

Fiscal Year 2023 Budget Estimates

Defense Legal Services Agency



April 2022

**Defense Legal Services Agency
Operation and Maintenance, Defense-Wide
Fiscal Year (FY) 2023 Budget Estimates**

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

	<u>FY 2021 Actuals</u>	<u>Price Change</u>	<u>Program Change</u>	<u>FY 2022 Enacted</u>	<u>Price Change</u>	<u>Program Change</u>	<u>FY 2023 Request</u>
DLSA	176,208	4,853	43,438	224,498	6,088	3,101	233,687

*FY 2021 includes Division C, Title IX and Division J, Title IV of the Consolidated Appropriations Act, 2021 (P.L. 116-260).

*The total amount of the FY 2023 request reflects \$76,500.0 thousand for Overseas Operations Costs.

I. Description of Operations Financed:

The Defense Legal Services Agency (DLSA) provides legal advice, services, and support to the Defense Agencies, the Department of Defense (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 the 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 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 the 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 the 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 the 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 staff supporting the Habeas Corpus (HC) mission is now encompassed in the Office of Information Counsel (OIC), which is responsible for supporting litigation, reviewing Freedom of Information Act (FOIA) documents and requests, reviewing information responsive to congressional and other investigative requests. The DLSA's legal efforts defending the continued detention of 37 people held at Guantanamo Bay, Cuba, is ongoing as all of the detainees have an ongoing right to challenge the lawfulness of detention. Increased litigation and voluminous documentary discovery involved in litigation and other inquiries combined with Federal Court expectations for electronic discovery capabilities required the DLSA to acquire electronic discovery technology and ensure enduring administrative and legal support for the effort.

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I. Description of Operations Financed: (Cont.)

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

Operating support funding for the DLSA includes civilian pay and allowance, contract support, interagency reimbursable agreements (e.g., U.S. Marshals Service), reimbursable costs to the DoD components providing support to detainee efforts (e.g., document declassification and information security), rent, TDY travel costs, supplies, furniture, training, Information Technology (IT) support, telecommunications, and security.

Fiscal Year (FY) 2023 Overseas Operations Costs funding accounted for in the Base budget include:

- Operation INHERENT RESOLVE (OIR) [\$76,500 thousand].
- Operation European Deterrence Initiative (EDI) [\$0 thousand].
- Other theater requirements and related missions [\$0 thousand].

II. Force Structure Summary:

N/A.

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III. Financial Summary (\$ in Thousands)

	FY 2022						
	FY 2021 Actuals	Budget Request	Congressional Action			Current Enacted	FY 2023 Request
			Amount	Percent	Appropriated		
<u>A. BA Subactivities</u>							
Defense Legal Services Agency, HQ (DLSA HQ)	\$16,499	\$18,242	\$0	0.00%	\$18,242	\$18,242	\$19,017
Defense Office of Hearings and Appeals (DOHA)	\$27,524	\$28,959	\$0	0.00%	\$28,959	\$28,959	\$30,439
HABEAS Corpus (HC)	\$32,361	\$53,005	\$0	0.00%	\$53,005	\$53,005	\$53,560
Office of Military Commission (OMC)	\$99,824	\$129,292	\$-5,000	-3.87%	\$124,292	\$124,292	\$130,671
Total	\$176,208	\$229,498	\$-5,000	-2.18%	\$224,498	\$224,498	\$233,687

*FY 2021 includes Division C, Title IX and Division J, Title IV of the Consolidated Appropriations Act, 2021 (P.L. 116-260).

*Overseas Operations costs accounted for in the base budget: \$76,500.0 thousand.

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<u>B. Reconciliation Summary</u>	Change	Change
	<u>FY 2022/FY 2022</u>	<u>FY 2022/FY 2023</u>
BASELINE FUNDING	\$229,498	\$224,498
Congressional Adjustments (Distributed)	-5,000	
Congressional Adjustments (Undistributed)	0	
Adjustments to Meet Congressional Intent	0	
Congressional Adjustments (General Provisions)	0	
SUBTOTAL APPROPRIATED AMOUNT	224,498	
Fact-of-Life Changes (2022 to 2022 Only)	0	
SUBTOTAL BASELINE FUNDING	224,498	
Supplemental	0	
Reprogrammings	0	
Price Changes		6,088
Functional Transfers		0
Program Changes		3,101
CURRENT ESTIMATE	224,498	233,687
Less: Supplemental	0	
NORMALIZED CURRENT ESTIMATE	\$224,498	\$233,687

