

# **Fiscal Year 2024 Budget Estimates**

## **Defense Legal Services Agency**



**March 2023**

**Defense Legal Services Agency  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2024 Budget Estimates**

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

	<u>FY 2022 Actuals</u>	<u>Price Change</u>	<u>Program Change</u>	<u>FY 2023 Enacted</u>	<u>Price Change</u>	<u>Program Change</u>	<u>FY 2024 Estimate</u>
DLSA	186,295	5,235	42,157	233,687	7,221	871	241,779

- FY 2022 includes \$48 in OOC Actuals. FY 2023 includes \$77 in OOC Enacted budget. FY 2024 includes \$77 for the OOC Estimate.

**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 32 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.

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**I. Description of Operations Financed: (Cont.)**

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.

**II. Force Structure Summary:**

N/A.

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

	<b>FY 2023</b>						
	<b>FY 2022 Actuals</b>	<b>Budget Request</b>	<b>Congressional Action</b>			<b>Current Enacted</b>	<b>FY 2024 Estimate</b>
			<b>Amount</b>	<b>Percent</b>	<b>Appropriated</b>		
<b>A. BA Subactivities</b>							
Defense Legal Services Agency, HQ (DLSA HQ)	\$17,926	\$19,017	\$0	0.00%	\$19,017	\$19,017	\$20,316
Defense Office of Hearings and Appeals (DOHA)	\$27,131	\$30,439	\$0	0.00%	\$30,439	\$30,439	\$31,689
HABEAS Corpus (HC)	\$32,105	\$53,560	\$0	0.00%	\$53,560	\$53,560	\$55,649
Office of Military Commission (OMC)	<u>\$109,133</u>	<u>\$130,671</u>	<u>\$0</u>	<u>0.00%</u>	<u>\$130,671</u>	<u>\$130,671</u>	<u>\$134,125</u>
<b>Total</b>	<b>\$186,295</b>	<b>\$233,687</b>	<b>\$0</b>	<b>0.00%</b>	<b>\$233,687</b>	<b>\$233,687</b>	<b>\$241,779</b>

<b>Summary of Operation</b>	<b>FY 2022 Actuals</b>	<b>FY 2023 Enacted</b>	<b>FY 2024 Estimate</b>
Operation ENDURING SENTINEL (OES)	\$0	\$0	\$0
Operation INHERENT RESOLVE (OIR)	\$48	\$77	\$77
European Deterrence Initiative (EDI)	\$0	\$0	\$0
Enduring Theater Requirements and Related Missions	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<b>Overseas Operations Costs Total</b>	<b>\$48</b>	<b>\$77</b>	<b>\$77</b>

\* FY 2022 includes \$48 in OOC Actuals. FY 2023 includes \$77 in OOC Enacted budget. FY 2024 includes \$77 for the OOC Estimate.

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<b><u>B. Reconciliation Summary</u></b>	<b><u>Change</u></b>	<b><u>Change</u></b>
<b>BASELINE FUNDING</b>	<b><u>FY 2023/FY 2023</u></b>	<b><u>FY 2023/FY 2024</u></b>
	<b>\$233,687</b>	<b>\$233,687</b>
Congressional Adjustments (Distributed)	0	
Congressional Adjustments (Undistributed)	0	
Adjustments to Meet Congressional Intent	0	
Congressional Adjustments (General Provisions)	0	
<b>SUBTOTAL APPROPRIATED AMOUNT</b>	<b>233,687</b>	
Fact-of-Life Changes (2023 to 2023 Only)	0	
<b>SUBTOTAL BASELINE FUNDING</b>	<b>233,687</b>	
Supplemental	0	
Reprogrammings	0	
Price Changes		7,221
Functional Transfers		0
Program Changes		871
<b>CURRENT ESTIMATE</b>	<b>233,687</b>	<b>241,779</b>
Less: Supplemental	0	
<b>NORMALIZED CURRENT ESTIMATE</b>	<b>\$233,687</b>	<b>\$241,779</b>

