

Fiscal Year (FY) 2020 President's Budget

Operation and Maintenance, Defense-Wide Defense Legal Services Agency



March 2019

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**Defense Legal Services Agency
Operation and Maintenance, Defense-Wide
Fiscal Year (FY) 2020 President's Budget**

**Operation and Maintenance, Defense-Wide Summary (\$ in thousands)
Budget Activity (BA) 4: Administration and Service-wide Support**

	FY 2018	Price	Program	FY 2019	Price	Program	FY 2020
	<u>Actuals</u>	<u>Change</u>	<u>Change</u>	<u>Enacted</u>	<u>Change</u>	<u>Change</u>	<u>Estimate</u>
DLSA	137,613	1,876	-112,156	27,333	20	7,279	34,632

* The FY 2018 Actual column includes \$108,994.0 thousand of FY 2018 Overseas Contingency Operations (OCO) Appropriations Funding (PL 115-141).

* The FY 2019 Enacted column excludes \$127,023.0 thousand of FY 2019 OCO Appropriations Funding (PL 115-245).

* The FY 2020 Estimate column excludes \$196,124.0 thousand of FY 2020 OCO Appropriations Funding.

I. Description of Operations Financed: The Defense Legal Services Agency (DLSA) Provides legal advice, services, and support to the Defense Agencies, DoD Field Activities, and, as assigned, other organizational entities within the DOD. Among other legal services, the DLSA administers the DoD Standards of Conduct Program; supports and assists the Assistant Secretary of Defense for Legislative Affairs in developing the DoD Legislative Program, including drafting legislation and comments; negotiating on behalf of DoD clients with private entities and other Government agencies; ensuring proper use of Government funds and property; providing opinions and counseling on legal compliance issues; and participating in contractual matters.

The DLSA's mission is unique within the Fourth Estate and, more broadly, DOD, in administering statutory authorities and implementing regulations in support of the Services and other Federal Agencies.

The largest component of the DLSA, the Defense Office of Hearings and Appeals (DOHA), adjudicates personnel security clearance cases for contractor personnel performing classified work for DOHA-serviced DoD Components and 30 other Federal Agencies and Departments; conducts personal appearance hearings and issues decisions in security

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I. Description of Operations Financed (cont.)

clearance and sensitive national security position cases for DOHA-serviced DoD civilian employees and military personnel; provides legal reviews, approves statements of reasons, conducts hearings, and issues decisions in cases under DOHA jurisdiction requiring trustworthiness decisions for contractor performance of sensitive duties; and on behalf of DoD (the executive agent for the entire federal government's implementation of the National Industrial Security Program), the DOHA implements the administrative due process requirements of Executive Order 10865.

The DLSA also has two significant legal efforts related to the continued detention of 40 people at Guantanamo Bay, Cuba - Habeas Corpus (HC) and Military Commissions. Each of the 40 detainees has ongoing legal rights to challenge the lawfulness of his detention through habeas corpus challenges in Federal District Court.

Overall Assessment:

Changes from FY 2019 to FY 2020: The agency's budget request for FY 2020 reflects a price adjustment of \$20 thousand and a net increase of \$7.2 million. The program growth is attributable to the following areas: compensation and benefits; contractor support; administrative support and other intra-governmental purchases.

II. Force Structure Summary:

N/A

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III. Financial Summary (\$ in thousands)

A. BA Subactivities	FY 2019						
	FY 2018 Actuals	Budget Request	Congressional Action			Current Enacted	FY 2020 Estimate
			Amount	Percent	Appropriated		
Defense Legal Services Agency, Headquarters (DLSA HQ)	10,801	11,783	0	0.0	11,783	11,783	19,308
Defense Office of Hearings and Appeals (DOHA)	50,935	15,620	-70	-0.5	15,550	15,550	15,324
HABEAS Corpus (HC)	5,970	0	0	n/a	0	0	0
Office Military Commission (OMC)	69,907	0	0	n/a	0	0	0
Total	137,613	27,403	-70	-0.3	27,333	27,333	34,632

