

**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) 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 operating 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 2017 continues motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911 suspects.

II. Force Structure Summary:

N/A

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III. Financial Summary (\$ in thousands):

CBS No.	CBS Title	FY 2015 <u>Actual</u>	FY 2016 <u>Enacted</u>	<u>Delta</u>	FY 2017 <u>Estimate</u>
OFS					
1.0	Personnel	\$18,493	\$17,649	\$282	\$17,931
2.0	Personnel Support	\$2,124	\$3,625	\$69	\$3,694
3.0	Operating Support	\$73,534	\$88,726	\$1,635	\$90,361
	OFS Total	\$94,151	\$110,000	\$1,986	\$111,986
	Grand Total	\$94,151	\$110,000	\$1,986	\$111,986

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III. Financial Summary (\$ in thousands):

<u>OFS</u>	<u>FY 2015</u> <u>Actual</u>	<u>FY 2016</u> <u>Enacted</u>	<u>Delta</u>	<u>FY 2017</u> <u>Estimate</u>
1. CBS Category/Subcategory				
1.2 Civilian Pay and Allowances	\$18,493	\$17,649	\$282	\$17,931
Total	\$18,493	\$17,649	\$282	\$17,931

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 2016 and FY 2017: The changes are primarily attributed to inflation.

<u>OFS</u>	<u>FY 2015</u> <u>Actual</u>	<u>FY 2016</u> <u>Enacted</u>	<u>Delta</u>	<u>FY 2017</u> <u>Estimate</u>
2. CBS Category/Subcategory				
2.0 Personnel Support	\$2,124	\$3,625	\$69	\$3,694
Total	\$2,124	\$3,625	\$69	\$3,694

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 2016 and FY 2017: The net program change is primarily attributed to inflation.

<u>OFS</u>	<u>FY 2015</u> <u>Actual</u>	<u>FY 2016</u> <u>Enacted</u>	<u>Delta</u>	<u>FY 2017</u> <u>Estimate</u>
3. CBS Category/Subcategory				
3.0 Operating Support	\$73,534	\$88,726	\$1,635	\$90,361
Total	\$73,534	\$88,726	\$1,635	\$90,361

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 2016 and FY 2017: The net program change is primarily attributed to inflation.

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III. Financial Summary (\$ in thousands):

	FY 2015	FY 2016		FY 2017
	<u>Actual</u>	<u>Enacted</u>	<u>Delta</u>	<u>Estimate</u>
Total	\$94,151	\$110,000	\$1,986	\$111,986

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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>	FY 2015 <u>Actual</u>	Change <u>FY 2015/FY 2016</u>		FY 2016 <u>Enacted</u>	Change <u>FY 2016/FY 2017</u>		FY 2017 <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	18,493	227	-1,071	17,649	268	14	17,931
199 Total Civ Compensation	18,493	227	-1,071	17,649	268	14	17,931
308 Travel of Persons	2,124	36	1,633	3,793	68	-167	3,694
399 Total Travel	2,124	36	1,633	3,793	68	-167	3,694
680 Building Maint Fund Purch	0	0	0	0	0	8,356	8,356
699 Total DWCF Purchases	0	0	0	0	0	8,356	8,356
771 Commercial Transport	10,183	173	-10,355	1	0	0	1
799 Total Transportation	10,183	173	-10,355	1	0	0	1
912 Rental Payments to GSA (SLUC)	0	0	8,200	8,200	148	-8,348	0
913 Purchased Utilities (Non-Fund)	283	5	22	310	6	0	316
914 Purchased Communications (Non-Fund)	0	0	1,250	1,250	23	1	1,274
915 Rents (Non-GSA)	0	0	750	750	13	1	764
917 Postal Services (U.S.P.S)	0	0	59	59	1	0	60
920 Supplies & Materials (Non-Fund)	0	0	1,100	1,100	20	-1	1,119
921 Printing & Reproduction	0	0	2	2	0	0	2
922 Equipment Maintenance By Contract	0	0	27,300	27,300	491	28	27,819
923 Facilities Sust, Rest, & Mod by Contract	0	0	12,282	12,282	221	147	12,650
925 Equipment Purchases (Non-Fund)	0	0	30	30	1	0	31
932 Mgt Prof Support Svcs	31,919	543	-23,932	8,530	154	8	8,692
933 Studies, Analysis & Eval	0	0	2,540	2,540	46	-12	2,574
934 Engineering & Tech Svcs	30,527	519	-30,821	225	4	0	229
951 Other Costs (Special Personal Svc Pay)	0	0	9,100	9,100	0	173	9,273
957 Other Costs (Land and Structures)	0	0	2,230	2,230	40	2	2,272
959 Other Costs (Insurance Claims/Indmities)	0	0	650	650	12	0	662
987 Other Intra-Govt Purch	0	0	500	500	9	1	510

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<u>OP 32 Line</u>	FY 2015 <u>Actual</u>	Change FY 2015/FY 2016		FY 2016 <u>Enacted</u>	Change FY 2016/FY 2017		FY 2017 <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
989 Other Services	622	11	12,866	13,499	243	15	13,757
999 Total Other Purchases	63,351	1,078	24,128	88,557	1,432	-7,985	82,004
Total	94,151	1,514	14,335	110,000	1,768	218	111,986