

# TRANSITION BOOK

Department of Defense  
Office of General Counsel

Defense Legal Services  
Agency



# **Table of Contents**

## **1. ORGANIZATION AND MANAGEMENT**

### **A. Organization**

- 1. Mission Statement  
(Covers Goals and Functions)**
- 2. Organization Structure**

### **B. Management**

- 1. Chain of Command**
- 2. Regulatory Authority**
  - a. DoD General Counsel**
  - b. DLSA**
  - c. SECDEF Order of Succession**
  - d. Personnel Actions Involving Civilian Attorneys**

### **C. External Process**

- 1. Executive -- Key Interagency Relationships**
- 2. Congressional Research**

## **2. BUDGET**

### **A. Budget Overview**

### **B. DLSA Budget Detail**

- 1. 2002/2003 BES**
- 2. 2001 BES**
- 3. Unfunded Requirement**
- 4. Unfunded Background**

## **3. PERSONNEL SUMMARY**

### **Manpower Billets**

## **4. POLICY ISSUES**







## **ORGANIZATION, MISSION AND FUNCTIONS OF THE DEPARTMENT OF DEFENSE OFFICE OF GENERAL COUNSEL**

This fact sheet summarizes the organization, mission and functions of the Department of Defense (DoD) Office of General Counsel.

### **GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE**

Section 1411 of Title 10 of the United States Code provides that the DoD General Counsel is the chief legal officer of DoD, which includes the Military Departments and several other DoD Components. The General Counsel is appointed by the President, by and with the advice and consent of the Senate, and performs such functions as the Secretary of Defense may prescribe. The General Counsel is the principal legal advisor to the Secretary of Defense and has final authority and responsibility for legal policy and determinations and the delivery of legal services within the Department of Defense and its components.

As chief legal officer for DoD, the General Counsel is responsible and accountable to the Secretary of Defense for proper, effective and uniform interpretation and application of the law and delivery of legal services within DoD. All civilian and military personnel performing legal duties within DoD are subject to the authority of the General Counsel with respect to the performance of these duties, to include compliance with applicable statutory, regulatory, and ethical standards of the legal profession in the performance of those duties. The legal opinions of the General Counsel are controlling legal opinions for DoD. The responsibilities and functions of the General Counsel include:

- Provide advice to the Secretary of Defense and the Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, DoD.
- Provide legal advice to organizations within the Office of the Secretary of Defense and other DoD Components.
- Oversee legal services performed within DoD, including determining the adherence by attorneys in DoD to appropriate professional standards.
- Review and approve proposed responses to appeals from denials of requests under the Freedom of Information Act, as appropriate.
- Provide advice on standards of conduct involving OSD personnel and, as appropriate, other DoD Components.
- Develop positions on legislation affecting DoD and forward the Departmental legislative program.

- Provide for the coordination of significant legal issues, including litigation involving DoD and other matters before the Department of Justice in which the DoD has an interest.
- Establish DoD policy on general legal issues, determine the DoD position on specific legal problems, and resolve disagreements within DoD on such matters.
- Perform such functions relating to the DoD security program as the Secretary or Deputy Secretary of Defense may assign.
- Act as the lead counsel for DoD in all international negotiations conducted or overseen by OSD components.
- Maintain the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel.
- Perform such other duties as the Secretary of Defense or Deputy Secretary of Defense may prescribe.

The General Counsel also serves as Director of the Defense Legal Services Agency (DLSA). The DLSA is a separate agency of the Department of Defense under the direction, authority, and control of the DoD General Counsel. It is comprised of the legal staffs assigned to the Defense Agencies and the DoD Field Activities. The DLSA was created in 1981 to consolidate professionally the legal offices serving the Office of the Secretary of Defense, the Defense Agencies and Field Activities under the direct supervision and policy control of the DoD General Counsel. The goals of this consolidation were to create a more efficient, effective and economical means of providing legal services within DoD, to eliminate duplication of work and to strengthen the General Counsel's ability to assure the quality and consistency of legal advice in DoD. Individuals who support the DLSA function include personnel assigned both outside and inside the Agency. DLSA does not provide personnel authorizations, funds, or administrative support to those personnel assigned outside DLSA. These personnel are located physically at and carried on the rolls of their parent organization. Personnel assigned within DLSA who are administratively funded and on the Agency rolls include: Defense Office of Hearings and Appeals (DOHA), Legislative Reference Service (LRS), Standards of Conduct Office and the Administrative Office of the General Counsel/DLSA. The responsibilities and functions of the General Counsel in his or her capacity as the Director, DLSA, include:

- Organize, direct, and manage the DLSA and all assigned resources.
- Provide legal advice and services to the Defense Agencies, DoD Field Activities, and other assigned organizations.

- Provide technical support and assistance for development of the DoD Legislative Program.

- Manage the Departmental legislation and legislative comment programs.

- Provide a centralized legislative and congressional document reference and distribution point for the Office of the Secretary of Defense, and maintain the Department's historical legislative files.

- Prepare Executive Orders for submission to the President for promulgation and manage the comment process on Executive Orders proposed by other agencies.

- Develop DoD policy for employee standards of conduct and administer the Standards of Conduct Program for the OSD/Joint Staff and other assigned organizations.

- Administer the Defense Industrial Security Clearance Review Program.

Under authority of the General Counsel, the Office of General Counsel provides legal advice and support on all legal matters pertaining to the Department of Defense, particularly to the Office of the Secretary of Defense. The immediate Office of the DoD General Counsel is comprised of a Principal Deputy General Counsel and eight Deputy General Counsels. Subject to the authority, direction and control of the General Counsel and Principal Deputy General Counsel, the Deputy General Counsels are fully authorized to act on behalf of the General Counsel within the scope of assigned responsibilities, and are expected to resolve most issues with interested officials without recourse to the General Counsel or Principal Deputy General Counsel, except for those of a highly controversial or novel nature. The responsibilities and functions of the Principal Deputy General Counsel and of the Deputy General Counsels are identified below.

#### **PRINCIPAL DEPUTY GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE**

Subject to the authority, direction and control of the General Counsel, the duties of the Principal Deputy General Counsel embrace all areas of responsibility within the Office of General Counsel. The Principal Deputy General Counsel reports directly to the General Counsel, serves as the alter ego of the General Counsel, is the principal advisor and assistant to the General Counsel, and has full authority to act for and with the General Counsel in the general management of the Office of General Counsel and all other matters for which the General Counsel is responsible. In the absence of the General Counsel, the Principal Deputy General Counsel serves as Acting General Counsel.

The responsibilities and functions of the Principal Deputy General Counsel include:

- Personal and confidential policy advisor to the General Counsel in all legal matters affecting the general management and operations of the Department of Defense and its components, including sensitive matters of interest to the Secretary and the Deputy Secretary of Defense, other senior officials within the Office of the Secretary of Defense, the Secretaries of the Military Departments and their subordinates. This includes advice as to law, Administration policy and other considerations that affect the decisions of the Secretary of Defense.

- Guide and supervise inquiries and investigations, review recommendations from attorneys assigned to subordinate activities and commands within the Department, and provide detailed analyses for consideration and decision by the General Counsel, the Secretary and Deputy Secretary of Defense, and other senior officials within the Department of Defense.

- Act for the General Counsel with full authority in the oversight and management of all elements of the Office of General Counsel, to include professional supervision and management of the Deputy General Counsels.

- Oversee the coordination of a wide range of legal matters with other Government agencies, as well as within the Department.

- Respond to Congressional inquiries.

- Ensure coordination of Department legal approaches and positions with those of the other Executive Departments and agencies; serve as liaison with senior officials of the Department of Justice regarding planned, pending, or ongoing litigation or legal policy issues of particular interest to the Department of Defense; provide for the review and analysis of case law as well as current or proposed legislation, and provide appropriate advice regarding such matters to the General Counsel, Secretary and Deputy Secretary, Under and Assistant Secretaries, and other senior officials.

- Prepare, review and approve official documents and letters for signature by the Secretary and Deputy Secretary and other senior officials, and sign unreviewed memoranda, opinions and letters.

- Supervise the Director of the Legislative Reference Service (LRS), which is part of the Defense Legal Services Agency. LRS serves the Office of the Secretary of Defense and the Department of Defense in the management of the Departmental legislation program and legislative comment process. LRS also serves as a focal point for the Office of Management and Budget (OMB) in the inter-agency clearance process for legislation and Presidential Executive Orders. In that regard, LRS is the DoD conduit to OMB for the clearance of Departmental testimony on legislation proposed by agencies and offices of the Office of the Secretary of Defense. LRS provides advice on drafting legislation and the legislative process to persons in the Office of the Secretary of Defense and provides congressional documents to that Office.

Additionally, LRS is the repository for legislative histories on congressional items of interest to the Department of Defense and for the source documents for the items that are included in the Departmental legislative program. Considering the far-reaching activities of DoD, great care is exerted to ensure a matter of concern to DoD operations is not inadvertently altered by legislation that is intended to cover another area. This formal Departmental coordination process on legislation with an OMB point of contact provides the Department with a focal point for OMB contacts and DoD contacts on the status of legislative policy. It also serves to provide an independent and impartial review process for the formulation of legislative policy. Finally, it enables the efficient management of the legislative comment process and legislation program to ensure that Departmental concerns are properly stated after appropriate coordination.

#### **DEPUTY GENERAL COUNSEL (LEGAL COUNSEL) DEPARTMENT OF DEFENSE**

The Deputy General Counsel (Legal Counsel) is the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for providing legal review and advice on the Freedom of Information Act, Privacy Act, counterintelligence policy and programs, personnel security, and industrial security. The Deputy General Counsel (Legal Counsel) provides all necessary support to the General Counsel and Principal Deputy General Counsel in matters within these functional areas of responsibility, including:

- Providing legal advice and direction in civil and criminal cases involving classified DoD information, to include espionage cases in military courts-martial and federal court.
- Answering legal questions involving executive privilege, and reviewing state secrets declarations prepared for the signature of the Secretary of Defense to protect classified information from disclosure in civil litigation, and drafting similar declarations to protect classified information in criminal proceedings under the Classified Information Procedures Act.
- Providing advice and making determinations on responding to requests for interviews, and pretrial and trial testimony of DoD personnel in litigation, and for the use of official DoD information in federal and state litigation in cases in which the Government is a party to the suit and in private litigation.
- Reviewing and analyzing a broad array of statutory, regulatory and constitutional issues.
- Providing legal advice and assistance to the Assistant Secretary of Defense (Public Affairs), involving the interface between the Department of Defense and the public through the news media, to include issues regarding
- Providing advice on copyright law, the law of libel, First Amendment issues, community relations, and the making of commercial movies with the cooperation of the

Department of Defense. This function includes advice and assistance to the Armed Forces Information Service; providing information and training assistance to the members of the military services now numbering two million.

- Providing administration of the Freedom of Information Act, which involves treatment of requests from private individuals for documents in the possession of the Department of Defense. This is a broad grant of authority to the general public to demand Defense documents, subject to enumerated exemptions which are subject to constant interpretation, evaluation, and litigation.

- Interpreting the Privacy Act and providing advice and assistance to the Defense Privacy Board. The Privacy Act prescribes specific limitations on the use of personal information in Government files, and is subject to frequent interpretation and to litigation.

- Interpreting the Administrative Procedures Act, which covers public notice of actions of the Department of Defense, adjudication procedures, and the process for executing litigation on the part of persons outside of the Department of Defense. It also involves regulatory reform, issues involving the Federal Advisory Committee Act and the important area of administrative dispute resolution.

- Providing advice and assistance to cognizant personnel in the OSD in coordination with the military departments, on sensitive, special access programs including the certification and decertification of programs, internal audit procedures, and Congressional oversight.

- Supervising the Defense Office of Hearings and Appeals (DOHA). The Defense Office of Hearings and Appeals is part of the Defense Legal Services Agency, and is responsible for adjudicating appeals by persons employed by private industry who have been denied a clearance for access to Department of Defense classified information. The Director, DOHA, prepares legal opinions at the request of the Deputy General Counsel (Legal Counsel), regarding issues arising in the area of personnel security and industrial security.

The Deputy General Counsel (Legal Counsel) also provides legal advice in a myriad of other areas to include: preparing and evaluating legislative proposals relating to assigned areas; security plans and programs; the polygraph program; emergency authorities and mobilization in assigned areas; Secretary of Defense papers, archives and Presidential libraries; voting assistance; investigative matters, to include inquiries and investigations by the Government Accounting Office regarding issues in assigned functional areas. The Deputy General Counsel (Legal Counsel) also provides legal advice and litigation support on other issues as assigned by the General Counsel and Principal Deputy General Counsel.

#### **DEPUTY GENERAL COUNSEL (INTERNATIONAL AFFAIRS) DEPARTMENT OF DEFENSE**

The Deputy General Counsel (International Affairs), is the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for legal advice and service in the broad areas of international affairs. As such, the Deputy General Counsel (International Affairs) has primary responsibility to provide legal advice and services to

the Under Secretary for Policy, the Principal Deputy Under Secretary for Policy, the Assistant Secretary (International Security Affairs), and the Assistant Secretary (International Security Policy) for matters within their respective jurisdictions, supervise and ensure the adequacy of legal advice and services provided to their staffs and provide all necessary support to the General Counsel and Principal Deputy General Counsel in matters within functional areas of responsibility which require their attention.