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III. Financial Summary (\$ in thousands)

B. <u>Reconciliation Summary</u>	Change	Change
	<u>FY 2019/FY 2019</u>	<u>FY 2019/FY 2020</u>
Baseline Funding	27,403	27,333
Congressional Adjustments (Distributed)		
Congressional Adjustments (Undistributed)	-70	
Adjustments to Meet Congressional Intent		
Congressional Adjustments (General Provisions)		
Subtotal Appropriated Amount	27,333	
Fact-of-Life Changes (2019 to 2019 Only)		
Subtotal Baseline Funding	27,333	
Supplemental		
Reprogrammings		
Price Changes		20
Functional Transfers		
Program Changes		7,279
Current Estimate	27,333	34,632
Less: Wartime Supplemental		
Normalized Current Estimate	27,333	

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III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Totals</u>
FY 2019 President's Budget Request (Amended, if applicable)		27,403
1. Congressional Adjustments		-70
a. Distributed Adjustments		
b. Undistributed Adjustments		
1) Across-The Board Reduction: Historical Underexecution	-70	
c. Adjustments to Meet Congressional Intent		
d. General Provisions		
FY 2019 Appropriated Amount		27,333
2. War-Related and Disaster Supplemental Appropriations		
3. Fact-of-Life Changes		
FY 2019 Baseline Funding		27,333
4. Reprogrammings (Requiring 1415 Actions)		
Revised FY 2019 Estimate		27,333
5. Less: Item 2, War-Related and Disaster Supplemental Appropriations and Item 4, Reprogrammings		
FY 2019 Normalized Current Estimate		27,333
6. Price Change		20
7. Functional Transfers		
8. Program Increases		7,279
a. Annualization of New FY 2019 Program		
b. One-Time FY 2020 Increases		
c. Program Growth in FY 2020		
1) Defense Legal Services Agency (DLSA) - Mission Support	3,180	
Increase supports various services required by the agency for trial preparations that includes administrative and legal support, judges translators, investigators, court reporters, security guards and IT communication requirements needed to support the		

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III. Financial Summary (\$ in thousands)

C. <u>Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Totals</u>
mission. Growth also funds other critical requirements in mission support for the Defense Office of Hearings and Appeals (DOHA. The agency conducts hearings and issues decision in personnel security clearance cases for contractors performing classified work for DOHA-serviced Department of Defense (DoD) and 30 other Federal Agencies. (FY 2019 Baseline: \$382 thousand)		
2) Other Purchases, Services and It Contract Support Increase supports contract services for trials and mission requirements of the agency. (FY 2019 Baseline: \$230 thousand)	2,093	
3) Supplies & Materials Increase supports additional supplies and materials required for trials preparations and daily office requirements for DLSA Headquarters and DOHA. (FY 2019 Baseline: \$190 thousand)	1,611	
4) Travel of Persons and Transportation Increase aligns program to expected execution for official travel due to trials preparation and Fact finding of witness's testimonies and collaboration to support trials. Growth also supports travel requirements for the investigator assigned to the Defense Office of Hearings and Appeals (DOHA) who must meet personal appearance hearings commitments. (FY 2019 Baseline: \$140 thousand)	319	
5) Compensation and Benefits - One Additional Compensation Day One additional compensable day that is added for FY	76	

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III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Totals</u>
2020. The number of compensable days changes from 261 in FY 2019 to 262 in FY 2020. (FY 2019 Baseline: \$26,391 thousand)		
9. Program Decreases		
a. Annualization of FY 2019 Program Decreases		
b. One-Time FY 2019 Increases		
c. Program Decreases in FY 2020		
FY 2020 Budget Request		34,632

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IV. Performance Criteria and Evaluation Summary:

The DLSA is evaluated on the basis of the quality of its many services; adherence to appropriate standards of professional conduct and DoD ethical and adjudicative standards; the professional independence, impartiality and competence exhibited by its attorneys; and its overall responsiveness to the needs of its clients.

