

**Defense Legal Services Agency
Operation Enduring Freedom
Operation and Maintenance, Defense-Wide
Budget Activity 04: Administrative and Service-Wide Activities**

I. Description of Operations Financed: The Defense Legal Service Agency (DLSA) maintains two separate efforts involving detainees at Guantanamo Bay, Cuba (GTMO), the Office of Military Commissions (OMC) and Habeas Corpus (HC).

The Office of Military Commissions (OMC) was established by the Secretary of Defense on March 21, 2002, under the Defense Legal Service Agency (DLSA) to handle the trials of enemy combatants who violate the laws of war. The commission is comprised of both military and civilian personnel, who work in four sections: 1) the appointing authority (similar to a convening authority), which includes the Office of the Legal Advisor; 2) the prosecution office; 3) the defense office; and 4) the Review Panel (judges who consider appeals).

The Military Commissions Act (MCA) was enacted in response to the Supreme Court requirement for legislation to continue the OMC process. Several major terrorists have been transferred to GTMO whose trials began under the MCA statutory framework in FY 2009. Tribunals are now in progress, including the USS Cole bombing case and the 9/11 cases. Funding requirements are expected to continue unabated.

The OMC incurs normal government activity operating expenses, including salaries and benefits, travel, rental of office space and equipment, communications, and the cost of supplies and equipment. Continued supplemental funding is essential for OMC to accomplish its mission.

The Habeas Corpus Group (HC) is separate and distinct from the tribunal process. In this process, DoD is engaged in Federal litigation regarding detainees. Over 200 detainees have filed Habeas Corpus cases in the Federal District Courts in Washington, DC. In the Boumediene Supreme Court decision, the US Supreme Court affirmed the rights of the detainees to have these cases heard. The District Courts have established a rigorous

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I. Description of Operations Financed (cont.)

trial schedule which requires two types of funding. First, the litigation effort requires the hiring of 85 attorneys and 25 paralegal/administrative/support personnel. These personnel will be housed in rental space in the National Capital Region (NCR) which has stringent security requirements. Ancillary requirements for these DLSA temporary employees include information technology (IT) support; courier, security and translation services; office equipment, and rental expenses. Second, the Federal District Court ordered that habeas petitioners' counsel have space and facilities set aside for their use which includes 24/7 security guards, equipment, IT support, rental expenses, and translation services. Given that most of the materials considered in these litigations are classified, additional funding is needed for contracts, rental expenses, translation expenses, and security expenses as well as temporary duty travel expenses to allow the Intelligence Community to fulfill requirements to declassify vast volumes of documents and information in order that it may be presented in court settings.

FY 2015 will have an increase in motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911 suspects. This will entail more transcription, translation, closed circuit television, and temporary duty costs. All decisions made are at the discretion of the judges.

II. Force Structure Summary:

N/A

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III. Financial Summary (\$ in thousands):

CBS No.	CBS Title	FY 2013 <u>Actual</u>	FY 2014 <u>Estimate</u>	<u>Delta</u>	FY 2015 <u>Estimate</u>
OEF					
1.0	Personnel	\$24,107	\$17,550	\$88	\$17,638
2.0	Personnel Support	\$1,930	\$3,390	\$222	\$3,612
3.0	Operating Support	\$71,169	\$78,598	\$5,152	\$83,750
	OEF Total	\$97,206	\$99,538	\$5,462	\$105,000
	Grand Total	\$97,206	\$99,538	\$5,462	\$105,000

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III. Financial Summary (\$ in thousands):

<u>OEF</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>Delta</u>	<u>FY 2015</u>
	<u>Actual</u>	<u>Estimate</u>		<u>Estimate</u>
1. CBS Category/Subcategory				
1.2 Civilian Pay and Allowances	\$24,107	\$17,550	\$88	\$17,638
Total	\$24,107	\$17,550	\$88	\$17,638

A. Narrative Justification: OMC: Funding is used to support 195 military personnel and 39 temporary full-time civilians at GTMO. The majority of personnel work in four sections: the appointing authority which includes the Office of the Legal Advisor, the prosecution office, the defense office, and the Review Panel (judges who consider appeals). HC: Personnel support costs for HC include 85 attorneys and 25 other personnel. Impact if not funded: DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

B. Explanation of Changes between FY 2014 and FY 2015: The changes are the result of anticipated changes in workforce compensation costs.

