 04: Administrative and Service-Wide Activities

IV. Performance Criteria:

N/A

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Operation Enduring Freedom/Operation New Dawn  
Operation and Maintenance, Defense-Wide  
Budget Activity 04: Administrative and Service-Wide Activities**

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

<u>OP 32 Line</u>	<u>FY 2012</u> <u>Actual</u>	<u>Change</u> <u>FY 2012/FY 2013</u>		<u>FY 2013</u> <u>Request</u>	<u>Change</u> <u>FY 2013/FY 2014</u>		<u>FY 2014</u> <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	15,230	37	5,067	20,334	178	-2,962	17,550
<b>199 Total Civ Compensation</b>	<b>15,230</b>	<b>37</b>	<b>5,067</b>	<b>20,334</b>	<b>178</b>	<b>-2,962</b>	<b>17,550</b>
308 Travel of Persons	2,163	43	1,184	3,390	64	-64	3,390
<b>399 Total Travel</b>	<b>2,163</b>	<b>43</b>	<b>1,184</b>	<b>3,390</b>	<b>64</b>	<b>-64</b>	<b>3,390</b>
672 PRMRF Purchases	299	-32	-267	0	0	0	0
<b>699 Total DWCF Purchases</b>	<b>299</b>	<b>-32</b>	<b>-267</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
771 Commercial Transport	20	0	-20	0	0	0	0
<b>799 Total Transportation</b>	<b>20</b>	<b>0</b>	<b>-20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
912 Rental Payments to GSA (SLUC)	3,470	69	-3,539	0	0	0	0
913 Purchased Utilities (Non-Fund)	284	6	-290	0	0	0	0
914 Purchased Communications (Non-Fund)	458	9	-467	0	0	0	0
915 Rents (Non-GSA)	2	0	1,340	1,342	25	-25	1,342
917 Postal Services (U.S.P.S)	0	0	52	52	1	-1	52
920 Supplies & Materials (Non-Fund)	1,261	25	-453	833	16	-16	833
922 Equipment Maintenance By Contract	47,399	948	-48,347	0	0	0	0
923 Facilities Sust, Rest, & Mod by Contract	777	16	-793	0	0	0	0
925 Equipment Purchases (Non-Fund)	401	8	-409	0	0	0	0
932 Mgt Prof Support Svcs	14,926	299	24,053	39,278	746	-746	39,278
933 Studies, Analysis & Eval	0	0	21,005	21,005	399	-399	21,005
934 Engineering & Tech Svcs	9	0	-9	0	0	0	0
951 Other Costs (Special Personal Svc Pay)	4,800	0	-4,800	0	0	0	0
957 Other Costs (Land and Structures)	48	1	-49	0	0	0	0
958 Other Costs (Investments and Loans)	21	0	-21	0	0	0	0
987 Other Intra-Govt Purch	4,088	82	9,234	13,404	255	-255	13,404
989 Other Services	345	7	2,332	2,684	51	-51	2,684

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<u>OP 32 Line</u>	FY 2012	Change		FY 2013	Change		FY 2014	
	<u>Actual</u>	<u>FY 2012/FY 2013</u>	<u>Price</u>	<u>Program</u>	<u>Request</u>	<u>FY 2013/FY 2014</u>	<u>Price</u>	<u>Program</u>
999 Total Other Purchases	78,289	1,470	-1,161	78,598	1,493	-1,493	78,598	
Total	96,001	1,518	4,803	102,322	1,735	-4,519	99,538	