Functions and responsibilities of the Deputy General Counsel (International Affairs) include:

- Provide legal advice and assistance in the development of policy, the implementation of programs, and the negotiation of agreements concerning or affecting DoD international programs and activities.

- Serve as the focal point for legal advice to the Department and the United States Delegations to all bilateral and multinational negotiations; provide legal analysis of suggested negotiating positions inter alia to ensure that the proposed agreements will be legally sufficient under U.S. and international law; and draft language for agreements which support agreed-upon positions of the Administration.

- Assume operational as well as legal responsibilities in connection with the administration of status of forces and similar agreements applicable with respect to DoD personnel in some forty foreign countries. These agreements cover such matters as the apportionment of civil and criminal jurisdiction between foreign and U.S. military courts, taxation, military procurement abroad, customs exemptions, passports, and foreign claims. He or she may assume special responsibilities in defending status of forces treaties and related agreements before Congress, and report annually to the Senate Armed Services Committee on general operation of these agreements.

- Serve as focal point for resolution of inter-service and Defense-agency differences in the field of international law and advise all OSD components on international programs, international agreements, and the requirements of international law.

- Travel abroad as legal adviser to key DoD officials and as Defense representative and negotiator; provide legal counsel to members of U.S. and Defense delegations and negotiators, serve as a member of U.S. Delegations as necessary and represents Defense interests on legal aspects of international matters in dealings with U.S. officials, Congressional members and staffs, and officials of foreign governments.

- Render legal opinions on questions referred by Under Secretaries, Assistant Secretaries, and other Departmental officials on a wide range of matters including, but not limited to, legal problems arising out of the negotiation, drafting, and implementation of treaties and other international agreements; DoD relationships with multilateral international organizations such as the United Nations and NATO; international tax, patent, procurement, logistics, and claims problems; foreign military sales and security assistance; foreign industrial and scientific cooperation; humanitarian assistance and relief operations; laws of war; law of the sea; drug interdiction; export controls; foreign purchases of defense contractors; arms control and disarmament; and other complex problems concerning world-wide DoD operations.

- Review policy papers referred by the Under Secretaries, Assistant Secretaries, and other offices for international law implications, and suggest changes to eliminate legal deficiencies and better satisfy policy goals.

- Serve as the DoD representative to the Interagency Committee on Foreign Tax Relief, and as the focal point for the responsibilities of the General Counsel concerning international agreements.

- Other significant matters as assigned by the General Counsel or Principal Deputy General Counsel.

By providing legal advice and participating in the overall policy development concerning the international activities of the Department, the Deputy General Counsel (International Affairs), has a major role in world-wide DoD programs. These programs involve the most sensitive and often controversial activities of the DoD and often affect the entire Executive Branch.

#### **DEPUTY GENERAL COUNSEL (INTELLIGENCE) DEPARTMENT OF DEFENSE**

Serves as the Deputy General Counsel (Intelligence). As such, serves as the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for legal advice and services in the broad area of intelligence, covert action, and intelligence policy. The Deputy General Counsel (I) has primary responsibility to provide legal advice and service relating to intelligence matters to principals and principal assistants within the offices of the Under Secretary of Defense for Policy (USD(P)), the Assistant Secretary of Defense (Command, Control, Communications and Intelligence) (ASD(C3I)), primarily through the office of the Deputy Assistant Secretary (Intelligence and Security) (DASD(I&S)), and the Assistant to the Secretary (Intelligence Oversight) (ATS(IO)), for matters within their respective jurisdictions. In addition, the incumbent personally provides legal advice and support to the General Counsel with respect to Intelligence, Special Access Programs, and the Special Access Programs Oversight Council (SAPOC).

- As required, draft, provide DoD views on, and interpret legislation, executive orders, directives and regulations governing intelligence operations, organization, and oversight of the intelligence community and DoD elements thereof, and reviews intelligence-related papers unless they are related solely to counterintelligence, requiring concurrence or endorsement.

- As required, maintain continuing contact with key Congressional Committees, through Congressmen and their staffs, to provide them with information concerning legal aspects of DoD intelligence matters; also consult with such committees concerning the protection of classified materials and the procedures for providing information to the committees.

- As necessary and appropriate, negotiate and confer with other agencies of the federal government, including the Department of Justice, Central Intelligence Agency, and Department of State concerning the administration and regulation of DoD intelligence operations in the United States and abroad.

By providing legal advice and participating in the overall policy development concerning the intelligence activities of the Department, the Deputy General Counsel (Intelligence) has a major role in work-wide DoD program. These programs involve the most sensitive and often controversial activities of the DoD and often affect the entire Executive Branch.

#### **DEPUTY GENERAL COUNSEL (ACQUISITION AND LOGISTICS) DEPARTMENT OF DEFENSE**

The Deputy General Counsel (Acquisition & Logistics) is the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for legal advice and services in the broad area of Department of Defense acquisition and logistics. As such, the Deputy General Counsel (Acquisition & Logistics) has primary responsibility to provide legal advice and services to the Under Secretary of Defense for Acquisition, and to the offices under the control of that office, including, the Director of Defense Research and Engineering, the Assistant Secretary of Defense for Production and Logistics, the Office of Small and Disadvantaged Business Utilization and to the Assistant to the Secretary of Defense for Atomic Energy; the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence; the Director of Operational Test and Evaluation; and the Assistant Secretary of Defense, Program Analysis and Evaluation for matters within their respective jurisdictions; supervise and ensure the adequacy of legal advice and services provided to their staffs; and to provide all necessary support to the General Counsel and Principal Deputy General Counsel in matters within his or her functional area of responsibility which require their attention.

The Deputy General Counsel (Acquisition & Logistics) is responsible for providing advice, counsel, and representing the Department of Defense on all matters relating to acquisition and management of the Department's property.

#### **DEPUTY GENERAL COUNSEL (INSPECTOR GENERAL) DEPARTMENT OF DEFENSE**

The Deputy General Counsel (Inspector General) is the chief counsel to the Inspector General and members of the Inspector General's staff. As such, he or she is the ranking legal authority in the Department of Defense on all matters relating to the authority and operations of the Inspector General. The responsibilities and functions of the Deputy General Counsel (Inspector General) include:

- Render definitive legal opinions on policy matters concerning the Inspector General.
- Through the Inspector General, provide legal counsel to the Secretary and the Deputy Secretary of Defense, the Assistant Secretaries of Defense, and other top DoD officials on any aspect of the Inspector General's authority or activities and on any aspect of the Department's programs and operations.
- Provide legal counsel for assistance in the refinement of broad plans and programs of primary interest to the Inspector General, and ensure the legal sufficiency of all papers which require the Inspector General's approval or concurrence.

- Participate in the deliberation of major planning and policy meetings at top levels within the Office of the Inspector General. Analyze plans and procedures presented at these meetings for consideration; participate in debates and discussions concerning the merits of proposals, their impact on DoD programs, and their effect on established DoD procedures at all levels, and call attention to legal requirements which must be met or which would limit or prohibit proposed action.

- Suggest policy and procedural changes in proposals to bring them within the limits of existing legal framework and/or draft legislation (or other legal documents) which would permit adoption of proposals.

- Review for legal sufficiency all directives, instructions, regulations, etc., and all significant correspondence originating within the Office of the Inspector General; redrafts portions as necessary, and frequently is called upon to originate or to collaborate in the preparation of such action papers.

- Review for legal sufficiency all documents referred to the Inspector General for approval or concurrence. If any such papers cannot be approved in whole or in part, draft statements of the Inspector General's position or re-draft paper in acceptable form.

- Furnish legal advice and assistance on questions that arise concerning recommendations made to DoD program elements by the Inspector General. Assist in preparing the Inspector General or other top officials with the Office of the Inspector General to testify before Congressional committees. Following formal hearings, he or she represents the interests of the Inspector General in direct dealings with members of Congressional committees and Committee staffs. Maintains close and cooperative relationships with them and assures, insofar as possible, that language of proposed legislation is legally sufficient to accomplish the purpose contemplated by Inspector General recommendations made to program elements within the Department of Defense. The Deputy General Counsel (Inspector General) is the recognized authority within the Department on any legal questions involving the Inspector General's authority.

- On behalf of the Inspector General, review:

(a) The entire DoD Legislative Program with direct responsibility for initiating action to establish and present the views of the Inspector General and provide the basis for integration of the Legislative Program with recommendations made by the Inspector General.

(b) DoD Emergency Legislation.

(c) Legislative proposals of other agencies referred to DoD for coordination.

(d) Bills introduced in Congress and referred to the Inspector General for the expression of his or her views.

- In the course of day-to-day operations renders advice and legal opinions on matters which have an impact on virtually all substantive and operational programs of the Department of Defense, inasmuch as the recommendations of the Inspector General directly or indirectly influence the nature, scope, and methods of conducting DoD business at all operating levels. A few examples that are typical of the impact of the legal opinions of the Deputy General Counsel (Inspector General) outside the Inspector General area are:

(a) Procurement. Provides legal advice concerning audit reports and criminal investigations that focus on procurement within the Department of Defense. His or her opinions may result in legislative initiatives or amendments to the Federal Acquisition Regulations (or the Defense Supplement).

(b) Personnel. Provides legal advice concerning special inquiries into allegations of reprisal and sexual harassment. His or her legal opinions may result in changes to DoD policy implementing federal statutes prohibiting such activity.

(c) International Matter. Provides advice concerning audit reports that focus on Foreign Military Sales and contracts with foreign contractors. His or her opinions may result in modifications to Memoranda of Understanding with foreign nations in which the United States does business.

(d) Fiscal Matters. Provides advice concerning the appropriate funding of contracts, collection of debts, and other fiscal activities of the Department. His or her opinions may result in the adjustment of appropriations, reimbursement of funds to the Treasury, or reports of Anti-Deficiency Act violations.

(e) In addition to the foregoing, renders opinions and performs legal work having a decided impact on other substantive areas. These include, but are not limited to: property management, contract fraud (both civil and criminal), program fraud, research and development, and commercial activities.

- Over and above these regular duties, analyzes, on behalf of the Inspector General, and determines the legal implications of proposals originating outside the DoD which would have an impact on DoD operations.

#### **DEPUTY GENERAL COUNSEL (PERSONNEL AND HEALTH POLICY) DEPARTMENT OF DEFENSE**

The Deputy General Counsel (Personnel & Health Policy), is the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for legal advice and service in the broad area of the Department's military and civilian manpower, other personnel matters, and all aspects of health and the military justice system. As such, the Deputy General Counsel (Personnel & Health Policy) has primary responsibility to provide legal advice

and services to Assistant Secretary of Defense (Force, Management & Personnel), the Assistant Secretary of Defense (Reserve Affairs), and the Assistant Secretary of Defense (Health Affairs) for matters within their respective jurisdictions, supervise and ensure the adequacy of legal advice and services provided to their staffs, and provide all necessary support to the General Counsel and Principal Deputy General Counsel on matters within his or her functional area of responsibility which require their attention.

Functions and responsibilities of the Deputy General Counsel (Personnel and Health Policy) include:

- All areas relative to the Department's military and civilian manpower, other personnel matters, all aspects of health, and the military justice system. In this regard, is responsible in varying degrees for monitoring approximately 85 percent of the legislation affecting the Department of Defense, and for drafting or editing a significant percentage of DoD initiated legislative proposals.

- Plan, direct, coordinate and participate in providing the full range of legal services and assistance - at the highest levels of the Department of Defense - for all legislation, litigation and related legal matters bearing upon the assigned responsibilities of the Assistant Secretary of Defense (Force, Management & Personnel), the Assistant Secretary of Defense (Reserve Affairs), and the Assistant Secretary of Defense (Health Affairs).

- Legal services provided include the definitive delineation and interpretation of statutes, regulations, directives and instructions in his or her area of responsibility, as well as opinions on Constitutional issues involving the authority of the Secretary of Defense.

- Maintain close personal contacts with key officials on all legally related policy and operational matters within varied functional fields which include, inter alia: force management, military personnel and reserve affairs, health and medical matters; drug and alcohol abuse; labor management relations; equal opportunity matters; military family assistance programs; dependent education, the GI Bill; AIDS policy; non-appropriated fund activities, and all aspects of the morale, recreation and welfare programs for military families.

- Serve as back-up to the DoD member of the Administrative Conference of the United States, who is the General Counsel. The Administrative Conference was established by Congress with high level representation from government, law schools, and the private bar to monitor and evaluate the efficiency and fairness of administrative proceedings in all agencies and to recommend improvements.

- Responsible for tax questions arising in OSD and to determine their policy implications for DoD personnel. These duties have included such matters as the taxability of military compensation for those serving in combat zones, the taxability of moving expenses furnished by DoD military members undergoing permanent changes of station, and the taxability of stipends paid for medical school attendance.