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	<u>Actual</u>	<u>Estimate</u>	<u>Delta</u>	<u>Estimate</u>
2. CBS Category/Subcategory				
2.0 Personnel Support	\$1,930	\$3,390	\$222	\$3,612
Total	\$1,930	\$3,390	\$222	\$3,612

A. Narrative Justification: OMC: Funding provides personnel support costs in support of GTMO operations. These funds cover temporary duty (TDY) costs for the OMC personnel to meet with their detainee clients and to participate in commission hearings. Travel is required to GTMO and a satellite office. HC: TDY costs cover HC personnel. These people travel to the same locations as OMC personnel above. Impact if not funded: DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

B. Explanation of Changes between FY 2014 and FY 2015: A Funding increase in motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911 suspects. This will entail more transcription, translation, closed circuit television, and temporary duty costs.

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III. Financial Summary (\$ in thousands):

<u>OEF</u>	<u>FY 2013</u>	<u>FY 2014</u>	<u>Delta</u>	<u>FY 2015</u>
	<u>Actual</u>	<u>Estimate</u>		<u>Estimate</u>
3. CBS Category/Subcategory				
3.0 Operating Support	\$71,169	\$78,598	\$5,152	\$83,750
Total	\$71,169	\$78,598	\$5,152	\$83,750

A. Narrative Justification: OMC: These costs include supplies, rent, furniture, design and construction cost, training, contract support, reimbursement to the U.S. Marshals Service, Information Technology (IT) support, telecommunications, and security. Funding also provides for an interpretation and translation contract. HC: These costs include supplies, rent, furniture, design and construction, training, contract support, IT support, telecommunications, and security. Funding also provides for translation and declassification of documents relating to habeas cases. Impact if not funded: DLSA will be unable to provide legal services for the continuation of prosecutions and the holding of detainees.

B. Explanation of Changes between FY 2014 and FY 2015: A Funding increase in motion practice and litigation at Guantanamo Bay both for the alleged Cole bombers and 911 suspects. This will entail more transcription, translation, closed circuit television, and temporary duty costs.

	<u>FY 2013</u>	<u>FY 2014</u>	<u>Delta</u>	<u>FY 2015</u>
	<u>Actual</u>	<u>Estimate</u>		<u>Estimate</u>
Total	\$97,206	\$99,538	\$5,462	\$105,000

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IV. Performance Criteria:

N/A

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

OP 32 Line	FY 2013	Change		FY 2014	Change		FY 2015
		<u>FY 2013/FY 2014</u>			<u>FY 2014/FY 2015</u>		
	<u>Actual</u>	<u>Price</u>	<u>Program</u>	<u>Estimate</u>	<u>Price</u>	<u>Program</u>	<u>Estimate</u>
101 Exec, Gen'l & Spec Scheds	24,107	181	-6,738	17,550	176	-88	17,638
199 Total Civ Compensation	24,107	181	-6,738	17,550	176	-88	17,638
308 Travel of Persons	1,930	37	1,423	3,390	61	161	3,612
399 Total Travel	1,930	37	1,423	3,390	61	161	3,612
672 PRMRF Purchases	657	33	-690	0	0	0	0
699 Total DWCF Purchases	657	33	-690	0	0	0	0
771 Commercial Transport	2	0	-2	0	0	0	0
799 Total Transportation	2	0	-2	0	0	0	0
912 Rental Payments to GSA (SLUC)	4,998	95	-5,093	0	0	0	0
913 Purchased Utilities (Non-Fund)	236	4	-240	0	0	0	0
914 Purchased Communications (Non-Fund)	591	11	-602	0	0	0	0
915 Rents (Non-GSA)	12	0	1,330	1,342	24	64	1,430
917 Postal Services (U.S.P.S)	0	0	52	52	1	3	56
920 Supplies & Materials (Non-Fund)	1,006	19	-192	833	15	40	888
922 Equipment Maintenance By Contract	639	12	-651	0	0	0	0
923 Facilities Sust, Rest, & Mod by Contract	172	3	-175	0	0	0	0
925 Equipment Purchases (Non-Fund)	871	17	-888	0	0	0	0
932 Mgt Prof Support Svcs	41,305	785	-2,812	39,278	707	1,866	41,851
933 Studies, Analysis & Eval	3,533	67	17,405	21,005	378	998	22,381
934 Engineering & Tech Svcs	2,028	39	-2,067	0	0	0	0
957 Other Costs (Land and Structures)	96	2	-98	0	0	0	0
959 Other Costs (Insurance Claims/Indmnties)	287	5	-292	0	0	0	0
987 Other Intra-Govt Purch	2,612	50	10,742	13,404	241	638	14,283
989 Other Services	12,124	230	-9,670	2,684	48	129	2,861
999 Total Other Purchases	70,510	1,339	6,749	78,598	1,414	3,738	83,750
Total	97,206	1,590	742	99,538	1,651	3,811	105,000