

**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 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 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.

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I. Description of Operations Financed (cont.)

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.

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, and four detainees with activity within military commissions.

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 information security), rent, TDY travel costs, supplies, furniture, training, Information Technology (IT) support, telecommunications, and security. Military commissions is a unique judicial system with jurisdiction at a military installation in a foreign country and, as such, presents unique challenges for ensuring security, support, and logistics are available for holding court hearings as determined by the judges.

Defense Legal Services Agency
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Budget Activity 04: Administrative and Service-Wide Activities

II. Force Structure Summary (cont.)

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N/A

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Budget Activity 04: Administrative and Service-Wide Activities

III. Financial Summary (\$ in thousands)

	FY 2020						
	FY 2019 <u>Actuals</u>	Budget <u>Request</u>	<u>Congressional Action</u>			Current <u>Enacted</u>	FY 2021 <u>Estimate</u>
			<u>Amount</u>	<u>Percent</u>	<u>Appropriated</u>		
A. <u>BA Subactivities</u>							
Defense Legal Services Agency - Office of Military Commissions (DLSA - OMC)	91,516	186,874	-32,455	-17.4	154,419	186,874	121,061
DOHA	35,507	9,250	32,455	350.9	41,705	9,250	35,312
Total	127,023	196,124	0	0.0	196,124	196,124	156,373

<u>Summary by Operation</u>	FY 2019 <u>Actuals</u>	FY 2020 <u>Enacted</u>	FY 2021 <u>Estimate</u>
Operation FREEDOM'S SENTINEL (OFS)	\$127,023	\$196,124	\$156,373
Operation Totals	\$127,023	\$196,124	\$156,373

Defense Legal Services Agency
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Budget Activity 04: Administrative and Service-Wide Activities

III. Financial Summary (\$ in thousands)

B. <u>Reconciliation Summary</u>	Change	Change
	<u>FY 2020/FY 2020</u>	<u>FY 2020/FY 2021</u>
OCO Funding	196,124	196,124
Congressional Adjustments (Distributed)		
Congressional Adjustments (Undistributed)		
Adjustments to Meet Congressional Intent		
Congressional Adjustments (General Provisions)		
Carryover		
Subtotal Appropriated Amount	196,124	
Fact-of-Life Changes (2020 to 2020 Only)		
Subtotal OCO Funding	196,124	
Baseline Appropriation		
Reprogrammings		
Price Changes		3,624
Functional Transfers		
Program Changes		-43,375
Current Estimate	196,124	156,373
Less: Baseline Appropriation		
Normalized Current Estimate	196,124	

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

III. Financial Summary (\$ in thousands)

	<u>Amount</u>	<u>Total</u>
C. <u>Reconciliation of Increases and Decreases</u>		
FY 2020 President's Budget Request (Amended, if applicable)		196,124
1. Congressional Adjustments		
a. Distributed Adjustments		
b. Undistributed Adjustments		
c. Adjustments to Meet Congressional Intent		
d. General Provisions		
e. Carryover		
FY 2020 Appropriated Amount		196,124
2. Baseline Appropriation		
3. Fact-of-Life Changes		
FY 2020 OCO Funding		196,124
4. Reprogrammings (Requiring 1415 Actions)		
Revised FY 2020 Estimate		196,124
5. Less: Baseline Appropriation		
FY 2020 Normalized Current Estimate		196,124
6. Price Change		3,624
7. Functional Transfers		
8. Program Increases		
a. Annualization of New FY 2020 Program		
b. One-Time FY 2021 Increases		
c. Program Growth in FY 2021		
9. Program Decreases		-43,375
a. Annualization of FY 2020 Program Decreases		
b. One-Time FY 2020 Increases		
c. Program Decreases in FY 2021		
1) Operating Support	-19,725	
The decrease reflects reductions to service contracts, building and facility maintenance contracts services costs. (FY 2020 Baseline: \$81,569)		

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III. Financial Summary (\$ in thousands)

C. <u>Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
thousand; Baseline FTEs: 0; +0 FTEs)		
2) Compensation and Benefits The decrease reflects the continued efforts in support of the DoD strategic guidance. Within DLSA enterprise, the reduction includes eighty nine Full Time Equivalent (FTEs) and associated resources. (FY 2020 Baseline: \$64,668 thousand; Baseline FTEs: 319; -89 FTEs)	-10,722	
3) Defense-Wide Review (DWR) - Manpower Reduction DWR initiative identified -\$4.1 million in savings that was available for increased lethality across the Department. The reduction includes reduced twenty-one full time equivalent (FTE) and associated resources. (FY 2020 Baseline: \$64,668 thousand; Baseline FTEs: 319; -21 FTEs)	-4,100	
4) Services Payment from Non Federal Source Decrease reflects cost reduction for other purchases/services payments. (FY 2020 Baseline: \$12,657 thousand; Baseline FTEs: 0; +0 FTEs)	-2,602	
5) Other Payments The decrease reflects reduction to payments for IT support, postal, supplies, program/management and technical support services, burn bag disposal services and litigation support. (FY 2020 Baseline: \$22,746 thousand; Baseline FTEs: 0; +0 FTEs)	-2,499	
6) Defense Wide Review - Secure Classified Information Facility (SCIF) Efficiencies DWR initiative identified -\$2.3 million in savings that was available for increased lethality across	-2,300	

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Budget Activity 04: Administrative and Service-Wide Activities**

