

**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, that includes the Office of the Legal Advisor; 2) the prosecution office; 3) the defense office; and 4) the Review Panel that 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

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

I. Description of Operations Financed (cont.)

lawfulness of detention (Habeas Corpus cases) in the Federal District Courts in Washington, DC. Even with recent releases, 61 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 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. In addition 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

**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 (cont.)

temporary full-time civilians of the Office of Military Commissions (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. Additionally, funding supports the Habeas Corpus effort that includes 79 temporary full time civilians. Funding also supports OMC operations at GTMO operations. These funds cover temporary duty (TDY) costs for the OMC personnel to meet with their detainee clients, to participate in commission hearings and the travel between GTMO and a satellite office. In addition, funding supports HC personnel TDY costs that travel to the same location as OMC personnel.

II. Force Structure Summary:

N/A

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

III. Financial Summary (\$ in thousands)

	FY 2017							FY 2018 <u>Estimate</u>
	FY 2016 <u>Actual</u>	Budget <u>Request</u>	<u>Congressional Action</u>			Current <u>Estimate</u>		
			<u>Amount</u>	<u>Percent</u>	<u>Appropriated</u>			
A. <u>BA Subactivities</u>								
DLSA	106,057	111,986	0	0.0	0	111,986	115,000	
Total	106,057	111,986	0	0.0	0	111,986	115,000	
		FY 2016		FY 2017		FY 2018		
<u>Summary by Operation</u>		<u>Actual</u>		<u>Estimate</u>		<u>Estimate</u>		
Operation FREEDOM'S SENTINEL (OFS)		\$106,057		\$111,986		\$115,000		
Operation INHERENT RESOLVE (OIR)		\$0		\$0		\$0		
European Reassurance Initiative (ERI)		\$0		\$0		\$0		
Post-Operation New Dawn (P-OND)		\$0		\$0		\$0		
Operation Totals		\$106,057		\$111,986		\$115,000		

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

III. Financial Summary (\$ in thousands)

B. <u>Reconciliation Summary</u>	Change	Change
	<u>FY 2017/FY 2017</u>	<u>FY 2017/FY 2018</u>
OCO Funding	111,986	111,986
Congressional Adjustments (Distributed)		
Congressional Adjustments (Undistributed)		
Adjustments to Meet Congressional Intent		
Congressional Adjustments (General Provisions)		
Carryover		
Subtotal Appropriated Amount	111,986	
Fact-of-Life Changes (2017 to 2017 Only)		
Subtotal OCO Funding	111,986	
Baseline Appropriation		
Reprogrammings		
Price Changes		1,531
Functional Transfers		
Program Changes		1,483
Current Estimate	111,986	115,000
Less: Baseline Appropriation		
Normalized Current Estimate	111,986	

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

III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
FY 2017 President's Budget Request (Amended, if applicable)		111,986
1. Congressional Adjustments		
a. Distributed Adjustments		
b. Undistributed Adjustments		
c. Adjustments to Meet Congressional Intent		
d. General Provisions		
e. Carryover		
FY 2017 Appropriated Amount		111,986
2. Baseline Appropriation		
3. Fact-of-Life Changes		
FY 2017 OCO Funding		111,986
4. Reprogrammings (Requiring 1415 Actions)		
Revised FY 2017 Estimate		111,986
5. Less: Baseline Appropriation		
FY 2017 Normalized Current Estimate		111,986
6. Price Change		1,531
7. Functional Transfers		
8. Program Increases		3,974
a. Annualization of New FY 2017 Program		
b. One-Time FY 2018 Increases		
c. Program Growth in FY 2018		
1) Operating Support	2,670	
As Military Commission trials progress, the amount of evidence introduced by the prosecution and defense teams have increased and thus resources necessary for each side to adequately operate is increasing. The Military Commissions made organizational changes to increase efficiency and capabilities while reducing contract support, that resulted in an increased need		

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

III. Financial Summary (\$ in thousands)

C. <u>Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
for civilian pay. In addition, as the trials, held at Joint Task Force-Guantanamo Bay, progress, travel frequency and duration is anticipated to increase. (FY 2017 Baseline: \$90,361 thousand; +0 FTEs)		
2) Civilian Pay and Allowances The Military Commissions Convening Authority approved a request from the Chief, Military Commissions Defense, to increase attorney, paralegal, investigator, and administrator support due to workload increases related to progression in the trial process. A portion of the increase will be offset by savings from contracts that will not be renewed. (FY 2017 Baseline: \$17,931 thousand; +0 FTEs)	1,304	
9. Program Decreases		-2,491
a. Annualization of FY 2017 Program Decreases		
b. One-Time FY 2017 Increases		
c. Program Decreases in FY 2018		
1) Personnel Support The decrease is attributable to reductions in 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 2017 Baseline: \$3,694 thousand; +0 FTEs)	-2,491	
FY 2018 Budget Request		115,000