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<b>FY 2023 President's Budget Request (Amended, if applicable)</b> .....	<b>\$233,687</b>
1. Congressional Adjustments .....	\$0
a) Distributed Adjustments.....	\$0
b) Undistributed Adjustments.....	\$0
c) Adjustments to Meet Congressional Intent.....	\$0
d) General Provisions .....	\$0
<b>FY 2023 Appropriated Amount</b> .....	<b>\$233,687</b>
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
<b>FY 2023 Baseline Funding</b> .....	<b>\$233,687</b>
4. Reprogrammings (Requiring 1415 Actions).....	\$0
a) Increases .....	\$0

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b) Decreases .....	\$0
<b>Revised FY 2023 Estimate .....</b>	<b>\$233,687</b>
5. Less: Item 2, Supplemental Appropriation and Item 4, Reprogrammings .....	\$0
a) Less: Supplemental Funding .....	\$0
<b>FY 2023 Normalized Current Estimate .....</b>	<b>\$233,687</b>
6. Price Change .....	\$7,221
7. Functional Transfers .....	\$0
a) Transfers In .....	\$0
b) Transfers Out.....	\$0
8. Program Increases .....	\$25,284
a) Annualization of New FY 2023 Program .....	\$0
b) One-Time FY 2024 Increases .....	\$0
c) Program Growth in FY 2024 .....	\$25,284
1) Compensation and Benefits - One more compensable day in FY 2024 .....	\$280
The number of compensable days for FY 2023 is 260 days (2,080 hours), and for FY 2024 is 261 days (2,088 hours). (FY 2023 Baseline: \$69,807 thousand; 320 FTEs; +0 FTEs)	
2) Mission Support - DLSA Operations .....	\$25,004

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Increase of funds reflect additional requirements and realignment for management professional support services across DLSA operations.  
(FY 2023 Baseline: \$157,187 thousand)

9. Program Decreases .....	\$-24,413
a) Annualization of FY 2023 Program Decreases .....	\$0
b) One-Time FY 2023 Increases .....	\$0
c) Program Decreases in FY 2024 .....	\$-24,413
1) Compensation and Benefits - Civilian Average Annual Compensation .....	\$-410
Each year, civilian compensation rates are developed based on detailed execution and cost factor analysis. These rates are created and implemented with 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. (FY 2023 Baseline: \$69,807 thousand; 320 FTEs; +0 FTEs)	
2) Mission Support - Operational Requirements .....	\$-24,003
Decrease reflects reduced requirements and realignment of operational costs such as travel, subscription services, utilities, rents, postal services, and IT service contracts across DLSA operations. (FY 2023 Baseline: \$157,187 thousand)	
<b>FY 2024 Budget Request .....</b>	<b>\$241,779</b>



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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 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>Change FY 2022/ FY 2023</u>	<u>Change FY 2023/ FY 2024</u>
<b>Active Military End Strength (E/S) (Total)</b>	<b>205</b>	<b>205</b>	<b>205</b>	<b>0</b>	<b>0</b>
Officer	114	114	114	0	0
Enlisted	91	91	91	0	0
<b>Civilian End Strength (Total)</b>	<b>282</b>	<b>320</b>	<b>320</b>	<b>38</b>	<b>0</b>
U.S. Direct Hire	282	320	320	38	0
<b>Total Direct Hire</b>	<b>282</b>	<b>320</b>	<b>320</b>	<b>38</b>	<b>0</b>
<b>Active Military Average Strength (A/S) (Total)</b>	<b>205</b>	<b>205</b>	<b>205</b>	<b>0</b>	<b>0</b>
Officer	114	114	114	0	0
Enlisted	91	91	91	0	0
<b>Civilian FTEs (Total)</b>	<b>287</b>	<b>320</b>	<b>320</b>	<b>33</b>	<b>0</b>
U.S. Direct Hire	287	320	320	33	0
<b>Total Direct Hire</b>	<b>287</b>	<b>320</b>	<b>320</b>	<b>33</b>	<b>0</b>
<b>Average Annual Civilian Salary (\$ in thousands)</b>	<b>212.4</b>	<b>218.1</b>	<b>228.7</b>	<b>5.7</b>	<b>10.6</b>

**Personnel Summary Explanations:**

No change.