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C. <u>Reconciliation of Increases and Decreases</u>	<u>Amount</u>	<u>Total</u>
the Department. The reduction includes reduced leased space cost. (FY 2020 Baseline: \$81,569 thousand; Baseline FTEs: 0; +0 FTEs)		
7) Travel Decrease reflects for the expected execution for official travel, trial preparation including fact finding, preparation of witness testimonies and collaboration to support trials. (FY 2020 Baseline: \$4,324 thousand; Baseline FTEs: 0; +0 FTEs)	-1,226	
8) Compensation and Benefits - One Less Compensable Day 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: \$64,668 thousand; Baseline FTEs: 319; +0 FTEs)	-195	
9) Defense Wide Review - Reduce Support for Pentagon Force Protection Agency (PFPA) Activities DWR initiative identified -\$0.006 million in savings that was available for increased lethality across the Department. The reduction includes reduced guard support. (FY 2020 Baseline: \$10,951 thousand; Baseline FTEs: 0; +0 FTEs)	-6	
FY 2021 Budget Request		156,373

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

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Budget Activity 04: Administrative and Service-Wide Activities**

V. <u>Personnel Summary</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>Change FY 2019/ FY 2020</u>	<u>Change FY 2020/ FY 2021</u>
<u>Active Military End Strength (E/S)</u>	<u>155</u>	<u>203</u>	<u>195</u>	<u>48</u>	<u>-8</u>
<u>(Total)</u>					
Officer	82	112	107	30	-5
Enlisted	73	91	88	18	-3
<u>Civilian End Strength (Total)</u>	<u>209</u>	<u>319</u>	<u>188</u>	<u>110</u>	<u>-131</u>
U.S. Direct Hire	209	319	188	110	-131
Total Direct Hire	209	319	188	110	-131
<u>Civilian FTEs (Total)</u>	<u>209</u>	<u>319</u>	<u>188</u>	<u>110</u>	<u>-131</u>
U.S. Direct Hire	209	319	188	110	-131
Total Direct Hire	209	319	188	110	-131
Average Annual Civilian Salary (\$ in thousands)	109.7	202.7	270.4	93.0	67.7

Personnel Summary Explanations:

The FY 2021 Civilian End Strength and Civilian FTEs reflect OCO requirements for civilian personnel to support the Military Commissions Convening Authority. Decrease also supports the National Defense Strategy and the Department's strategic guidance efforts.

**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 2019</u> <u>Actuals</u>	<u>Change</u> <u>FY 2019/FY 2020</u>		<u>FY 2020</u> <u>Enacted</u>	<u>Change</u> <u>FY 2020/FY 2021</u>		<u>FY 2021</u> <u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
101 Exec, Gen'l & Spec Scheds	22,924	637	41,107	64,668	996	-14,822	50,842
199 Total Civ Compensation	22,924	637	41,107	64,668	996	-14,822	50,842
308 Travel of Persons	2,515	50	1,759	4,324	86	-1,226	3,184
399 Total Travel	2,515	50	1,759	4,324	86	-1,226	3,184
671 DISA DISN Subscription Services (DSS)	1,126	-97	-1,029	0	0	0	0
677 DISA Telecomm Svcs - Reimbursable	111	2	-113	0	0	0	0
699 Total DWCF Purchases	1,237	-95	-1,142	0	0	0	0
771 Commercial Transport	48	1	-49	0	0	10	10
799 Total Transportation	48	1	-49	0	0	10	10
912 Rental Payments to GSA (SLUC)	129	3	20	152	3	47	202
913 Purchased Utilities (Non-Fund)	140	3	67	210	4	79	293
914 Purchased Communications (Non-Fund)	1,699	34	-375	1,358	27	314	1,699
915 Rents (Non-GSA)	10,822	216	5,313	16,351	327	-1,259	15,419
920 Supplies & Materials (Non-Fund)	1,122	22	243	1,387	28	-440	975
922 Equipment Maintenance By Contract	7	0	4,711	4,718	94	2,733	7,545
923 Facilities Sust, Rest, & Mod by Contract	4	0	5,004	5,008	100	-800	4,308
925 Equipment Purchases (Non-Fund)	62	1	-63	0	0	0	0
932 Mgt Prof Support Svcs	29,091	582	38,012	67,685	1,354	-21,650	47,389
934 Engineering & Tech Svcs	131	3	13,750	13,884	278	-4,373	9,789
937 Locally Purchased Fuel (Non-Fund)	84	-1	-83	0	0	0	0
957 Other Costs (Land and Structures)	2,341	47	-2,388	0	0	0	0
959 Other Costs (Insurance Claims/Indmnties)	0	0	22	22	0	25	47

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Budget Activity 04: Administrative and Service-Wide Activities

<u>OP 32 Line</u>	FY 2019	Change		FY 2020	Change		FY 2021
	<u>Actuals</u>	<u>FY 2019/FY 2020</u>		<u>Enacted</u>	<u>FY 2020/FY 2021</u>		<u>Estimate</u>
		<u>Price</u>	<u>Program</u>		<u>Price</u>	<u>Program</u>	
960 Other Costs (Interest and Dividends)	10	0	-10	0	0	0	0
987 Other Intra-Govt Purch	437	9	1,715	2,161	43	177	2,381
989 Other Services	50,258	1,005	-38,606	12,657	253	-2,602	10,308
990 IT Contract Support Services	3,962	79	-2,502	1,539	31	412	1,982
999 Total Other Purchases	100,299	2,003	24,830	127,132	2,542	-27,337	102,337
Total	127,023	2,596	66,505	196,124	3,624	-43,375	156,373