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

IV. Performance Criteria:

N/A

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

V. <u>Personnel Summary</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>Change FY 2016/ FY 2017</u>	<u>Change FY 2017/ FY 2018</u>
<u>Civilian End Strength (Total)</u>	149	149	149	0	0
U.S. Direct Hire	149	149	149	0	0
Total Direct Hire	149	149	149	0	0
<u>Civilian FTEs (Total)</u>	149	149	149	0	0
U.S. Direct Hire	149	149	149	0	0
Total Direct Hire	149	149	149	0	0
Average Annual Civilian Salary (\$ in thousands)	106.7	120.3	129.1	13.6	8.8

Personnel Summary Explanations:

The FY 2018 Civilian End Strength and Civilian FTEs reflect OCO requirements for the Management & Professional Support Services.

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

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

<u>OP 32 Line</u>	<u>FY 2016</u> <u>Actual</u>	<u>Change</u> <u>FY 2016/FY 2017</u>		<u>FY 2017</u> <u>Estimate</u>	<u>Change</u> <u>FY 2017/FY 2018</u>		<u>FY 2018</u> <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	15,895	300	1,736	17,931	350	954	19,235
199 Total Civ Compensation	15,895	300	1,736	17,931	350	954	19,235
308 Travel of Persons	2,060	39	1,595	3,694	74	-1,034	2,734
399 Total Travel	2,060	39	1,595	3,694	74	-1,034	2,734
680 Building Maint Fund Purch	0	0	8,356	8,356	-345	-8,011	0
699 Total DWCF Purchases	0	0	8,356	8,356	-345	-8,011	0
771 Commercial Transport	0	0	1	1	0	-1	0
799 Total Transportation	0	0	1	1	0	-1	0
912 Rental Payments to GSA (SLUC)	132	3	-135	0	0	143	143
913 Purchased Utilities (Non-Fund)	104	2	210	316	6	-209	113
914 Purchased Communications (Non-Fund)	648	12	614	1,274	25	-596	703
915 Rents (Non-GSA)	10,131	192	-9,559	764	15	10,206	10,985
917 Postal Services (U.S.P.S)	0	0	60	60	1	-61	0
920 Supplies & Materials (Non-Fund)	743	14	362	1,119	22	-335	806
921 Printing & Reproduction	0	0	2	2	0	-2	0
922 Equipment Maintenance By Contract	4,103	78	23,638	27,819	556	-23,926	4,449
923 Facilities Sust, Rest, & Mod by Contract	2,452	47	10,151	12,650	253	-10,245	2,658
925 Equipment Purchases (Non-Fund)	0	0	31	31	1	-32	0
932 Mgt Prof Support Svcs	44,780	851	-36,939	8,692	174	37,190	46,056
933 Studies, Analysis & Eval	0	0	2,574	2,574	51	-2,625	0
934 Engineering & Tech Svcs	6,579	125	-6,475	229	5	6,899	7,133
951 Other Costs (Special Personal Svc Pay)	9,555	0	-282	9,273	0	1,088	10,361
957 Other Costs (Land and Structures)	0	0	2,272	2,272	45	-2,317	0
959 Other Costs (Insurance Claims/Indmnties)	20	0	642	662	13	-653	22
987 Other Intra-Govt Purch	1,672	32	-1,194	510	10	1,293	1,813

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

	FY 2016	Change		FY 2017	Change		FY 2018
		<u>FY 2016/FY 2017</u>			<u>FY 2017/FY 2018</u>		
<u>OP 32 Line</u>	<u>Actual</u>	<u>Price</u>	<u>Program</u>	<u>Estimate</u>	<u>Price</u>	<u>Program</u>	<u>Estimate</u>
989 Other Services	5,930	113	7,714	13,757	275	-7,602	6,430
990 IT Contract Support Services	1,253	24	-1,277	0	0	1,359	1,359
999 Total Other Purchases	88,102	1,493	-7,591	82,004	1,452	9,575	93,031
Total	106,057	1,832	4,097	111,986	1,531	1,483	115,000