- As chief attorney in subject areas where litigation is frequent, is relied upon by the General Counsel to monitor the progress of the Department's litigation position on many cases, particularly when that litigation involves legislation that significantly affects the operations and readiness of the armed forces.

- Ensure continuing affirmative application of Department-wide equal opportunity policies to all elements of the DoD. In this capacity, he or she provides advice and consultation to the Assistant Secretary of Defense (FM&P) and his deputies responsible for these programs. Is also responsible for legal advice on continuing developments, policy issues, and litigation in the equal opportunity area.

- In addition to responsibilities in the foregoing organizational and functional areas, is also responsible for monitoring and appraising the administration of the Uniform Code of Military Justice throughout the Department of Defense. In this respect, he or she confers with the Judge Advocates General of the Services and initiates and evaluates proposals for significant policy changes in the language of the Code and in its administration.

- Serve as a Deputy Designated Agency Ethics Official for the General Counsel. In this capacity oversees the Standards of Conduct Office (SOCO), which is part of the Defense Legal Services Agency. SOCO manages the DoD Ethics Oversight Committee and promotes uniformity of standards of conduct opinions throughout the Department of Defense. Also, SOCO provides ethics counseling for the Office of the Secretary of Defense and Joint Staff personnel, and coordinates the entire DoD Standards of Conduct program. In addition, SOCO works under the direction of the Deputy General Counsel (P&HP) in the administration of two financial disclosure reporting systems and two of the statutory, department-wide, systems of contractor employee reports.

- Other significant matters as assigned by the General Counsel or Principal Deputy General Counsel.

#### **DEPUTY GENERAL COUNSEL (FISCAL) DEPARTMENT OF DEFENSE**

The Deputy General Counsel (Fiscal) is the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for legal advice and services in the broad area of Government financial operations and related comptroller functions of the Department of Defense. The Deputy General Counsel (Fiscal) has primary responsibility to provide legal advice and services to the Department of Defense Comptroller for fiscal matters, supervise and ensure the adequacy of legal advice and services provided, and provide all necessary support to the General Counsel and Principal Deputy General Counsel in matters within his or her functional area of responsibility which require their attention.

Functions and responsibilities of the Deputy General Counsel (Fiscal) include:

- Render definitive legal opinions on matters involving policy considerations which require the personal attention of the DoD Comptroller and through him, provides legal counsel to the Secretary of Defense, the Deputy Secretary of Defense, the Assistant Secretaries of Defense, and other top DoD officials on fiscal and other aspects of DoD programs, activities, and plans.

- Provide guidance to the DoD Comptroller in establishing and refining broad plans and programs having fiscal and legal aspects, and is consulted and actively participates in developing and in assuring the legal sufficiency of all papers which require approval or concurrence by the DoD Comptroller.

- Participate in the deliberation of major planning and policy meetings at top levels within the Office of the DoD Comptroller. Members include key officials and consultants, all of whom are specialists in their various fields. These meetings occur from time to time and vary in purpose, composition, and frequency depending on program emphasis and other considerations at any given time. He or she analyzes plans and procedures presented at these meetings for consideration; participates in debates and discussions concerning the merits of proposals, their impact on other DoD programs, and their effect on established DoD policy and procedures at all levels; calls attention to legal requirements which must be met or which would limit or prohibit proposed action; and suggests policy and procedural changes in such proposals to bring them within the limits of existing legal framework and/or drafts legislation or other legal documents which would permit adoption of proposals.

- Review all directives, instructions, regulations, and all significant correspondence relating to fiscal matters for legal sufficiency, and redrafts portions as necessary. In this connection, the Deputy General Counsel (Fiscal) is frequently called upon to originate or to collaborate in the preparation of such action papers.

- Review for legal sufficiency, from the fiscal standpoint, all papers referred to the Defense Comptroller for his approval or concurrence. If any such papers cannot be approved in whole or in part, the Deputy General Counsel (Fiscal) drafts statements of the Comptroller's position or redrafts the paper in acceptable form.

- Furnish legal advice and assistance on questions that arise during the formulation, representation, and execution of the DoD Budget, providing counsel to the DoD Comptroller and key members of his staff, and frequently testifies as the DoD witness at hearings before Congressional Committees on Defense Appropriations or related matters. Following the formal hearings, he or she represents the interests of the Defense Comptroller in direct dealings with members of the Congressional Committees and Committee staffs. He or she maintains close and cooperative working relationships with them and assures, insofar as possible, that language of the Appropriation Bill is legally sufficient to accomplish the purposes contemplated in all

appropriations made to the Office of the Secretary of Defense and the Military Departments. He is the recognized authority within the Department of Defense on any legal questions involving appropriations matters.

- On behalf of the Defense Comptroller, reviews:

- The DoD Legislative Program items having a fiscal impact with direct responsibility for initiating action to establish and present the views of the Defense Comptroller and provide the basis for integration of the Legislative Program within the budgetary plans and policies of the DoD.

- DoD Emergency Legislation having a fiscal impact.

- Bills introduced in Congress and referred to the Defense Comptroller for expression of the views of the DoD.

- Is directly responsible for the implementation of the fiscal portion of all statutes relating to the DoD, as well as for the proper implementation of the general provisions of the Appropriation Act. He or she calls and presides over regular meetings of the Comptroller Counsel of the Military Departments to insure mutual understanding and uniformity in interpretation.

- In the course of day-to-day operations, renders advice and legal opinions on matters which have an impact on virtually all substantive and operational programs of the Department of Defense, because requirements for the use, control, and accounting for funds and audits, inspections, and investigations, directly or indirectly, influence the nature, scope, and methods of conducting DoD business at all operating levels. Accordingly, he or she is also consulted by other lawyers in the Office of the General Counsel on the fiscal aspects of substantive programs in their areas of direct interest and jurisdictions. A few examples which are typical of the impact of the legal opinion of the Deputy General Counsel (Fiscal) outside the Comptroller area are:

- (a) Procurement. Provides legal advice in response to audit reports raising questions concerning the use of funds as well as questions concerning proposed uses of Bands in Defense procurement. These opinions may result in legislative initiatives or in amendments to the Federal Acquisition Regulations. The expertise of the Deputy General Counsel (Fiscal) in contract financing and the Impoundment Control Act affects ongoing and curtailed procurement of major weapons systems.

- (b) Personnel. Is the legal authority in DoD on all matters relating to pay and allowances, including retired pay. He or she is also the legal authority in the DoD on civilian pay, including pay of consultants, experts, etc. Because as 75 per cent of DoD legislative activity directly or indirectly involves matters relating to personnel, the Deputy General Counsel (Fiscal),

in discharging his or her legal and legislative responsibilities with respect to pay matters, has a working knowledge of all statutes applicable to the DoD covering personnel and personnel administration.

(c) **International Matters.** Renders legal advice concerning the financial aspects of Foreign Military Sales and matters arising under the Foreign Assistance Act.

(d) Renders opinions and performs legal work in the fiscal area which have a decided impact on other substantive areas. These include but are not limited to: construction and real property, housing, industrial and commercial activities, and research and development.

- Screen all requests for Comptroller General decisions submitted by the Office of the Secretary of Defense and the Military Departments, make a final review for the DoD, and coordinate submissions to the Comptroller General.

- Analyze and determine legal implications of proposals originating outside the DoD which would have an impact on DoD and/or government-wide financial management practices on behalf of the Defense Comptroller.

- Work on other significant matters as assigned by the General Counsel or Principal Deputy General Counsel.

#### **DEPUTY GENERAL COUNSEL (ENVIRONMENT & INSTALLATIONS) DEPARTMENT OF DEFENSE**

Serves as the Deputy General Counsel (Environment and Installations). He or she is the principal assistant to the General Counsel and Principal Deputy General Counsel with functional responsibility for legal advice and services in the broad areas of environmental law and Department of Defense installations. As such, the Deputy General Counsel (Environment and Installations) has primary responsibility to provide legal advice and services to the Under Secretary of Defense (Acquisitions), the Under Secretary of Defense (Policy), the Deputy Under Secretary of Defense (Environmental Security), the Assistant Secretary of Defense (Public Affairs), the Assistant Secretary of Defense (Economic Security), and other Assistant Secretaries and members of the immediate staff of the Secretary of Defense, for matters within their respective jurisdictions and on issues of national significance concerning the use, development, and management of the nation's natural and cultural resources; management and use of real property by the Department of Defense worldwide; the cleanup of hazardous waste contamination; and compliance with environmental laws. Supervises and ensures the adequacy of legal advice and services provided to the staffs of the listed executives, and provides all necessary support to the General Counsel and Principal Deputy General Counsel in matters within his or her functional area of responsibility which require their attention.

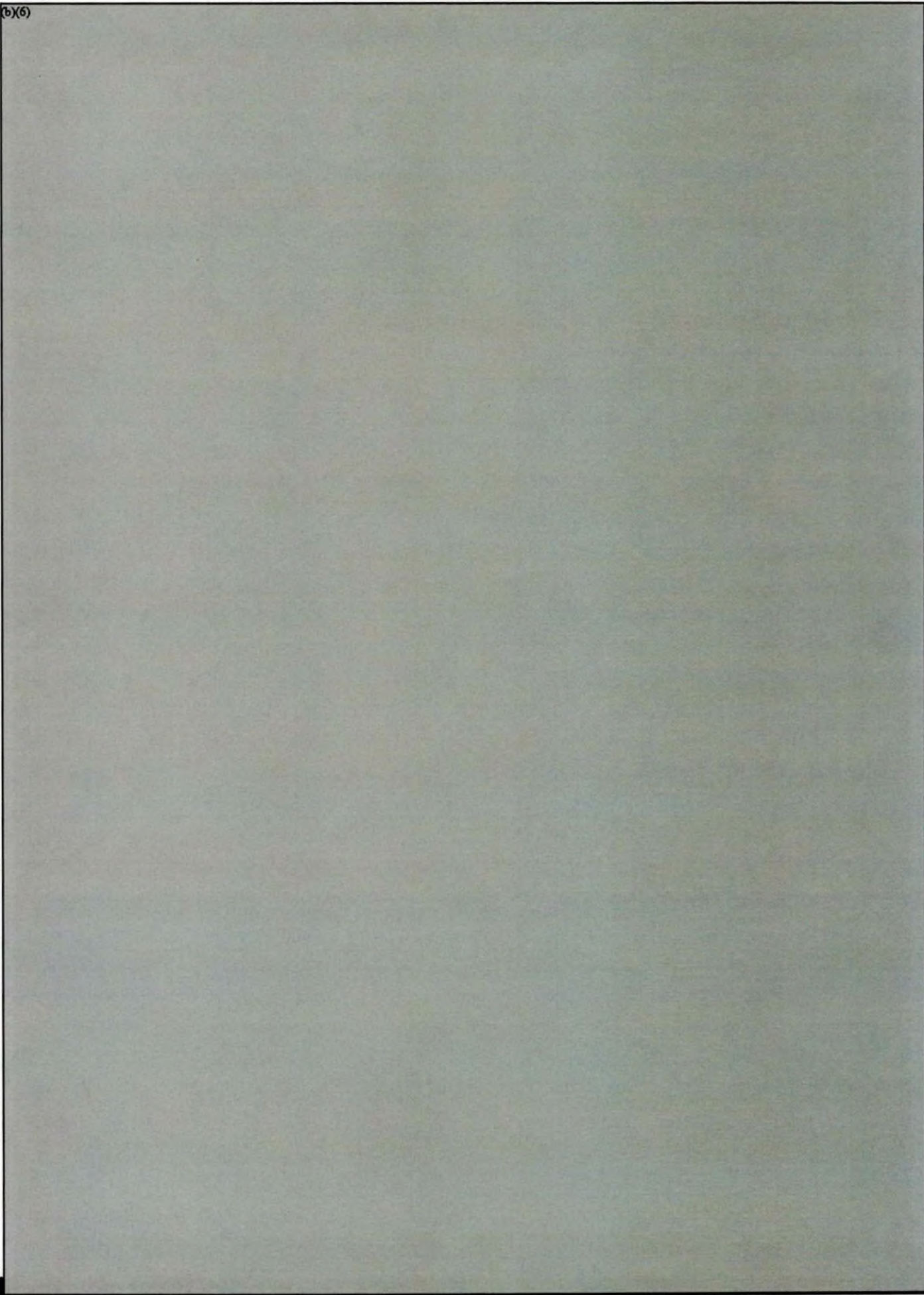
Issues regularly involve relationships between the Department and other Federal agencies, state and local governments, as well as private citizens and corporations. The Deputy General Counsel (D&I) renders advice concerning the relationship between the executive and legislative branches, and other intra-governmental matters arising from the Department's dealings with Federal and state agencies. He or she participates in the formulation of policies concerning Department of Defense programs and drafts and interprets legislation; performs a legal review of documents and extensive research of the legislative histories and relevant case law; and prepares legal opinions providing answers, solutions and advice concerning natural and cultural resources, the use of property in a manner compatible with environmental law, and other environmental matters. The Deputy General Counsel (E&I) provides guidance for the activities of the lawyers throughout the Department of Defense in areas in which he or she has functional responsibility.

