

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

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

	FY 2019	Price	Program	FY 2020	Price	Program	FY 2021
	<u>Actuals</u>	<u>Change</u>	<u>Change</u>	<u>Enacted</u>	<u>Change</u>	<u>Change</u>	<u>Estimate</u>
DLSA	154,269	3,347	-124,632	32,984	545	4,108	37,637

\* The FY 2019 Actual column includes \$127,023.0 thousand of FY 2019 OCO Appropriations Funding (P.L. 115-245).

\* The FY 2020 Enacted column excludes \$196,124.0 thousand of FY 2020 OCO Appropriations Funding (P.L. 116-93).

\* The FY 2021 Estimate column excludes \$156,373.0 thousand of FY 2021 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

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

**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.

Increased litigation and voluminous documentary discovery involved in litigation and other inquiries combined with Federal Court expectations for electronic discovery capabilities requires, the DLSA to acquire electronic discovery technology and ensure enduring administrative and legal support for the effort.

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. The Office of Military Commissions (OMC), established by the Secretary of Defense on March 21, 2002, under DLSA, handles the trials of enemy combatants pursuant to the Military Commissions Act of 2009. There are currently eight detainees with active charges pending before military commissions, most notably, five alleged 9-11 defendants and the alleged USS Cole bomber.

Operating support funding for OMC & HC includes civilian pay and allowance, contract support, interagency reimbursable agreements (e.g., U.S. Marshals Service), reimbursable costs to DoD components providing support (e.g., document declassification and

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

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

information security), rent, TDY travel costs, supplies, furniture, training, Information Technology (IT) support, telecommunications, and security.

**II. Force Structure Summary:**

**N/A**

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

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

	FY 2020							FY 2021 <u>Estimate</u>
	FY 2019 <u>Actuals</u>	Budget <u>Request</u>	<u>Congressional Action</u>			Current <u>Enacted</u>		
			<u>Amount</u>	<u>Percent</u>	<u>Appropriated</u>			
<b>A. BA Subactivities</b>								
Defense Legal Services Agency, Headquarters (DLSA HQ)	11,721	19,308	0	0.0	19,308	17,660	16,452	
Defense Office of Hearings and Appeals (DOHA)	51,170	15,324	-1,648	-10.8	13,676	15,324	21,185	
HABEAS Corpus (HC)	7,789	0	0	n/a	0	0	0	
Office Military Commission (OMC)	83,589	0	0	n/a	0	0	0	
<b>Total</b>	<b>154,269</b>	<b>34,632</b>	<b>-1,648</b>	<b>-4.8</b>	<b>32,984</b>	<b>32,984</b>	<b>37,637</b>	

\* The FY 2019 Actual column includes \$127,023.0 thousand of FY 2019 OCO Appropriations Funding (P.L. 115-245).

\* The FY 2020 Enacted column excludes \$196,124.0 thousand of FY 2020 OCO Appropriations Funding (P.L. 116-93).

\* The FY 2021 Estimate column excludes \$156,373.0 thousand of FY 2021 OCO Appropriations Funding.

Defense Legal Services Agency  
 Operation and Maintenance, Defense-Wide  
 Fiscal Year (FY) 2021 Budget Estimates

III. Financial Summary (\$ in thousands)

<u>B. Reconciliation Summary</u>	<u>Change</u> <u>FY 2020/FY 2020</u>	<u>Change</u> <u>FY 2020/FY 2021</u>
<b>Baseline Funding</b>	<b>34,632</b>	<b>32,984</b>
Congressional Adjustments (Distributed)	-1,480	
Congressional Adjustments (Undistributed)	-168	
Adjustments to Meet Congressional Intent		
Congressional Adjustments (General Provisions)		
<b>Subtotal Appropriated Amount</b>	<b>32,984</b>	
Fact-of-Life Changes (2020 to 2020 Only)		
<b>Subtotal Baseline Funding</b>	<b>32,984</b>	
Supplemental	196,124	
Reprogrammings		
Price Changes		545
Functional Transfers		-3,321
Program Changes		7,429
<b>Current Estimate</b>	<b>229,108</b>	<b>37,637</b>
Less: Wartime Supplemental	-196,124	
<b>Normalized Current Estimate</b>	<b>32,984</b>	