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V. <u>Personnel Summary</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>Change FY 2018/ FY 2019</u>	<u>Change FY 2019/ FY 2020</u>
<u>Active Military End Strength (E/S) (Total)</u>	<u>164</u>	<u>205</u>	<u>205</u>	<u>41</u>	<u>0</u>
Officer	82	114	114	32	0
Enlisted	82	91	91	9	0
<u>Civilian End Strength (Total)</u>	<u>250</u>	<u>140</u>	<u>140</u>	<u>-110</u>	<u>0</u>
U.S. Direct Hire	250	140	140	-110	0
Total Direct Hire	250	140	140	-110	0
<u>Civilian FTEs (Total)</u>	<u>250</u>	<u>140</u>	<u>140</u>	<u>-110</u>	<u>0</u>
U.S. Direct Hire	250	140	140	-110	0
Total Direct Hire	250	140	140	-110	0
Average Annual Civilian Salary (\$ in thousands)	184.9	188.5	189.1	3.6	.6

FY 2018 reflects both Base and OCO FTEs. The FY 2019 and FY 2020 reflects Base only.

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

<u>OP 32 Line</u>	<u>FY 2018</u> <u>Actuals</u>	<u>Change</u> <u>FY 2018/FY 2019</u>		<u>FY 2019</u> <u>Enacted</u>	<u>Change</u> <u>FY 2019/FY 2020</u>		<u>FY 2020</u> <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	46,224	236	-20,069	26,391	0	76	26,467
121 PCS Benefits	3	0	-3	0	0	0	0
199 Total Civ Compensation	46,227	236	-20,072	26,391	0	76	26,467
308 Travel of Persons	2,011	36	-1,957	90	2	305	397
399 Total Travel	2,011	36	-1,957	90	2	305	397
771 Commercial Transport	27	0	23	50	1	14	65
799 Total Transportation	27	0	23	50	1	14	65
912 Rental Payments to GSA (SLUC)	4,245	76	-4,321	0	0	0	0
913 Purchased Utilities (Non-Fund)	224	4	-228	0	0	350	350
914 Purchased Communications (Non-Fund)	561	10	-220	351	7	2,537	2,895
915 Rents (Non-GSA)	13,046	235	-13,281	0	0	0	0
917 Postal Services (U.S.P.S)	49	1	-50	0	0	283	283
920 Supplies & Materials (Non-Fund)	1,161	21	-992	190	4	1,611	1,805
921 Printing & Reproduction	12	0	-12	0	0	0	0
922 Equipment Maintenance By Contract	1,869	34	-1,903	0	0	0	0
923 Facilities Sust, Rest, & Mod by Contract	397	7	-404	0	0	0	0
925 Equipment Purchases (Non-Fund)	122	2	-124	0	0	0	0
932 Mgt Prof Support Svcs	30,562	550	-31,112	0	0	0	0
934 Engineering & Tech Svcs	455	8	-463	0	0	0	0
960 Other Costs (Interest and Dividends)	2	0	29	31	1	10	42
985 Research & Development, Contracts	180	0	-180	0	0	0	0
987 Other Intra-Govt Purch	2,707	49	-2,756	0	0	1,215	1,215
989 Other Services	32,029	576	-32,462	143	3	48	194
990 IT Contract Support Services	1,727	31	-1,671	87	2	830	919
999 Total Other Purchases	89,348	1,604	-90,150	802	17	6,884	7,703

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<u>OP 32 Line</u>	FY 2018	Change		FY 2019	Change		FY 2020
	<u>Actuals</u>	<u>FY 2018/FY 2019</u>	<u>Price</u>	<u>Program</u>	<u>Enacted</u>	<u>FY 2019/FY 2020</u>	<u>Estimate</u>
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