

Fiscal Year (FY) 2023 Budget Estimates

Overseas Operations Costs Appendix

Defense Legal Services Agency



April 2022

**Defense Legal Services Agency
Overseas Operations Costs
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, 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.

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.

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II. Force Structure Summary:

N/A.

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III. Financial Summary (\$ in Thousands):

<u>BA Subactivities</u>	<u>FY 2021 Actuals</u>	<u>Budget Request</u>	<u>FY 2022 Congressional Action</u>			<u>Current Enacted</u>	<u>FY 2023 Request</u>
			<u>Amount</u>	<u>Percent</u>	<u>Appropriated</u>		
			Defense Office of Hearings and Appeals(DOHA)	\$10,439	\$9,623		
HABEAS Corpus	\$32,357	\$54,814	\$0	0.00%	\$54,814	\$54,814	\$15,300
OMC	\$99,820	\$130,324	\$-5,000	-3.84%	\$125,324	\$125,324	\$61,200
SUBACTIVITY GROUP TOTAL	\$142,616	\$194,761	\$-5,000	-2.57%	\$189,761	\$189,761	\$76,500
<u>Summary by Operation</u>			<u>FY 2021 Actuals</u>		<u>FY 2022 Enacted</u>		<u>FY 2023 Request</u>
Operation FREEDOM'S SENTINEL (OFS)			\$142,616		\$0		\$0
Operation INHERENT RESOLVE (OIR)			\$0		\$189,761		\$76,500
European Deterrence Initiative (EDI)			\$0		\$0		\$0
Other Theater Requirements and Related Missions			\$0		\$0		\$0
Operation Totals			\$142,616		\$189,761		\$76,500

*Overseas Operations costs accounted for in the base budget: \$76,500 thousand.

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III. Financial Summary (\$ in Thousands): (Cont.)

<u>B. Reconciliation Summary</u>	<u>Change FY 2022/FY 2022</u>	<u>Change FY 2022/FY 2023</u>
Overseas Operations Funding	\$194,761	\$189,761
Congressional Adjustments (Distributed)	-5,000	
Congressional Adjustments (Undistributed)	0	
Adjustments to Meet Congressional Intent	0	
Congressional Adjustments (General Provisions)	0	
Carryover	0	
SUBTOTAL APPROPRIATED AMOUNT	189,761	
Fact-of-Life Changes (2022 to 2022 Only)	0	
SUBTOTAL Overseas Operations Funding	189,761	
Baseline Appropriation	0	
Reprogrammings	0	
Price Changes		4,693
Functional Transfers		0
Program Changes		-117,954
CURRENT ESTIMATE	189,761	76,500
Less: Baseline Appropriation	0	
NORMALIZED CURRENT ESTIMATE	\$189,761	\$76,500

**Defense Legal Services Agency
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III. Financial Summary (\$ in Thousands): (Cont.)

FY 2022 President's Budget Request (Amended, if applicable)	\$194,761
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
e) Carryover.....	\$0
FY 2022 Appropriated Amount	\$189,761
2. Baseline Appropriations	\$0
a) Baseline Appropriation	\$0
3. Fact-of-Life Changes.....	\$0
a) Functional Transfers.....	\$0
b) Technical Adjustments	\$0
c) Emergent Requirements.....	\$0
FY 2022 Overseas Operations Funding	\$189,761

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III. Financial Summary (\$ in Thousands): (Cont.)

4. Reprogrammings (Requiring 1415 Actions).....	\$0
a) Increases	\$0
b) Decreases	\$0
Revised FY 2022 Estimate.....	\$189,761
5. Less: Baseline Appropriations	\$0
a) Less: Baseline Appropriations	\$0
FY 2022 Normalized Current Estimate	\$189,761
6. Price Change	\$4,693
7. Functional Transfers	\$0
a) Transfers In	\$0
b) Transfers Out.....	\$0
8. Program Increases.....	\$0
a) Annualization of New FY 2022 Program	\$0
b) One-Time FY 2023 Increases	\$0
c) Program Growth in FY 2023.....	\$0
9. Program Decreases	\$-117,954

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III. Financial Summary (\$ in Thousands): (Cont.)

a) Annualization of FY 2022 Program Decreases\$0

b) One-Time FY 2022 Costs.....\$0

c) Program Decreases in FY 2023 \$-117,954

 1) Compensation and Benefits \$-35,088

 Decrease 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: \$33,699 thousand; 170 FTEs; -170 FTEs)

 2) Mission Support..... \$-82,866

 Decrease 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: \$156,062 thousand)

FY 2023 Budget Request.....\$76,500

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IV. Performance Criteria and Evaluation Summary:

N/A.