### SUMMARY

The Office of General Counsel guidelines include the Constitution and laws of the United States and, in certain instances, the several states; Executive Orders; Directives, Instructions and policies of the Department of Defense; other applicable regulations, including the standards of the legal profession; and treaties, international agreements and customary international law. The office is also responsible to ensure that decisions, opinions and advice are formed with consideration of applicable judicial precedents and prior administrative opinions.

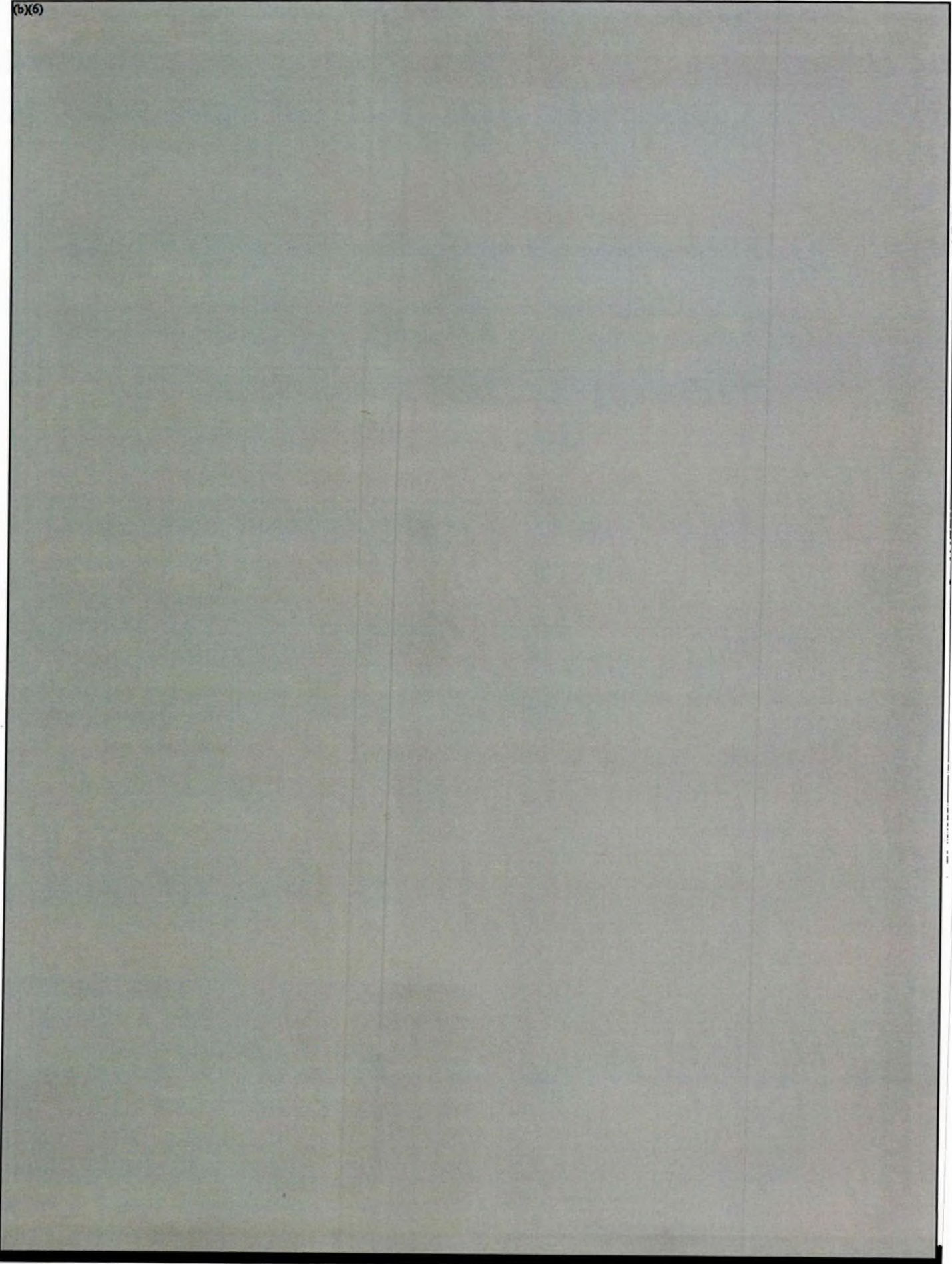


(b)(6)

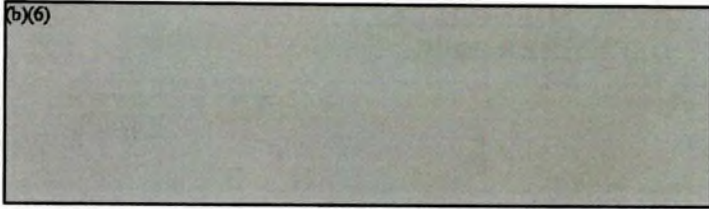


**DEFENSE AGENCY GENERAL COUNSELS**  
**DECEMBER 2000**

(b)(6)



(b)(6)



## SERVICE GENERAL COUNSELS AND JUDGE ADVOCATE GENERALS

Honorable Charles Blanchard  
General Counsel  
Department of the Army  
104 Army Pentagon  
Washington, DC 20310-0104

Peter M. Murphy  
Counsel for the Commandant  
Headquarters U.S. Marine Corps  
2 Navy Annex  
Washington, DC 20380-1775

Honorable Stephen Preston  
General Counsel  
Department of the Navy  
1000 Navy Pentagon  
Washington, DC 20350-1000

Honorable Jeh Johnson  
General Counsel  
Department of the Air Force  
1740 Air Force Pentagon  
Washington, DC 20330-1740

MG Walter B. Huffman, USA  
The Judge Advocate General  
2200 Army Pentagon  
Washington, DC 20310-2200

RADM Donald J. Guter, JAGC, USN  
The Judge Advocate General of the Navy  
1322 Patterson Avenue, S.E., Suite 300  
Washington Navy Yard, DC 20374-5006

RADM Michael Lohr, JAGC, USN  
The Deputy Judge Advocate General of the Navy  
1322 Patterson Avenue, S.E., Suite 300  
Washington Navy Yard, DC 20374-5006

BG Joseph Composto, USMC  
Commandant of the Marine Corps, (JA)  
Headquarters U.S. Marine Corps  
Washington, DC 20380-0001

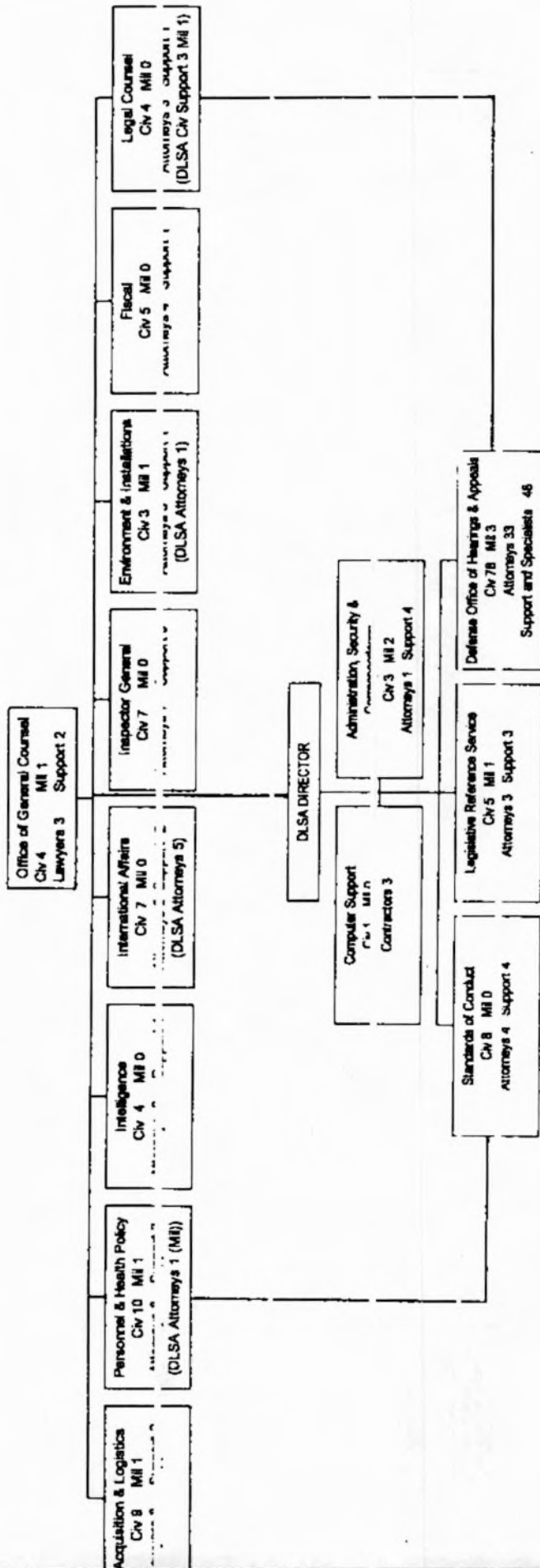
MG William A. Moorman, USAF  
HQUSAF/JA  
1420 Air Force Pentagon  
Washington, DC 20330-1420

# ATTORNEYS DO D-WIDE

|                                  | Civilian | Military |
|----------------------------------|----------|----------|
| OSD and Defense Agency Attorneys | 480      | 19       |
| Army                             | 950      | 1484     |
| Navy                             | 650      | 763      |
| Marine Corps                     | 52       | 450      |
| Air Force                        | 225      | 1328     |
| SUB TOTAL                        | 2357     | 4044     |

TOTAL CIVILIAN AND MILITARY = 6401

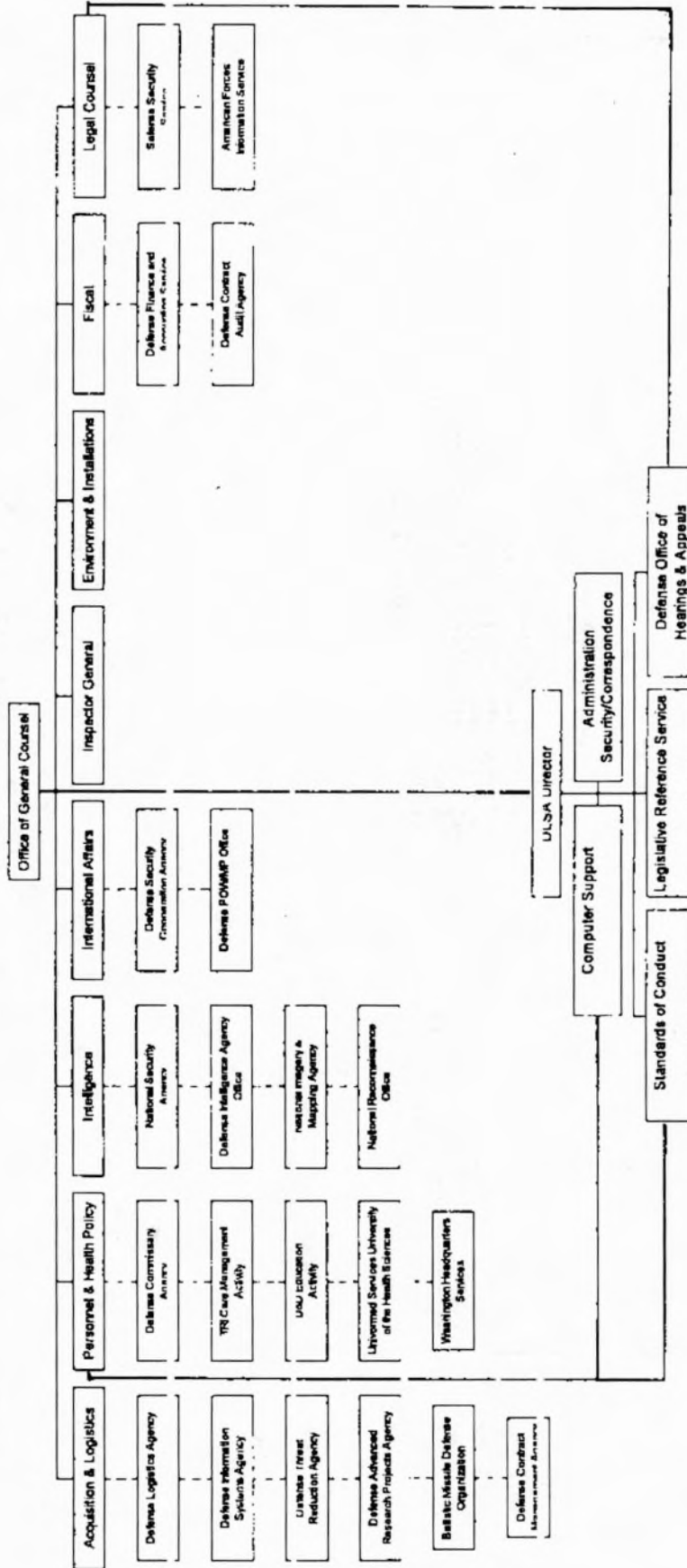
# DoD General Counsel/Defense Legal Services Agency



— = Supervision

Note: DoD General Counsel also serves as Director, Defense Legal Services Agency.