Defense Legal Services Agency  
 Operation and Maintenance, Defense-Wide  
 Fiscal Year (FY) 2021 Budget Estimates

III. Financial Summary (\$ in thousands)

<u>C. Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Totals</u>
<b>FY 2020 President's Budget Request (Amended, if applicable)</b>		<b>34,632</b>
1. Congressional Adjustments		-1,648
a. Distributed Adjustments		
1) Excess Growth	-1,480	
b. Undistributed Adjustments		
1) Unjustified Growth: Across-the-board reduction to the Operation and Maintenance, Defense-Wide Account.	-128	
2) Budget Justification Inconsistencies: Across-the-board reduction to the Operation and Maintenance, Defense-Wide Account.	-40	
c. Adjustments to Meet Congressional Intent		
d. General Provisions		
<b>FY 2020 Appropriated Amount</b>		<b>32,984</b>
2. War-Related and Disaster Supplemental Appropriations		196,124
a. OCO Supplemental Funding		
1) FY 2020 Defense-Wide Overseas Contingency Operations (OCO)	196,124	
3. Fact-of-Life Changes		
<b>FY 2020 Baseline Funding</b>		<b>229,108</b>
4. Reprogrammings (Requiring 1415 Actions)		
<b>Revised FY 2020 Estimate</b>		<b>229,108</b>
5. Less: Item 2, War-Related and Disaster Supplemental Appropriations and Item 4, Reprogrammings		-196,124
<b>FY 2020 Normalized Current Estimate</b>		<b>32,984</b>
6. Price Change		545
7. Functional Transfers		-3,321
a. Transfers In		
b. Transfers Out		
1) Transfer from Defense Legal Service Agency (DLSA) to	-3,321	

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

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

<b>C. <u>Reconciliation of Increases and Decreases</u></b>	<b><u>Amount</u></b>	<b><u>Totals</u></b>
Joint Service Provider (JSP) The decrease reflects the transfer of three full time equivalents (FTEs) and associated resources (-\$525 thousand) and mission support costs (-\$2,796 thousand) from DLSA to JSP to align DLSA IT services.		
8. Program Increases		7,520
a. Annualization of New FY 2020 Program		
b. One-Time FY 2021 Increases		
c. Program Growth in FY 2021		
1) Mission Support & Services Increase supports mission critical requirements within DLSA to ensure that the Department's client-driven legal services are provided to the greatest extent possible. The increase also supports specialized legal support and discovery. Additionally, increase supports additional supplies and materials required for litigation and other inquiries requiring the production of documents, and the incremental cost in support of payments such as rent, utilities, communications, postal services, Defense Courier services, court reporting/transcription services, credit cards and daily office requirements of the agency. (FY 2020 Baseline: \$2,503 thousand; Baseline FTEs: 0)	7,520	
9. Program Decreases		-91
a. Annualization of FY 2020 Program Decreases		
b. One-Time FY 2020 Increases		
c. Program Decreases in FY 2021		
1) Compensation and Benefits - One Less Compensation Day	-91	

Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates

III. Financial Summary (\$ in thousands)

C. Reconciliation of Increases and Decreases

Amount

Totals

The reduction of funding is the result of one less compensable day for FY 2021. The number of compensable days changes from 262 in FY 2020 to 261 in FY 2021. (FY 2020 Baseline: \$24,819 thousand; Baseline FTEs: 140)

**FY 2021 Budget Request**

**37,637**



**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

**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.

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

<b>V. <u>Personnel Summary</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>	<b><u>Change FY 2019/ FY 2020</u></b>	<b><u>Change FY 2020/ FY 2021</u></b>
<u>Active Military End Strength (E/S) (Total)</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>0</u>
Officer	1	1	1	0	0
<u>Civilian End Strength (Total)</u>	<u>264</u>	<u>140</u>	<u>137</u>	<u>-124</u>	<u>-3</u>
U.S. Direct Hire	264	140	137	-124	-3
Total Direct Hire	264	140	137	-124	-3
<u>Civilian FTEs (Total)</u>	<u>264</u>	<u>140</u>	<u>137</u>	<u>-124</u>	<u>-3</u>
U.S. Direct Hire	264	140	137	-124	-3
Total Direct Hire	264	140	137	-124	-3
Average Annual Civilian Salary (\$ in thousands)	187.1	177.3	174.2	-9.8	-3.1

The FY 2019 reflects BASE and OCO. FY 2020 and FY 2021 reflects Base only.