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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>
<u>Civilian End Strength (Total)</u>	158	170	0	12	-170
U.S. Direct Hire	158	170	0	12	-170
Total Direct Hire	158	170	0	12	-170
<u>Civilian FTEs (Total)</u>	188	170	0	-18	-170
U.S. Direct Hire	188	170	0	-18	-170
Total Direct Hire	188	170	0	-18	-170
<u>Average Annual Civilian Salary (\$ in thousands)</u>	160.4	198.2	0.0	37.9	-198.2

V. Personnel Summary Explanations:

The FY 2023 reduction of -170 Civilian End Strength and Civilian FTEs reflects changes in DLSA requirements from overseas operations to base requirements.

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VI. OP-32 Line Items:

	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>	
101 EXEC, GEN'L & SPEC SCHEDS	30,146	684	2,869	33,699	1,390	-35,089	0
TOTAL CIVILIAN PERSONNEL COMPENSATION	30,146	684	2,869	33,699	1,390	-35,089	0
308 TRAVEL OF PERSONS	952	29	1,719	2,700	57	-1,872	885
TOTAL TRAVEL	952	29	1,719	2,700	57	-1,872	885
671 DISA DISN SUBSCRIPTION SERVICES (DSS)	5,096	389	-3,015	2,470	80	-80	2,470
TOTAL OTHER FUND PURCHASES	5,096	389	-3,015	2,470	80	-80	2,470
771 COMMERCIAL TRANSPORT	4	0	-1	3	0		3
TOTAL TRANSPORTATION	4	0	-1	3	0	0	3
912 RENTAL PAYMENTS TO GSA (SLUC)	0	0	155	155	3	-158	0
913 PURCHASED UTILITIES (NON-FUND)	1,705	51	-1,136	620	13	-135	498
914 PURCHASED COMMUNICATIONS (NON-FUND)	508	15	631	1,154	24	-790	388
915 RENTS (NON-GSA)	9,509	285	5,766	15,560	327	-12,216	3,671
920 SUPPLIES & MATERIALS (NON-FUND)	860	26	373	1,259	26	-898	387
921 PRINTING & REPRODUCTION	40	1	-41	0	0	0	0
922 EQUIPMENT MAINTENANCE BY CONTRACT	0	0	4,814	4,814	101	-4,915	0
923 FACILITIES SUST, REST, & MOD BY CONTRACT	280	8	4,220	4,508	95	-2,971	1,632
925 EQUIPMENT PURCHASES (NON-FUND)	0	0	20	20	0		20
932 MGT PROF SUPPORT SVCS	17,115	513	34,717	52,345	1,099	-41,567	11,877
934 ENGINEERING & TECH SVCS	1,501	45	6,374	7,920	166	-7,885	201
959 OTHER COSTS (INSURANCE CLAIMS/INDMNTIES)	0	0	22	22	0	-22	0
987 OTHER INTRA-GOVT PURCH	24	1	2,132	2,157	45	-2,008	194
989 OTHER SERVICES	71,995	2,160	-20,631	53,524	1,124	-4,188	50,460
990 IT CONTRACT SUPPORT SERVICES	2,881	86	3,864	6,831	143	-3,160	3,814
TOTAL OTHER PURCHASES	106,418	3,191	41,280	150,889	3,166	-80,913	73,142

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VI. OP-32 Line Items:

	<u>FY 2021 Program</u>	<u>Change from FY 2021 to FY 2022</u>		<u>FY 2022 Program</u>	<u>Change from FY 2022 to FY 2023</u>		<u>FY 2023 Program</u>
		<u>Price Growth</u>	<u>Program Growth</u>		<u>Price Growth</u>	<u>Program Growth</u>	
GRAND TOTAL	142,616	4,293	42,852	189,761	4,693	-117,954	76,500