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

	FY 2022 Program	Change from FY 2022 to FY 2023		FY 2023 Program	Change from FY 2023 to FY 2024		FY 2024 Program
		Price Growth	Program Growth		Price Growth	Program Growth	
101 EXEC, GEN'L & SPEC SCHEDS	60,964	2,518	6,325	69,807	3,510	-130	73,187
<b>0199 TOTAL CIVILIAN PERSONNEL COMPENSATION</b>	<b>60,964</b>	<b>2,518</b>	<b>6,325</b>	<b>69,807</b>	<b>3,510</b>	<b>-130</b>	<b>73,187</b>
308 TRAVEL OF PERSONS	2,429	51	435	2,915	64	-826	2,153
<b>0399 TOTAL TRAVEL</b>	<b>2,429</b>	<b>51</b>	<b>435</b>	<b>2,915</b>	<b>64</b>	<b>-826</b>	<b>2,153</b>
671 DISA DISN SUBSCRIPTION SERVICES (DSS)	7,610	245	-5,383	2,472	160	-2,630	2
<b>0699 TOTAL OTHER FUND PURCHASES</b>	<b>7,610</b>	<b>245</b>	<b>-5,383</b>	<b>2,472</b>	<b>160</b>	<b>-2,630</b>	<b>2</b>
771 COMMERCIAL TRANSPORT	1,116	23	-1,067	72	1	-3	70
<b>0799 TOTAL TRANSPORTATION</b>	<b>1,116</b>	<b>23</b>	<b>-1,067</b>	<b>72</b>	<b>1</b>	<b>-3</b>	<b>70</b>
912 RENTAL PAYMENTS TO GSA (SLUC)	0	0	164	164	4	-1	167
913 PURCHASED UTILITIES (NON-FUND)	2,404	50	-1,765	689	15	-507	197
914 PURCHASED COMMUNICATIONS (NON-FUND)	1,000	21	788	1,809	40	-370	1,479
915 RENTS (NON-GSA)	8,655	182	7,351	16,188	356	-3,376	13,168
917 POSTAL SERVICES (U.S.P.S)	27	1	49	77	2	-1	78
920 SUPPLIES & MATERIALS (NON-FUND)	1,236	26	658	1,920	42	-361	1,601
921 PRINTING & REPRODUCTION	30	1	-31	0	0	0	0
922 EQUIPMENT MAINTENANCE BY CONTRACT	12	0	5,101	5,113	112	-11	5,214
923 FACILITIES SUST, REST, & MOD BY CONTRACT	118	2	4,456	4,576	101	-1,565	3,112
925 EQUIPMENT PURCHASES (NON-FUND)	0	0	20	20	0	-20	0
932 MGT PROF SUPPORT SVCS	17,967	377	73,125	91,469	2,012	25,004	118,485
934 ENGINEERING & TECH SVCS	5,417	114	2,549	8,080	178	181	8,439
959 OTHER COSTS (INSURANCE CLAIMS/INDMNTIES)	0	0	23	23	1	-2	22
960 OTHER COSTS (INTEREST AND DIVIDENDS)	3	0	57	60	1		61
986 MEDICAL CARE CONTRACTS	11	1	-12	0	0	0	0
987 OTHER INTRA-GOVT PURCH	10	0	2,695	2,705	60	-166	2,599
989 OTHER SERVICES	63,037	1,324	-46,335	18,026	397	-10,420	8,003

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

	FY 2022 <u>Program</u>	<u>Change from FY 2022 to FY 2023</u>		FY 2023 <u>Program</u>	<u>Change from FY 2023 to FY 2024</u>		FY 2024 <u>Program</u>
		<u>Price Growth</u>	<u>Program Growth</u>		<u>Price Growth</u>	<u>Program Growth</u>	
990 IT CONTRACT SUPPORT SERVICES	14,249	299	-7,046	7,502	165	-3,925	3,742
<b>0999 TOTAL OTHER PURCHASES</b>	<b>114,176</b>	<b>2,398</b>	<b>41,847</b>	<b>158,421</b>	<b>3,486</b>	<b>4,460</b>	<b>166,367</b>
<b>9999 GRAND TOTAL</b>	<b>186,295</b>	<b>5,235</b>	<b>42,157</b>	<b>233,687</b>	<b>7,221</b>	<b>871</b>	<b>241,779</b>