# DoD General Counsel/Defense Legal Services Agency

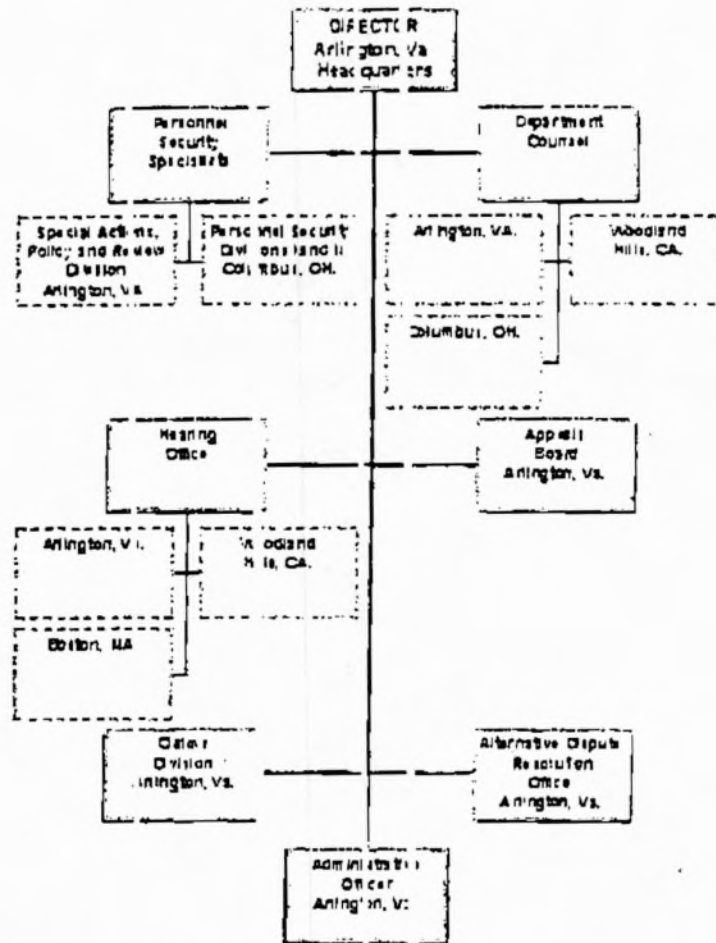


- - - = Professional Liaison  
 \_\_\_\_\_ = Supervision

Note: DoD General Counsel also serves as Director, Defense Legal Services Agency.



# Organizational Chart



This page was last updated on:  
October 31, 1997









GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
1600 DEFENSE PENTAGON  
WASHINGTON, D. C. 20301-1600

AUG 17 2 100

MEMORANDUM FOR DEPUTY GENERAL COUNSELS

SUBJECT: Delegation of Authority

References: (a) DoD Directive 5145.4, "Defense Legal Services Agency," dated December 15, 1989

(b) DoD Directive 1442.2, "Personnel Actions Involving Civilian Attorneys," dated June 26, 1967

Pursuant to references (a) and (b), delegation of authority is hereby granted my Deputy General Counsels to provide professional supervision and performance evaluations for the DLSA General Counsels and other personnel as indicated below; and (as limited by references (a) and (b)) to approve personnel actions, appointments, transfers, reassignments and promotions of the respective legal staffs (except actions involving the Senior Executive Service) of said General Counsels and other personnel. The DoD Deputy General Counsels shall exercise this delegated authority as follows:

Deputy General Counsel (International Affairs) supervises:  
General Counsel (Defense Security Cooperation Agency)  
General Counsel (Defense POW/MIA Office)

Deputy General Counsel (Intelligence) supervises:  
General Counsel (National Security Agency)  
General Counsel (Defense Intelligence Agency)  
General Counsel (National Imagery and Mapping Agency)  
General Counsel (National Reconnaissance Office)

Deputy General Counsel (Acquisition & Logistics) supervises:  
General Counsel (Defense Logistics Agency)  
General Counsel (Defense Information Systems Agency)  
General Counsel (Defense Threat Reduction Agency)  
General Counsel (Defense Advanced Research Projects Agency)  
General Counsel (Ballistic Missile Defense Organization)  
General Counsel (Defense Contract Management Agency)

Deputy General Counsel (Fiscal) supervises:  
General Counsel (Defense Contract Audit Agency)  
General Counsel (Defense Finance & Accounting Service)

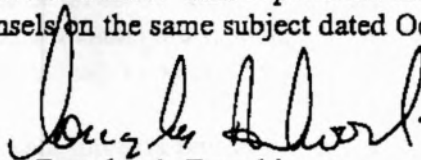


Deputy General Counsel (Personnel & Health Policy) supervises:  
General Counsel (Washington Headquarters Services)  
General Counsel (TRICARE Management Activity)  
General Counsel (Department of Defense Education Activity)  
General Counsel (Uniformed Services University of the Health Sciences)  
General Counsel (Defense Commissary Agency)

Deputy General Counsel (Legal Counsel) supervises:  
General Counsel (Defense Security Service)  
General Counsel (American Forces Information Service)  
General Counsel (Defense Office of Hearings & Appeals)

Additionally, my Deputy General Counsel (Personnel & Health Policy) is delegated to act as qualifying authority for personnel actions (not including SES) involving DoD civilian attorneys assigned to Combatant Commands who are not employed by a Military Department.

Redelegation of this authority is not authorized. This supersedes the General Counsel memorandum to the Deputy General Counsels on the same subject dated October 23, 1998.

  
Douglas A. Dworkin

cc: Director, Administration & Management, OSD  
Directors, Defense Agencies  
Directors, DoD Field Activities  
General Counsels, DLSA  
Chief Counsel, Defense PC W/MP Office

copy - ~~per~~ Sparky



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
1600 DEFENSE PENTAGON  
WASHINGTON, D. C. 20301-1600

DEC 14 1999

GENERAL COUNSEL

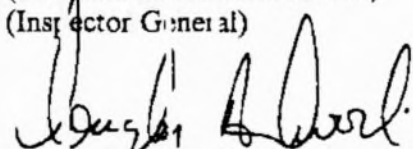
MEMORANDUM FOR PRINCIPAL DEPUTY GENERAL COUNSEL, DEPARTMENT  
OF DEFENSE  
DEPUTY GENERAL COUNSELS, DEPARTMENT OF  
DEFENSE

SUBJECT: Order and Terms of Succession to the Powers and Duties of the General Counsel  
of the Department of Defense

As provided for in the Federal Vacancies Reform Act of 1998 (5 U.S.C. §§ 3345-3349), and consistent with its limitations, when the General Counsel of the Department of Defense dies, resigns, or is otherwise unable to perform the functions and duties of the office, the Principal Deputy General Counsel of the Department of Defense, as the General Counsel's first assistant, unless otherwise directed by the President under Section 3347 of Title 5, will perform the duties of the General Counsel of the Department of Defense until a successor is appointed or the absence or unavailability stops.

Pursuant to the authority delegated to me by Department of Defense Directive 5145.1, "General Counsel of the Department of Defense," and the Deputy Secretary of Defense memorandum of November 12, 1992, entitled "Order and Terms of Succession to the Powers and Duties of the General Counsel of the Department of Defense" (attached), I direct that, during any period in which both (1) the position of the General Counsel of the Department of Defense is vacant, or the General Counsel is otherwise unable to perform the functions and duties of the office, and (2) the position of the Principal Deputy General Counsel of the Department of Defense is vacant, or the Principal Deputy General Counsel is otherwise unable to perform the functions and duties of the office, the Deputy General Counsel of the Department of Defense highest on the following list (who is not unavailable) shall perform the duties of the General Counsel of the Department of Defense:

1. Deputy General Counsel (Personnel & Health Policy)
2. Deputy General Counsel (International Affairs)
3. Deputy General Counsel (Acquisition & Logistics)
4. Deputy General Counsel (Fiscal)
5. Deputy General Counsel (Intelligence)
6. Deputy General Counsel (Legal Counsel)
7. Deputy General Counsel (Environment & Installations)
8. Deputy General Counsel (Inspector General)

  
Douglas A. Dworkin

Attachment: a/





RECYCLED PAPER MADE FROM 100% POST CONSUMER CONTENT







Department of Defense  
**DIRECTIVE**

NUMBER 5145.1

December 15, 1989

DA&M

SUBJECT: General Counsel of the Department of Defense

- References:
- (1) DoD Directive 5145.1, subject as above, January 7, 1959 (hereby canceled)
  - (2) Title 10, United States Code
  - (3) DoD Directive 5145.3, "Surveillance of the DoD Security Programs," October 19, 1962
  - (4) DoD Directive 0-5205.7, "Special Access Program (SAP) Policy," January 4, 1989
  - (5) DoD Directive 5145.4, "Defense Legal Services Agency," December 15, 1989
  - (6) DoD 5025.1-M, "Department of Defense Directives System Procedures," April 1981, authorized by DoD Directive 5025.1, December 23, 1988
  - (7) DoD Directive 7550.5, "Management and Control of Information Requirements," August 7, 1986

1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues reference (a).
- 1.2. Implements the provision of reference (b) that establishes the position of General Counsel of the Department of Defense (GC, DoD).
- 1.3. Assigns to the GC, DoD, the responsibilities, functions, relationships, and authorities prescribed herein, pursuant to the authority vested in the Secretary of Defense under reference (b).

## 2. DEFINITION

2.1. DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

## 3. RESPONSIBILITIES AND FUNCTIONS

The General Counsel, Department of Defense (GC, DoD), is the chief legal officer of the Department of Defense and, as such, shall:

3.1. Provide advice to the Secretary and Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, the Department of Defense.

3.2. Provide legal advice to OSD organizations and, as appropriate, other DoD Components.

3.3. Oversee, as appropriate, legal services performed within the Department of Defense, including determining the adherence by attorneys in the Department of Defense to appropriate professional standards.

3.4. Coordinate on appeals from denials of requests under the Freedom of Information Act, as appropriate.

3.5. Provide advice on standards of conduct involving personnel of OSD and, as appropriate, other DoD Components.

3.6. Develop the DoD Legislative Program and coordinate DoD positions on legislation and Executive orders.

3.7. Provide for the coordination of significant legal issues, including litigation involving the Department of Defense and other matters before the Department of Justice in which the Department of Defense has an interest.

3.8. Establish DoD policy on general legal issues, determine the DoD position on specific legal problems, and resolve disagreements within the Department of Defense on such matters.

3.9. Perform such functions relating to the DoD security program (including surveillance over DoD personnel security programs in accordance with references (c) and (d)) as the Secretary or Deputy Secretary of Defense may assign.

3.10. Act as lead counsel for the Department in all international negotiations conducted by OSD components.

3.11. Maintain the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel.

3.12. Serve as the Director, Defense Legal Services Agency (DLSA).

3.13. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

#### 4. RELATIONSHIPS

4.1. In the performance of the above responsibilities and functions, the GC, DoD, shall:

4.1.1. Exercise direction, authority, and control over the DLSA, consistent with DoD Directive 5145.4 (reference (e))

4.1.2. Coordinate action and exchange information with other DoD organizations having collateral or related functions.

4.1.3. Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

4.1.4. Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions and represent the Secretary of Defense on assigned functions outside the Department of Defense, including serving as the representative of the Secretary of Defense to the Department of Justice on all appropriate matters.

4.1.5. Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

4.2. All DoD Components shall coordinate with the GC, DoD, on matters related to the functions in section 3., above.

## 5. AUTHORITIES

The GC, DoD, is delegated authority to:

5.1. Issue DoD Instructions, DoD Publications, and one-time directive-type memoranda, consistent with DoD 025.1-M (reference (f)), that implement policies approved by the Secretary of Defense in the functions assigned to the GC, DoD. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, Joint Chiefs of Staff (CJCS).

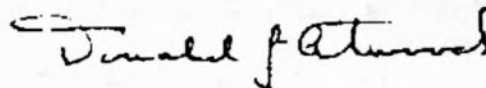
5.2. Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7150.5 (reference (g)), to carry out assigned functions and responsibilities.

5.3. Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the CJCS.

5.4. Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

## 6. EFFECTIVE DATE

This Directive is effective immediately.