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

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

<u>OP 32 Line</u>	<u>FY 2019</u>	<u>Change</u>		<u>FY 2020</u>	<u>Change</u>		<u>FY 2021</u>
		<u>Actuals</u>	<u>FY 2019/FY 2020</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	49,407	1,373	-25,961	24,819	382	-1,341	23,860
<b>199 Total Civ Compensation</b>	<b>49,407</b>	<b>1,373</b>	<b>-25,961</b>	<b>24,819</b>	<b>382</b>	<b>-1,341</b>	<b>23,860</b>
308 Travel of Persons	2,849	57	-2,509	397	8	97	502
<b>399 Total Travel</b>	<b>2,849</b>	<b>57</b>	<b>-2,509</b>	<b>397</b>	<b>8</b>	<b>97</b>	<b>502</b>
671 DISA DISN Subscription Services (DSS)	1,127	-97	-1,030	0	0	0	0
677 DISA Telecomm Svcs - Reimbursable	111	2	-113	0	0	0	0
<b>699 Total DWCF Purchases</b>	<b>1,238</b>	<b>-95</b>	<b>-1,143</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
771 Commercial Transport	48	1	-49	0	0	286	286
<b>799 Total Transportation</b>	<b>48</b>	<b>1</b>	<b>-49</b>	<b>0</b>	<b>0</b>	<b>286</b>	<b>286</b>
912 Rental Payments to GSA (SLUC)	129	3	-132	0	0	0	0
913 Purchased Utilities (Non-Fund)	157	3	-160	0	0	231	231
914 Purchased Communications (Non-Fund)	1,713	34	-1,747	0	0	2,061	2,061
915 Rents (Non-GSA)	10,861	217	-11,078	0	0	40	40
917 Postal Services (U.S.P.S)	37	1	-38	0	0	255	255
920 Supplies & Materials (Non-Fund)	1,182	23	-1,205	0	0	1,333	1,333
921 Printing & Reproduction	7	0	-7	0	0	0	0
922 Equipment Maintenance By Contract	43	1	-44	0	0	38	38
923 Facilities Sust, Rest, & Mod by Contract	60	1	-61	0	0	57	57
924 Pharmaceutical Drugs	1	0	-1	0	0	0	0
925 Equipment Purchases (Non-Fund)	63	1	-64	0	0	0	0
932 Mgt Prof Support Svcs	29,291	586	-24,270	5,607	112	1,322	7,041
933 Studies, Analysis & Eval	0	0	2,161	2,161	43	-2,204	0
934 Engineering & Tech Svcs	131	3	-134	0	0	0	0
937 Locally Purchased Fuel (Non-Fund)	84	-1	-83	0	0	0	0
957 Other Costs (Land and	2,341	47	-2,388	0	0	0	0

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2021 Budget Estimates**

<u>OP 32 Line</u>	FY 2019 <u>Actuals</u>	Change <u>FY 2019/FY 2020</u>		FY 2020 <u>Enacted</u>	Change <u>FY 2020/FY 2021</u>		FY 2021 <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
Structures)							
960 Other Costs (Interest and Dividends)	10	0	-10	0	0	55	55
986 Medical Care Contracts	12	0	-12	0	0	0	0
987 Other Intra-Govt Purch	448	9	-457	0	0	1,031	1,031
989 Other Services	50,153	1,003	-51,156	0	0	847	847
990 IT Contract Support Services	4,004	80	-4,084	0	0	0	0
<b>999 Total Other Purchases</b>	<b>100,727</b>	<b>2,011</b>	<b>-94,970</b>	<b>7,768</b>	<b>155</b>	<b>5,066</b>	<b>12,989</b>
<b>Total</b>	<b>154,269</b>	<b>3,347</b>	<b>-124,632</b>	<b>32,984</b>	<b>545</b>	<b>4,108</b>	<b>37,637</b>

\* The FY 2019 Actual column includes \$127,023.0 thousand of FY 2019 OCO Appropriations Funding (P.L. 115-245).

\* The FY 2020 Enacted column excludes \$196,124.0 thousand of FY 2020 OCO Appropriations Funding (P.L. 116-93).

\* The FY 2021 Estimate column excludes \$156,373.0 thousand of FY 2021 OCO Appropriations Funding.