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FY 2022 President's Budget Request (Amended, if applicable)	\$229,498
1. Congressional Adjustments	\$-5,000
a) Distributed Adjustments.....	\$-5,000
1) Historical Unobligated Balances.....	\$-5,000
b) Undistributed Adjustments	\$0
c) Adjustments to Meet Congressional Intent.....	\$0
d) General Provisions	\$0
FY 2022 Appropriated Amount	\$224,498
2. Supplemental Appropriations	\$0
a) Supplemental Funding.....	\$0
3. Fact-of-Life Changes.....	\$0
a) Functional Transfers.....	\$0
b) Technical Adjustments	\$0
c) Emergent Requirements.....	\$0
FY 2022 Baseline Funding	\$224,498
4. Reprogrammings (Requiring 1415 Actions).....	\$0

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a) Increases	\$0
b) Decreases	\$0
Revised FY 2022 Estimate.....	\$224,498
5. Less: Item 2, Supplemental Appropriation and Item 4, Reprogrammings	\$0
a) Less: Supplemental Funding	\$0
FY 2022 Normalized Current Estimate	\$224,498
6. Price Change	\$6,088
7. Functional Transfers	\$0
a) Transfers In	\$0
b) Transfers Out.....	\$0
8. Program Increases.....	\$123,388
a) Annualization of New FY 2022 Program	\$0
b) One-Time FY 2023 Increases	\$0
c) Program Growth in FY 2023	\$123,388
1) Compensation and Benefits - Civilian Average Annual Compensation	\$843
Increase supports an upward adjustment to our civilian pay composition. Each year, civilian compensation rates are developed based on detailed execution and cost factor analysis. These rates are created and implemented with the paramount purpose of accurately forecasting cost estimates for the civilian workforce. The average annual rate (AAR) change is the result of these rate changes combined with the fluctuations in composition of civilian pay types.	

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(FY 2022 Baseline: \$66,476 thousand)

2) Mission Support - DLSA Operations \$4,589

Increase supports additional requirements for rent costs, supplies and materials, and maintenance and Information Technology contracts and other service contracts.

(FY 2022 Baseline: \$163,022 thousand)

3) Overseas to Base requirements - Compensation and Benefits \$35,089

Increase in funding and FTEs is attributed to these overseas requirements that are now categorized as base requirements in FY 2023. The DLSA will maintain the Agency's mission on detainee trials and litigation, per the Periodic Review Board and Executive Order 13823. These requirements also supports the National Defense Strategy and the Department's strategic consolidation efforts.

(FY 2022 Baseline: \$32,777 thousand; 150 FTEs; +170 FTEs)

4) Overseas to Base requirements - Mission Support..... \$82,867

Increase in funding is attributed to these overseas requirements that are now categorized as base requirements in FY 2023. The DLSA will maintain the Agency's mission on detainee trials and litigation, per the Periodic Review Board and Executive Order 13823. These requirements also supports the National Defense Strategy and the Department's strategic consolidation efforts.

(FY 2022 Baseline: \$0 thousand)

9. Program Decreases \$-120,287

a) Annualization of FY 2022 Program Decreases \$0

b) One-Time FY 2022 Increases \$0

c) Program Decreases in FY 2023 \$-120,287

1) Compensation and Benefits - One less compensable day in FY 2023 \$-253

The number of compensable days for FY 2022 is 261 days (2,088 hours), and for FY 2023 is 260 days (2,080 hours).

(FY 2022 Baseline: \$66,476 thousand)

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2) Mission Support - DLSA Operations \$-2,080

Decrease reflects a lesser requirement for subscription services contracts, to include management and professional support services.

(FY 2022 Baseline: \$163,022 thousand)

3) Overseas Operations cost accounted for in the base budget \$-117,954

Contingency operations and other theater related requirements and related missions previously funded in OCO. Detailed justifications for Overseas Operations program changes are provided in the Operation and Maintenance, Defense-Wide, Volume 1 Part 2 Book.