Donald J. Atwood  
Deputy Secretary of Defense



## Department of Defense DIRECTIVE

NUMBER 5145.1

December 15, 1989

DA&M

SUBJECT: General Counsel of the Department of Defense

- References: (a) DoD Directive 5 45.1, subject as above, January 7, 1959 (hereby canceled)
- (c) Title 10, United States Code
  - (c) DoD Directive 5 45.3, "Surveillance of the DoD Security Programs," October 19, 1962
  - (d) DoD Directive 0 5205.7, "Special Access Program (SAP) Policy," January 4, 1989
  - (c) DoD Directive 5 45.4, "Defense Legal Services Agency," December 15, 1989
  - (c) DoD 5025.1-M, "Department of Defense Directives System Procedures," April 1981, authorized by DoD Directive 5025.1, December 23, 1938
  - (g) DoD Directive 7 50.5, "Management and Control of Information Requirements," August 7 1936

### 1. REISSUANCE AND PURPOSE

This Directive:

- 1.1. Reissues reference (a).
- 1.2. Implements the provision of reference (b) that establishes the position of General Counsel of the Department of Defense (GC, DoD).
- 1.3. Assigns to the GC, DoD, the responsibilities, functions, relationships, and authorities prescribed herein, pursuant to the authority vested in the Secretary of Defense under reference (b).

## 2. DEFINITION

2.1. DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

## 3. RESPONSIBILITIES AND FUNCTIONS

The General Counsel, Department of Defense (GC, DoD), is the chief legal officer of the Department of Defense and, as such, shall

3.1. Provide advice to the Secretary and Deputy Secretary of Defense regarding all legal matters and services performed within, or involving, the Department of Defense.

3.2. Provide legal advice to OSD organizations and, as appropriate, other DoD Components.

3.3. Oversee, as appropriate, legal services performed within the Department of Defense, including determining the adherence by attorneys in the Department of Defense to appropriate professional standards.

3.4. Coordinate on appeals from denials of requests under the Freedom of Information Act, as appropriate.

3.5. Provide advice on standards of conduct involving personnel of OSD and, as appropriate, other DoD Components.

3.6. Develop the DoD Legislative Program and coordinate DoD positions on legislation and Executive orders.

3.7. Provide for the coordination of significant legal issues, including litigation involving the Department of Defense and other matters before the Department of Justice in which the Department of Defense has an interest.

3.8. Establish DoD policy on general legal issues, determine the DoD position on specific legal problems, and resolve disagreements within the Department of Defense on such matters.

3.9. Perform such functions relating to the DoD security program (including surveillance over DoD personnel security programs in accordance with references (c) and (d)) as the Secretary or Deputy Secretary of Defense may assign.

3.10. Act as lead counsel for the Department in all international negotiations conducted by OSD components.

3.11. Maintain the central repository for all international agreements coordinated, negotiated, or concluded by DoD personnel.

3.12. Serve as the Director, Defense Legal Services Agency (DLSA).

3.13. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

#### 4. RELATIONSHIPS

4.1. In the performance of the above responsibilities and functions, the GC, DoD, shall:

4.1.1 Exercise direction, authority, and control over the DLSA, consistent with DoD Directive 5145.4 (reference (e)).

4.1.2 Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

4.1.3 Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

4.1.4 Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions and represent the Secretary of Defense on assigned functions outside the Department of Defense, including serving as the representative of the Secretary of Defense to the Department of Justice on all appropriate matters.

4.1.5 Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

4.2. All DoD Components shall coordinate with the GC, DoD, on matters related to the functions in section 3., above.

## 5. AUTHORITIES

The GC, DoD, is delegated authority to:

5.1. Issue DoD Instructions, DoD Publications, and one-time directive-type memoranda, consistent with DoD 025.1-M (reference (f)), that implement policies approved by the Secretary of Defense in the functions assigned to the GC, DoD. Instructions to the Military Departments shall be issued through the Secretaries of those Departments or their designees. Instructions to Unified and Specified Commands shall be issued through the Chairman, Joint Chiefs of Staff (CJCS).

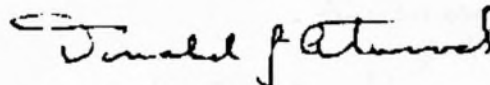
5.2. Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7150.5 (reference (g)), to carry out assigned functions and responsibilities.

5.3. Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the CJCS.

5.4. Communicate with other Government Agencies, representatives of the legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

## 6. EFFECTIVE DATE

This Directive is effective immediately.



Donald J. Atwood  
Deputy Secretary of Defense





# Department of Defense DIRECTIVE

NUMBER 5145.4

December 15, 1989

DA&M

SUBJECT: Defense Legal Services Agency

References: (a) DoD Directive 5145.4, subject as above, August 12, 1981 (hereby canceled)  
(b) Title 10, United States Code  
(c) DoD Directive 750.5, "Management and Control of Information Requirements," August 7, 1986

## 1. REISSUANCE AND PURPOSE

This Directive:

1.1. Reissues reference (a).

1.2. Pursuant to the authority vested in the Secretary of Defense under reference (b), updates the Defense Legal Services Agency (DLSA) charter with functions, responsibilities, relationships, and authorities outlined below.

## 2. DEFINITION

DoD Components. The Office of the Secretary of Defense (OSD), the Military Departments, the Joint Chiefs of Staff (JCS), the Joint Staff, the Unified and Specified Commands, the Inspector General of the Department of Defense (IG, DoD), the Defense Agencies, and the DoD Field Activities.

## 3. ORGANIZATION AND MANAGEMENT

3.1. The DLSA is established as a separate Agency of the Department of Defense

under the direction, authority, and control of the General Counsel of the Department of Defense (GC, DoD). It shall consist of a Director and such subordinate organizational elements as are established by the Director within resources assigned by the Secretary of Defense. It shall include the legal staff assigned to the Defense Agencies and DoD Field Activities.

3.2. Budgeting, management of ceiling spaces, personnel services, and other administrative support for DLSA personnel shall be the responsibility of the Defense Agency or Field Activity to which those personnel are assigned.

3.3. The GC, DoD, shall serve as the Director, DLSA.

#### 4. FUNCTIONS AND RESPONSIBILITIES

The Director, Defense Legal Services Agency (DLSA), shall:

4.1. Organize, direct, and manage the DLSA and all resources assigned to the DLSA.

4.2. Provide legal advice and services for the Defense Agencies, DoD Field Activities, and other assigned organizations.

4.3. Provide technical support and assistance for development of the DoD Legislative Program.

4.4. Coordinate DoD positions on legislation and Presidential Executive orders.

4.5. Provide a centralized legislative document reference and distribution point for the Department of Defense, and maintain the Department's historical legislative files.

4.6. Develop DoD policy for standards of conduct and administer the Standards of Conduct Program for the OSD and other assigned organizations.

4.7. Administer the Defense Industrial Security Clearance Review Program.

4.8. Perform such other duties as the Secretary or Deputy Secretary of Defense may prescribe.

#### 5. RELATIONSHIPS

5.1. In performance of assigned responsibilities and functions, the Director, DLSA, shall:

5.1.1. Coordinate actions and exchange information with other DoD organizations having collateral or related functions.

5.1.2. Promote coordination, cooperation, and mutual understanding of matters pertaining to assigned functions within the Department of Defense and between the Department of Defense, other Government Agencies, and the public.

5.1.3. Serve on boards, committees, and other groups concerned with matters pertaining to assigned functions, and represent the Secretary of Defense on assigned functions outside the Department of Defense.

5.1.4. Use existing facilities and services, whenever practicable, to achieve maximum efficiency and economy.

5.1.5. Provide professional supervision for DLSA attorneys serving in Defense Agencies, DoD Field Activities, and other organizations to which such attorneys are assigned. This includes, in consultation with the DoD Component head concerned, evaluation of their performance and/or other action that may be necessary based on professional performance.

5.2. All DoD Components shall coordinate with the Director, DLSA, on matters related to the functions in section 4., above.

## 6. AUTHORITIES

The Director, DLSA, is delegated authority to:

6.1. Obtain reports, information, advice, and assistance from other DoD Components, consistent with DoD Directive 7150.5 (reference (c)), to carry out assigned functions and responsibilities, as necessary.

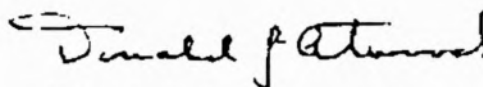
6.2. Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Commands shall be coordinated through the Chairman, Joint Chiefs of Staff (CJCS).

6.3. Communicate with other Government Agencies, representatives of the

legislative branch, and members of the public, as appropriate, in carrying out assigned functions.

7. EFFECTIVE DATE

This Directive is effective immediately.



Donald J. Atwood  
Deputy Secretary of Defense

Enclosures -

1. Delegations of Authority

I 1. ENCLOSURE 1  
DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to his direction, authority, and control, and in accordance with DoD policies, Directives, and Instructions, the Director, DLSA, or, in the absence of the Director, the person acting for the Director is hereby delegating authority, as required in the administration and operation of DLSA, to:

E1.1.1. In accordance with 5 U.S.C. Section 7532, Executive Order 10450, as amended, and DoD Directive 5200.02:

E1.1.1.1. Designate positions as "sensitive";

E1.1.1.2. Authorize, in case of an emergency, the appointment to a sensitive position, for a limited period of time, of a person for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed; and

E1.1.1.3. Authorize the suspension, but not terminate the service, of an employee in the interest of national security.

E1.1.2. Authorize and approve overtime work for civilian officers and employees in accordance with subchapter V, Chapter 55, Title 5, U.S. Code, and applicable Civil Service Regulations.

E1.1.3. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C. Section 3102.

E1.1.4. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals, consistent with 44 U.S.C. Section 3702.

E1.1.5. Comply with the policies and procedures prescribed in DoD 5025.1-M.





# Department of Defense DIRECTIVE

NUMBER 3020.4

July 3, 1996

GC, DoD

SUBJECT: Order of Succession of Officers to Act as Secretary of Defense

- References: (a) DoD Directive 3020.4, subject as above, January 28, 1992 (hereby canceled)
- (b) Executive Order 13000, "Order of Succession of Officers to Act as Secretary of Defense," April 24, 1996
  - (c) Title 10, United States Code

## 1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) and pursuant to reference (b), a copy of which is attached as enclosure 1, establishes the order of succession to act as Secretary of Defense. The order of succession to act as Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force is specified in Sections 3017, 5017, and 8017, respectively, of reference (c).

## 2. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, Defense Agencies, and the DoD Field Activities.

## 3. POLICY

3.1. In the event of the death, permanent disability, or resignation of the Secretary of Defense, DoD officials, in the order specified in enclosure 1, shall act for and exercise the powers of the Secretary of Defense.

3.2. Officials listed in the enclosure shall be fully familiar with the order of succession to the position of Secretary of Defense.

4. EFFECTIVE DATE

This Directive is effective immediately.



John P. White

Deputy Secretary of Defense

Enclosures -

E1. Executive Order 13000

# 1.1. ENCLOSURE 1

## EXECUTIVE ORDER 13000

Executive Order 13000 of April 24, 1996

Title 3—

The President

### Order of Succession of Officers To Act as Secretary of Defense

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 3347 of title 5, United States Code, I hereby ordered as follows:

**Section 1. Succession to Act as the Secretary of Defense.** (a) In the event of the death, permanent disability, or resignation of the Secretary of Defense, the incumbents holding the Department of Defense positions designated below, in the order indicated, shall act for and exercise the powers of the Secretary of Defense as Acting Secretary of Defense:

- (1) Deputy Secretary of Defense.
- (2) Secretary of the Army.
- (3) Secretary of the Navy.
- (4) Secretary of the Air Force.
- (5) Under Secretary of Defense for Acquisition and Technology.
- (6) Under Secretary of Defense for Policy.
- (7) Under Secretary of Defense (Comptroller).
- (8) Under Secretary of Defense for Personnel and Readiness.
- (9) Deputy Under Secretary of Defense for Acquisition and Technology.
- (10) Deputy Under Secretary of Defense for Policy.
- (11) Director of Defense Research and Engineering.

(12) The Assistant Secretaries of Defense, the Director of Operational Test and Evaluation, and the General Counsel of the Department of Defense, in the order fixed by their length of service as permanent appointees in such positions.

(13) Under Secretaries of the Army, the Navy, and the Air Force, in the order fixed by their length of service as permanent appointees in such positions.

(14) Assistant Secretaries of the Army, the Navy, and the Air Force whose appointments are vested in the President, and General Counsels of the Army, the Navy, and the Air Force, in the order fixed by their length of service as permanent appointees in such positions.

(b) In the event of the temporary absence or temporary disability of the Secretary of Defense, the incumbents holding the Department of Defense positions designated in paragraph (a) of this section, in the order indicated, shall act for and exercise the powers of the Secretary of Defense as Acting Secretary of Defense.

(1) In these instances, the designation of an Acting Secretary of Defense applies only for the duration of the Secretary's absence or disability, and does not affect the authority of the Secretary to resume the powers of his office upon his return.

(2) In the event that the Secretary of Defense is temporarily absent from his position, the Secretary may continue to exercise the powers and fulfill the duties of this office during his absence, notwithstanding the provisions of this order.

(c) Precedence among those officers designated in paragraphs (a)(12)-(14) of this section who have the same appointment date shall be determined by the Secretary of Defense at the time that such appointments are made.

(d) Notwithstanding paragraphs (a) and (b) of this section, an officer shall not act or exercise the powers of the Secretary of Defense under this order if that officer serves only in an acting capacity in the position that would otherwise entitle him to do so.

