

DEFENSE LEGAL SERVICES AGENCY (DLSA)
Operation Enduring Freedom/Operation Iraqi Freedom
Operation and Maintenance, Defense Wide
Budget Activity 04 Administrative and Service Wide Activities

Operation and Maintenance, Defense-Wide Summary (\$ in thousands)
Budget Activity (BA) 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).

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 a number of cases referred for trial or in various stages of collateral constitutional litigation.

The process was placed on hold by Executive Order on January 22, 2009. Since that time, the prosecution has requested continuances in each pending case. The administration is still considering whether OMC should continue tribunals, whether jurisdiction should be transferred to Department of Justice (DOJ), or whether alternative dispositions should be considered. Closing the physical facilities at GTMO will not end the necessity to deal with the detainees, and decisions must be made to address the appropriate forum to prosecute detainees. DLSA will either resume prosecutions or will be expected to contribute to a joint Department of Defense

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(DoD)/DOJ effort. There are no other logical prosecutorial entities available to take on these responsibilities. 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 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.

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II. Financial Summary (\$ in Thousand)

<u>CBS No.</u>	<u>CBS Title</u>	<u>FY 2011 Actual</u>	<u>FY 2012 Total</u>	<u>Delta FY12/13</u>	<u>FY 2013 Total</u>
1.0	Personnel	\$14,921	\$20,260	\$74	\$20,334
2.0	Personnel Support	\$2,193	\$3,390	\$0	\$3,390
3.0	Operating Support	\$66,273	\$43,672	\$34,926	\$78,598
	Totals	\$83,387	\$67,322	\$35,000	\$102,322

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A. Subactivity Group

<u>CBS No.</u>	<u>CBS Title</u>				
1.2	OMC Civilian Personnel	\$5,969	\$7,845	\$29	\$7,874
1.2	HC Civilian Personnel	<u>\$8,952</u>	<u>\$12,415</u>	<u>\$45</u>	<u>\$12,460</u>
1.2	Civilian Personnel Total	\$14,921	\$20,260	\$74	\$20,334

Narrative Justification:

OMC: Funding is used to support 195 military personnel and 60 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.

Explanation of change between FY 2012 and FY 2013: FY 2013 request is higher than FY 2012 due to one extra compensable day and 0.5% pay raise in support of the OMC and HC initiatives.

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<u>CBS No.</u>	<u>CBS Title</u>				
2.0	OMC Temp Duty/Addt'l Duty	\$877	\$1,356	\$0	\$1,356
2.0	HC Temp Duty/Addt'l Duty	<u>\$1,316</u>	<u>\$2,034</u>	<u>\$0</u>	<u>\$2,034</u>
2.0	Temp Duty/Addt'l Duty Total	<u>\$2,193</u>	<u>\$3,390</u>	<u>\$0</u>	<u>\$3,390</u>

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.

Explanation of change between FY 2012 and FY 2013: FY 2012 request is the same in FY 2013.

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<u>CBS No.</u>	<u>CBS Title</u>				
3.0	OMC Operating Support Cost	\$29,823	\$19,495	\$15,590	\$35,085
3.0	HC Operating Support Cost	\$36,450	\$24,177	\$19,336	\$43,513
3.0	Operating Support Cost	\$66,273	\$43,672	\$34,926	\$78,598

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.

Explanation of change between FY 2012 and FY 2013: Prior to FY 2012, several high profile cases associated with the USS Cole bombing and 911 were awaiting trials. The Cole Bomber trial started in FY 2012, and the 911 trials will soon follow. Therefore, funds are required for these trials, which are expected to extend into FY 2013 requiring an increase of funds.

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	FY 2011	FY 2012	Delta	FY 2013
	<u>Actual</u>	<u>Total</u>	<u>FY12/13</u>	<u>Total</u>
Total	\$83,387	\$67,322	\$35,000	\$102,322

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OP-32 Line Items as Appropriate (Dollars in thousands)

	FY 2011	Change		FY 2012	Change		FY 2013
		Price	Program		Price	Program	
101 Exec, Gen & Spec Schedules	14,921	0	771	20,260	76	-2	20,334
308 Travel of Persons	2,193	39	1,158	3,390	58	-58	3,390
672 Pentagon Reservation	1,226	-156	-1,070	0	0	0	0
771 Commerical Transportation	64	1	-65	0	0	0	0
912 Rental Payments to GSA Leases	2,651	48	-2,699	0	0	0	0
913 Purchased Utilities (Non-DBOF)	103	2	-105	0	0	0	0
914 Purchased Communications	267	5	-272	0	0	0	0
915 Rents (Non GSA)	0	0	883	883	15	444	1,342
917 Postal Services	1	0	33	34	0	18	52
920 Supplies & Materials (Non-SF)	836	15	-542	309	5	519	833
921 Printing and Reproduction	0	0	0	0	0	0	0
922 Equipment Maintenance by	3,888	70	-3,958	0	0	0	0
923 Facility Maintenance by	14	0	-14	0	0	0	0
925 Equipment Purchase by Contract	2,092	38	-2,130	0	0	0	0
932 Management & Professional	34,592	623	-13,279	21,936	373	16,969	39,278
933 Studies Analysis & Evaluations	15,258	275	-4,253	11,280	192	9,533	21,005
934 Engineering & Technical	11	0	-11	0	0	0	0
951 Other Costs (Special Personal	3,019	54	-3,073	0	0	0	0
957 Other Costs (Land and	788	14	-802	0	0	0	0
959 Other Costs (Insurance Claims	7	0	-7	0	0	0	0
987 Other Intra-governmental	1,103	20	6,340	7,463	127	5,814	13,404
988 Grants, Subsidies, and	0	0	0	0	0	0	0
989 Other Contracts	353	6	1,408	1,767	30	887	2,684
998 Other Costs	0	0	0	0	0	0	0

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		Change			Change		
	FY 2011	<u>Price</u>	<u>Program</u>	FY 2012	<u>Price</u>	<u>Program</u>	FY 2013
Total	83,387	1,054	-21,687	67,322	876	34,124	102,322

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