

DEFENSE LEGAL SERVICE AGENCY (DLSA)

Global War on Terror (GWOT)/Regional War on Terror (RWOT)

Operations and Maintenance, Defense Wide Budget Activity 04, Administrative and Service-Wide Activities

Detail by Subactivity Group

I. Description of Operations Financed:

As ordered by the President and pursuant to the Secretary of Defense's issuance of Military Commission Order Number 1 on March 21, 2002, the Office of Military Commissions (OMC) was established under the Defense Legal Service Agency (DLSA) to facilitate preparation for and trial of cases before military commissions. The OMC is responsible for the appointing authority function, the prosecution function, and the defense function. In addition, appellate review panels are mandated.

The OMC's mission is to deal with the trials of enemy combatants who violate the laws of war. The OMC has a total of 93 military personnel and 51 temporary full-time-equivalent civilian positions. It is comprised of 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 the enacted response to the Supreme Court's requirement of enacted legislation to continue the OMC process. The President recently announced the transfer to GTMO of several major terrorists who will be tried under the MCA statutory framework. These highly publicized events are expected to continue in FY 2008. Tribunals are now in their initial stages, with ten cases presently referred for trial. Some are in various stages of collateral constitutional litigation.

The OMC finances all customary expenses required to operate a government activity, including salaries and benefits, travel, rental of office space, rental of equipment, communications, and the cost of supplies and equipment. The OMC is expected to last a number of years and encompass heavy logistical and travel costs. The OMC needs sustained supplemental funding to accomplish its mission.

The increase in funding for FY 2008 results from the Secretary of Defense decision this year that all funding for the OMC mission will be requested in DoD Supplemental requests and nothing will be reflected in the baseline budget since it is directly related to Operation Enduring Freedom, Operation Iraqi Freedom, and the Global War on Terror (GWOT).

	FY 2007	FY 2008
	<u>Title IX/Supplemental</u>	<u>GWOT Request</u>
	11,000	18,242
II. <u>Financial Summary (\$ in Thousands):</u>		
A. <u>Subactivity Group</u> – Office of Military Commissions		
2.1 Temporary Duty/Additional Duty	4,000	6,567
Narrative Justification: Personnel support costs for support of Guantanamo Bay, Cuba operations cover temporary duty (TDY) costs for the OMB personnel to meet with their detainee clients and when commission hearings are scheduled. Public Law 108-289, Making Appropriation for the Department of Defense for the fiscal year ending September 30, 2007, Title IX, Additional Appropriations, provided the full requirement (\$4.0 million) for the OMC program in FY 2007.		
Impact if not funded: Without funding for travel/support costs, DLSA would not be able to fulfill the President's order to try cases which will arise.		
3.0 Operating Support Costs	7,000	11,675
Narrative Justification: Every time counsel travels to converse with a detainee client, an interpreter is necessary for non-English speaking detainees. Funding provides for an interpretation and translation contract. Public Law 108-289, Making Appropriation for the Department of Defense for the fiscal year ending September 30, 2007, Title IX, Additional Appropriations, provided the full requirement (\$7.0 million) for the operating support cost program in FY 2007.		
Impact if not funded: Without funding for operating support costs, DLSA would be unable to fulfill the President's order to try cases which will arise.		
Funding Totals	11,000	18,242

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