**Sec. 2. Temporary Nature of Succession.** Succession to act for and exercise the powers of the Secretary of Defense pursuant to this order shall be on a temporary or interim basis and shall not have the effect of vacating the statutory appointment held by the successor.

**Sec. 3. Revocation of Prior Executive Order.** Executive Order No. 12787 of December 31, 1991, is hereby revoked.

*William Clinton*

THE WHITE HOUSE,  
April 24 1996.





# Department of Defense DIRECTIVE

NUMBER 1442.2

June 26, 1967

---

---

Administrative Reissuance Incorporating Through Change 3, October 11, 1968

GC, DoD

SUBJECT: Personnel Actions Involving Civilian Attorneys

- References: (a) DoD Directive 1442.2, "Employment of Attorneys," February 5, 1963 (hereby canceled)
- (b) *Federal Personnel Manual System Letter No. 302-4, August 22, 1968, issued by the U.S. Civil Service Commission*
  - (c) Federal Personnel Manual, Chapter 930, Subchapter 7 (Hiring Pattern for Entrance-Level Attorney Positions)
  - (d) Chapters 33 and 35 of title 5, USC
  - (e) Chapter 51 and Subchapter III of Chapter 53, title 5, USC

## 1. PURPOSE

This Directive prescribes policy and procedures for the employment, transfer, and promotion of civilian attorneys in the Department of Defense.

## 2. CANCELLATION

Reference (a) is hereby superseded and canceled.

## 3. APPLICABILITY

The provisions of this Directive apply to all DoD Components and cover those positions defined by the U.S. Civil Service Commission as attorney positions for which incumbents are required to be members of the Bar either at the time of employment or within a specified period after employment.

#### 4. POLICY

4.1. Appointments, transfers, reassignments, and promotions of attorneys within the Department of Defense will be made on the basis of merit and in conformity with chapters 33 and 35, title 5, United States Code (reference (d)) and applicable rules and regulations of the Civil Service Commission.

4.2. Recruitment of new attorneys shall be undertaken on the widest practicable basis with the highest degree of selectivity practicable for the appointment to legal positions in the Department of Defense of the best qualified candidates.

4.3. Standards and procedure with respect to the recruitment, selection, appointment, transfer, promotion, and retention of attorneys throughout the Department of Defense shall be as uniform as practicable.

#### 5. PROCEDURE FOR APPROVING PERSONNEL ACTIONS

5.1. Attorney positions generally are excepted from the competitive service and are assigned to Schedule A but are subject to chapter 51 and subchapter III of chapter 53, title 5, United States Code (reference (c)).

5.2. The disposition of all personnel actions involving appointment, transfer, reassignment or promotion of civilian attorneys, including any change from a non-attorney position to an attorney position, within the Department of Defense shall be in accordance with the procedure prescribed below.

5.2.1. The Secretary of each Military Department shall appoint one or more civilian attorneys in grades GS-15 or above who shall be designated as the qualifying authority to evaluate the qualifications of persons recommended for appointment, transfer, reassignment or promotion as attorneys and to approve or disapprove such actions. The authority vested in the so-designated qualifying authority may be redelegated to a qualified attorney or to qualified attorneys (civilian or military) in any case where circumstances warrant. The Secretary of a Military Department may assign to the qualifying authority such additional duties relating to recruitment, appointment, transfer, reassignment or promotion of attorneys as he considers appropriate.

5.2.2. The General Counsel of the Department of Defense shall be the qualifying authority for personnel actions involving attorneys not employed within the

three Military Departments. The General Counsel of the Department of Defense may delegate his authority to any qualified attorney or attorneys within the Department of Defense.

5.2.2. Depending upon his qualifications an applicant may be granted general approval or limited approval or he may be disapproved. Applicants who are granted general approval may thereafter be transferred or reassigned to any position within the grade for which approved without further approval by the qualifying authority. Applicants who are granted limited approval may not thereafter be transferred or reassigned to any other attorney position, including a transfer or reassignment proposed as a result of a reduction-in-force, without the further approval of the qualifying authority.

5.3. In addition to the forms otherwise required by the Civil Service Commission or by Departmental regulations, applicants for initial appointment or for reemployment will submit the following items.

5.3.1. An official transcript of the applicant's law school record together with an official statement of his relative standing in his class, if obtainable. In the event the applicant has been a member of the Bar for 5 years or more, the qualifying authority may waive the requirement for a transcript of his law school record and for an official statement of his relative standing in his class, provided other satisfactory evidence of his qualifications is presented in lieu thereof.

5.3.2. An official certificate showing that the applicant is a member of the Bar unless he is applying for initial appointment prior to admission to the Bar as provided in subsection 6.2., below.

5.3.3. Unless applying for initial appointment prior to admission to the Bar as provided in subsection 6.2., or unless appointed within 90 days thereafter, an official statement that his fitness to practice law or his conduct as an attorney have never been challenged. If either his fitness or conduct has been challenged, an official statement concerning the facts and circumstances together with any explanation that the applicant himself may wish to submit.

5.4. The appointing officer will submit to the qualifying authority the following items.

5.4.1. In the case of applications for initial appointment the items listed above in subsection 5.3. plus the position description for the position involved.

5.4.2. In the case of any change of position the applicable position description plus any additional items required by the qualifying authority on an individual basis.

## 6. REQUIREMENTS FOR INITIAL APPOINTMENT

6.1. To be eligible for consideration for initial appointment applicants must be graduates of a law school that is accredited by the American Bar Association. However, the qualifying authority may on a case-by-case basis grant exceptions to this requirement.

6.2. For initial appointment in grades GS-12 and below applicants need not have been admitted to the Bar and may, if otherwise qualified, be hired as law clerk trainees but must be admitted to the Bar within fourteen months from the date of appointment or be separately. For consideration for initial appointment in grades above GS-12 applicants must be members of the Bar.

6.3. Subject to the requirements of subsection 4.1., above, when more than one applicant for a particular attorney position meets the minimum requirements for appointment, the applicant who is best qualified on the basis of academic standing, relevant experience and achievement in the legal field, will be selected. Other factors involving effectiveness to perform the functions of the position may also be considered.

6.4. The duties to be performed are the critical factor in determining entrance level. The possession of a degree or high academic standing alone is not a sufficient basis for appointment at a higher entrance level.

6.5. Pursuant to the provisions of references (b) and (c) the following grade-level guidelines shall be applicable to initial appointment in the grades indicated:

GS-9 Duties Performed. Assignments involve legal or factual questions that range from relatively simple to difficult. Some assignments at the GS-9 level may involve relatively easy research on clear-cut issues with adequate precedents. Other legal questions at the GS-9 level are difficult because of the complexity of the facts or the different possible construction that may be placed on either the facts or laws involved. Cases are strongly contested in formal hearings or informal negotiations by the individuals, corporations, or Agencies involved. In relation to cases of this scope, GS-9 entrance-level attorneys search case reports, legal documents, periodicals, and textbooks, and prepare tentative drafts of letters, memorandums, and legal documents.

for use by higher-grade attorneys. They assist attorneys in charge of court cases or administrative proceedings by interviewing and selecting witnesses, preparing them to give testimony, and suggesting questions to be asked in cross-examination.

Attorneys who enter at the GS-9 level work under very close supervision. They receive specific preliminary instructions, their commitment authority is very limited, and their completed written work is carefully and closely reviewed.

Qualifications Required. The first professional law degree (LL. B. or J.D.).

GS-11 Duties Performed. Assignments involve complex and difficult legal questions requiring extensive research, analysis, and evaluation of information in controversial areas. Cases have an important impact on major private or public interests, for example, a major extension or revision in a State grant program or a substantial question on civil rights. Cases are vigorously contested by capable legal talent as, for example, in an antitrust case.

In relation to cases of this scope, GS-11 entrance-level attorneys prepare legal documents for filing by crafting complaints, orders to show cause, indictments, preliminary motions, and supporting affidavits and briefs.

They prepare drafts of pleadings and motions in connection with cases in litigation. They conduct investigations to obtain facts, study legal precedents, and prepare recommendations. They assist attorneys in charge of court cases by cross-examining witnesses, and by drafting findings of fact, conclusions of law, and orders based upon the record.

As with attorneys described at the GS-9 level (GS-11 entrance-level attorneys work under close supervision. They receive specific preliminary instructions, their commitment authority is limited, and their completed written work is carefully reviewed.

Qualifications Required. The first professional law degree (LL. B or J.D.) plus 1 year of professional legal experience; or

the first professional law degree plus the second professional law degree (LL. M.) provided it required 1 full academic year of graduate study; or

the first professional law degree provided the applicant's record shows superior law student work or activities as demonstrated by one of the following:

- academic standing in the upper third of his law school graduating class, or
- work or achievement of significance on his law school's official law review, or
- special high-level honors for academic excellence in law school, or
- winning of a moot court competition or membership on the moot court team that represents the law school in competition with other law schools, or
- full-time or continuous participation in a legal aid program as opposed to one-shot, intermittent or casual participation, or
- significant summer law-office clerk experience, or
- other equivalent evidence of clearly superior achievement.

GS-12 Duties Performed. Assignments involve extremely complex and difficult legal questions requiring extensive research, analysis and evaluation of information in controversial areas of scientific, financial, corporate, medical, engineering, or other highly technical areas. Cases have an important impact on major private or public interests such as, for example, a major extension or revision in a State grant program or a substantial question on civil rights. Interest in these cases is usually nationwide.

GS-12 entrance-level attorneys are entrusted with the initial preparation of proposed solutions to projects. To this end they conduct investigations to obtain facts, study legal precedents, make recommendations and prepare necessary documents.

As with attorneys described at the GS-9 and GS-11 levels, GS-12 entrance-level attorneys work under close supervision. They receive preliminary instructions, their commitment authority is limited, and their completed written work is carefully reviewed.

Qualifications Required. The first professional law degree (LL. B. or J. D.) plus 2 years of professional legal experience (at least one of which at or equivalent to the GS-11 level); or

the first professional law degree plus the second professional law degree (LL. M.) plus 1 year of professional legal experience (at or equivalent to the GS-11 level); or

*Attorneys without experience may, in unusual cases, be employed at grade GS-12, provided the individual has advanced educational attainments substantially beyond those indicated as required for work at the GS-11 level and his education clearly indicates ability to perform work of the type to be assigned, for example, education that included courses directly pertinent to the work of the Agency. The essential point in such cases is to assure that the individual's education has enabled him to step into complex legal work characteristic of the GS-12 level and to operate with the degree of independence and responsibility typical of that level.*

#### Grades above GS-12

Qualifications Required. Admission to the Bar and such professional legal experience in excess of 2 years as is commensurate with the duties and responsibilities of the position to be assumed.

6.6. The qualification requirements and grade-level guidelines set forth above shall not preclude the initial appointment of applicants at grades lower than that prescribed herein.

6.7. The qualifying authority may make exceptions to the foregoing grade-level guidelines set forth in subsection 6.5., above (but not to the basic qualification requirements set forth in subsections 6.1. through 6.3.) in those cases in which applicants possess special experience qualifications of a legal or non-legal nature that will be of material value in the performance of the duties to be performed in the position to which appointed. Such experience may have been gained either before or after admission to the Bar. In any event, professional legal experience after admission to the Bar may be substituted for the criteria of the guidelines prescribed for appointments in grades higher than GS-9.

### 7. REQUIREMENTS FOR PROMOTION

7.1. Each proposed promotion of a civilian attorney shall be submitted to the qualifying authority for approval or disapproval. The submission shall include an evaluation by the professional supervisor of the attorney of the quality of the attorney's work, and, if desired, an expression of opinion as to the attorney's prospective ability to perform the duties of the proposed new position.

7.2. The criteria to be used by the qualifying authorities in considering promotions will include the ability of the subject attorney to perform the duties of the

12

0

0



## EXTERNAL PROCESS

The Office of the Deputy General Counsel (Acquisition & Logistics) has frequent contact with the Office of Federal Procurement Policy to further DoD interests in the development of procurement policy by that office and in connection with the responsibilities exercised by that office over the system of federal procurement regulations. The office also has periodic contact with the Armed Services Committees and its attorneys occasionally appear as witnesses to explain changes to procurement legislation being proposed by the Department or the legal significance of existing statutes.

The Office of the Deputy General Counsel (Fiscal) works with the Office of Management and Budget, Department of the Treasury, and the Department of State. The office also deals with the Armed Services Committees and the Appropriations Committees on a regular basis and works closely with the General Accounting Office.

The Office of the Deputy General Counsel (Inspector General) has regular contact with attorneys in the DoJ Defense Procurement Fraud Unit as well as Assistant United States Attorneys (AUSAs) in various districts with respect to criminal and civil prosecutions of procurement fraud that were referred to DoJ by the DoD Inspector General. The ODGC(IG) also assists DoJ attorneys in the civil division of main Justice or local AUSAs when appropriate with respect to actions to enforce Inspector General subpoenas.