(FY 2022 Baseline: \$189,761 thousand; 170 FTEs; -170 FTEs)

FY 2023 Budget Request \$233,687

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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 the 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. Personnel Summary:

	<u>FY 2021</u>	<u>FY 2022</u>	<u>FY 2023</u>	<u>Change FY 2021/ FY 2022</u>	<u>Change FY 2022/ FY 2023</u>
Active Military End Strength (E/S) (Total)	151	205	205	54	0
Officer	73	114	114	41	0
Enlisted	78	91	91	13	0
Civilian End Strength (Total)	296	320	320	24	0
U.S. Direct Hire	296	320	320	24	0
Total Direct Hire	296	320	320	24	0
Active Military Average Strength (A/S) (Total)	151	205	205	54	0
Officer	73	114	114	41	0
Enlisted	78	91	91	13	0
Civilian FTEs (Total)	296	320	320	24	0
U.S. Direct Hire	296	320	320	24	0
Total Direct Hire	296	320	320	24	0
Average Annual Civilian Salary (\$ in thousands)	200.2	207.7	218.1	7.6	10.4

Personnel Summary Explanations:

No significant manpower changes to report.

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

	FY 2021 Program	Change from FY 2021 to FY 2022		FY 2022 Program	Change from FY 2022 to FY 2023		FY 2023 Program
		Price Growth	Program Growth		Price Growth	Program Growth	
101 EXEC, GEN'L & SPEC SCHEDS	59,249	1,345	5,882	66,476	2,742	589	69,807
0199 TOTAL CIVILIAN PERSONNEL COMPENSATION	59,249	1,345	5,882	66,476	2,742	589	69,807
308 TRAVEL OF PERSONS	1,031	31	1,795	2,857	60	-2	2,915
0399 TOTAL TRAVEL	1,031	31	1,795	2,857	60	-2	2,915
671 DISA DISN SUBSCRIPTION SERVICES (DSS)	0	0	2,472	2,472	80	-80	2,472
0699 TOTAL OTHER FUND PURCHASES	0	0	2,472	2,472	80	-80	2,472
771 COMMERCIAL TRANSPORT	9	0	60	69	1	2	72
0799 TOTAL TRANSPORTATION	9	0	60	69	1	2	72
912 RENTAL PAYMENTS TO GSA (SLUC)	0	0	155	155	3	6	164
913 PURCHASED UTILITIES (NON-FUND)	0	0	680	680	14	-5	689
914 PURCHASED COMMUNICATIONS (NON-FUND)	7,571	227	-6,055	1,743	37	29	1,809
915 RENTS (NON-GSA)	9,550	287	5,855	15,691	330	167	16,188
917 POSTAL SERVICES (U.S.P.S)	27	1	43	71	1	5	77
920 SUPPLIES & MATERIALS (NON-FUND)	1,272	38	532	1,842	39	39	1,920
921 PRINTING & REPRODUCTION	40	1	-41	0	0	0	0
922 EQUIPMENT MAINTENANCE BY CONTRACT	52	2	4,767	4,821	101	191	5,113
923 FACILITIES SUST, REST, & MOD BY CONTRACT	280	8	4,220	4,508	95	-27	4,576
925 EQUIPMENT PURCHASES (NON-FUND)	0	0	20	20	0	0	20
932 MGT PROF SUPPORT SVCS	19,066	572	32,731	52,369	1,100	-2,000	51,469
934 ENGINEERING & TECH SVCS	0	0	7,920	7,920	166	-6	8,080
951 OTHER COSTS (SPECIAL PERSONAL SVC PAY)	27	0	-27	0	0	0	0
959 OTHER COSTS (INSURANCE CLAIMS/INDMNTIES)	0	0	22	22	0	1	23
960 OTHER COSTS (INTEREST AND DIVIDENDS)	3	0	53	56	1	3	60
986 MEDICAL CARE CONTRACTS	11	0	-11	0	0	0	0
987 OTHER INTRA-GOVT PURCH	35	1	2,528	2,564	54	87	2,705
989 OTHER SERVICES	72,654	2,180	-21,988	52,846	1,110	4,070	58,026

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

	FY 2021 <u>Program</u>	<u>Change from FY 2021 to FY 2022</u>		FY 2022 <u>Program</u>	<u>Change from FY 2022 to FY 2023</u>		FY 2023 <u>Program</u>
		<u>Price Growth</u>	<u>Program Growth</u>		<u>Price Growth</u>	<u>Program Growth</u>	
990 IT CONTRACT SUPPORT SERVICES	5,331	160	1,825	7,316	154	32	7,502
0999 TOTAL OTHER PURCHASES	115,919	3,477	33,229	152,624	3,205	2,592	158,421
9999 GRAND TOTAL	176,208	4,853	43,438	224,498	6,088	3,101	233,687

*FY 2021 includes Division C, Title IX and Division J, Title IV of the Consolidated Appropriations Act, 2021 (P.L. 116-260).