The Office of the Deputy General Counsel (International Affairs & Intelligence) works with the Office of the Legal Advisor, Department of State, on a daily basis. In addition, the office works frequently with the departments of Commerce, Energy, Justice and Treasury, as well as with ACDA, CIA, NSC and OMB.

The Office of Deputy General Counsel (Legal Counsel) coordinates civil and criminal litigation involving the U.S. Department of Defense with the U.S. Department of Justice. Also, DoD Directive 5405.2, Release of Official Information in Litigation and Testimony by DoD Personnel as Witnesses, involves consultation and coordination with the appropriate Department of Justice litigation attorneys, as required. In addition, the office has responsibility for legislative inquiries involving "October Surprise," Banco Nacional de Lavacro and U.S. government policy toward Iraq prior to the Persian Gulf war.

The United States Office of Government Ethics regularly audits the Standards of Conduct Office to assess the quality of OSD's standards of conduct program. In addition, many of the actions performed by SOCO require coordination with OGE. When persons nominated by the President to positions in DoD requiring Senate

confirmation are preparing for their confirmation hearings, there often are extensive discussions between SOCO personnel and staff members of the Senate Armed Services Committee to resolve problems with financial interests of the nominees. Finally, SOCO receives inquiries from the news media, law firms, corporations and private individuals, including former DoD officers and employees, with respect to standards of conduct laws and regulations applicable to current and former DoD personnel.



(b)(6)

From: [redacted]  
Sent: Thursday, December 22, 2000 2:26 PM  
To: [redacted]  
Subject: Anniversary of and Report on LRS Internet Coordinating Program

(b)(6)

(b)(6)

We at LRS wish all a great Holiday and prosperous New Year.

This is the end of our first year with the LRS Internet Coordination Program. We started on December 22, 1999, after some testing, and the system has proven an efficient tool in getting information to the correct people in a very short period of time. We have implemented a number of suggestions from users along the way and we continue to make adjustments. Currently we have over 500 users and, since starting the program, have deleted 65 (those who transferred, retired, etc.). Our records indicate that we administered 3261 actions in the 106th Congress. We are in the process of scanning our files for those actions of the 106th Congress that we handled prior to last December 22 so that, by February next year, all our files for the 106th Congress will be electronic. The files for the Second Session of the 106th Congress currently are fully electronic and available to authorized users.

We have found that the program has facilitated Departmental participation in the legislative referral process so that comments are more timely and made more universally. We hope and believe that the previous side-effect of our program—information on what is happening within the Administration on particular programs—continues to be helpful. Our responses to OMB on routine referred items have increased dramatically. This keeps us involved in the overall development of Administration policy. Responses are better and in many instances have made a difference for short-fused issues. Our system of identifying those who have looked at referrals (what we term "fingerprints") has been helpful in keeping us informed of which agencies have not seen the referrals. We then call those to let them know of the item so we can get their official response.

We will present the omnibus legislative program to the Transition Team for the new Administration. The program this year overall is not political but representative of ministerial and management-type issues and we anticipate that it will be accepted by the new Administration.

We are initiating for the 107th Congress a new system of assistance in drafting legislation, preparing Departmental views reports, and generally providing advice on legislative referrals. (b)(6)

(b)(6) our attorney-adviser (legislative), are assigned to assist in the actual drafting of legislation and writing views reports when needed. They will not preempt or displace the requirement for legal review of legislative actions, but rather are available to assist in the technical aspects of drafting legislation and the style of writing views letters on legislation. Their primary responsibilities are as follows:

(b)(6) —Army, JCS, Combatant Commands, USD(P), USD AT&L, DDR&E, DTO&E, SO/LIC, C3I, DLA, BMDO, DCAA, DCMA, DISA, DIA, DICA, DTRA, NIMA, NSA, NRO, and UCMJ.

(b)(6) —Navy, AF, USC (P&R) (minus UCMJ but including ASD's (RA) and (HA)), Comptroller (PA&E), ASD(PA), DFAS, DPB, IG, DeCA, AAFIS.

(b)(6) will assist all others. We hope this will prove beneficial to all our users in providing timely and meaningful responses to congressional requests for Departmental positions on legislation and in drafting legislative initiatives.

We hope the LRS Home Page is helpful as well. The link to the Administration's SAP (Statements of Administration Policy on Legislation) Page should be especially useful to those working legislative issues. The SAP's are a valuable tool in working last minute issues with the Congress. Our Home Page also contains testimony of officials of the Office of the Secretary of Defense and various agencies of the Department. (b)(6) is responsible for maintaining this public database required by the Office of Management and Budget. (b)(6) also assists in the clearance of congressional testimony relating to legislation by officials of the Office of the Secretary of Defense.

We anticipate the Government Printing Office publishing an updated version of title 10 sometime this winter. As the Chairman of the House Armed Services Committee (the title 10 reprint is an HASC Committee Print) will be new, this may be deferred. If not, we will have our title 10 party once more at the LRS offices in the Pentagon.

We thank you for your patience in our transition into the electronic referral and comment system this past year. We look forward to working with you through the transition of the new Administration and the 107th Congress. In the meantime, have a great holiday season.

(b)(6)

and the LRS Staff





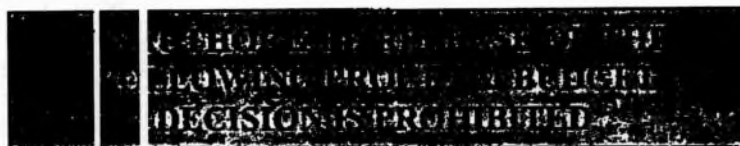
### **OGC BUDGET**

The OGC budget is consolidated within the overall budget for the Office of the Secretary of Defense, except for staff travel. The OGC travel target for FY 2001 is \$147,000.

### **DLSA BUDGET**

The DLSA Headquarters travel target for FY 2001 is \$55,000. The DLSA budget pages follow.

~~FOR OFFICIAL USE ONLY~~  
**PROGRAM BUDGET DECISION**



PBD 071

**TITLE:** OFFICE OF THE SECRETARY OF DEFENSE (OSD), WASHINGTON  
HEADQUARTERS SERVICES (HQS), DEFENSE LEGAL SERVICES AGENCY  
(DLSA), AND CIVIL MILITARY PROGRAMS (CMP)

**DATE:** DECEMBER 14, 2000

**DECISION:** THE DEPUTY SECRETARY APPROVED THE ALTERNATIVE ESTIMATE, EXCEPT NO INCREASE IN ARMY OFFICER POSITIONS IN THE OFFICE OF THE SPECIAL ASSISTANT TO THE SECRETARY OF DEFENSE (GULF WAR ILLNESS, MEDICAL READINESS AND DEPLOYMENTS) UNTIL AGREEMENT IS REACHED BETWEEN THE ARMY AND USD(P&R); FUNDING FOR THE FEDERAL CIO COUNCIL TO BE PAID FROM THE OPERATION AND MAINTENANCE, DEFENSE-WIDE APPROPRIATION, WITH \$1.5 MILLION ANNUALLY TO BE PAID FROM THE ASD(C3I) MISSION AND ANALYSIS FUND OR THE CIO'S O&M FUNDING. NO ADJUSTMENT TO STUDY FUNDING FOR NET ASSESSMENT. ALSO ALLOW AIR FORCE AN ADDITIONAL 114 CIVILIAN PERSONNEL (FTE) IN FY 2002 AND 283 CIVILIAN PERSONNEL (FTE) BEGINNING IN FY 2003 TO COMPENSATE FOR THE DELAY IN IMPLEMENTING THE DEFENSE TRAVEL SYSTEM, BUT NO ADDITIONAL FUNDS.

~~FOR OFFICIAL USE ONLY~~

~~FOR OFFICIAL USE ONLY~~  
**PROGRAM BUDGET DECISION**

No. 071

The WHS obligated \$3.5 million for FVAP activities in FY 2000; therefore, the funding for this requirement is in the WHS baseline and the alternative makes no adjustments.

Get Out the Vote Campaign (GOVC) (\$.7/\$.3 million, FY 2001/02): The GOVC is a programmed activity since the 1970's that is designed to promote Uniformed and Overseas Citizens Absentee Voting Act participation in the political process by encouraging U.S. citizens to register and to vote. The alternative estimate provides no additional funds for this project because it has been a funded requirement in the WHS budget for over 20 years and is therefore already funded within the WHS baseline.

Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)/National Registration Act (NVRA) Surveys (\$.3/\$.1 million, FY 2001/02): These additional funds are requested in order to conduct the subject mandated surveys, to review the Voting Assistance Guide, and to distribute voting related news releases. The alternative estimate provides no additional funds for these functions since they have been a funded requirement in the WHS budget in the past and can therefore be accommodated within the WHS baseline.

**DEFENSE LEGAL SERVICES AGENCY (DLSA)**

The following table provides the price and program changes reflected in the DLSA estimate and a summary of the adjustments approved in the alternative estimate:

|                      | (TOA, Dollars in Millions) |        |         |         |
|----------------------|----------------------------|--------|---------|---------|
|                      |                            | Price  | Program |         |
|                      | FY 2001                    | Change | Change  | FY 2002 |
| Agency Estimate      | 12.5                       | +.5    | -.9     | 12.1    |
| Alternative Estimate | -1.1                       | -      | -       | -       |

Civilian Personnel Underexecution: The DLSA underexecuted its FY 2000 civilian personnel program by 13 FTEs and 21 E/S, resulting in a beginning strength for FY 2001 that is 20 E/S below the budgeted level of 103. In effect, the FY 2001 DLSA budget contains funding for 20 personnel at the beginning of the year that are not on the DLSA rolls as planned. The primary reason for the underexecution is that the anticipated increase in security clearance appeal workload did not materialize. Additionally, DLSA is having a difficult time hiring part-time personnel to fill adjudicator positions. The result is that the FY 2001 DLSA budget is overstated by 10 FTEs/end strength and

~~UNAUTHORIZED RELEASE OF THIS PROGRAM BUDGET DECISION IS PROHIBITED~~

19

~~FOR OFFICIAL USE ONLY~~

~~FOR OFFICIAL USE ONLY~~  
**PROGRAM BUDGET DECISION**

No. 071

associated funding (\$1.0 million). Therefore, the alternative estimate reduces DLSA in FY 2001 by \$1.0 million and 10 FTEs for unneeded civilian pay. (Cutyear adjustments: None)

**(CIVIL MILITARY PROGRAMS (CMP))**

The following table provides the price and program changes reflected in the Civil Military Programs estimate and a summary of the adjustments reflected in the alternative estimate:

|                      | (TOA, Dollars in Millions) |                     |                       |                |
|----------------------|----------------------------|---------------------|-----------------------|----------------|
|                      | <u>FY 2001</u>             | <u>Price Change</u> | <u>Program Change</u> | <u>FY 2002</u> |
| Agency Estimate      | 102.6                      | +1.7                | -14.9                 | 89.4           |
| Alternative Estimate | -                          | -                   | -                     | +4.7           |

Civil Military Programs encompass outreach/service programs such as the National Guard Challenge Program, the DoD Innovative Readiness Training (IRT) Program, the DoD STARBASE Program, and the Outdoor Odyssey Youth Development and Leadership Academy Program. The Congress has consistently provided additional funding for the Civil Military Programs above the levels requested in the President's Budget as shown in the table below:

|                        | (TOA, Dollars in Millions) |                |                |
|------------------------|----------------------------|----------------|----------------|
|                        | <u>FY 1999</u>             | <u>FY 2000</u> | <u>FY 2001</u> |
| Budget Request         | 44.5                       | 87.5           | 88.4           |
| Appropriation          | 87.6                       | 91.6           | 103.0          |
| Congressional Increase | +43.1                      | +4.1           | +14.6          |

STARBASE and Outdoor Odyssey: The budgeted amount for Civil Military Programs for FY 2002 and FY 2003 will not allow the STARBASE and Outdoor Odyssey programs to continue at the current level. The Outdoor Odyssey Program is not funded beyond FY 2001 and the STARBASE Program is funded at varying levels.

Section 219(b) of Title 10 USC requires the Department to establish at least 25 STARBASE academies. The Department funded 26 academies in FY 2000 and the congressional increase in FY 2001 provides adequate funds to establish another 13 STARBASE academies, a total of 39. The alternative estimate provides additional funding to maintain 39 academies through FY 2007 and to maintain the Outdoor Odyssey Program at the congressionally funded FY 2001 level.

~~UNAUTHORIZED RELEASE OF THIS PROGRAM BUDGET DECISION IS PROHIBITED.~~

20

~~FOR OFFICIAL USE ONLY~~

~~For Official Use Only~~

| FUNDING APPENDIX        |         | PB: NC 071 |         | ALTERNATIVE 1 |         |         |         |
|-------------------------|---------|------------|---------|---------------|---------|---------|---------|
| (\$ in Thousands) Qty ( |         |            |         |               |         |         |         |
| PROGRAM/ISSUE           | FY 2001 | FY 2002    | FY 2003 | FY 2004       | FY 2005 | FY 2006 | FY 2007 |

Operation & Maintenance, Defense-Wide (O&M, DW)

Budget Activity 4, Administration and Serviceside Activities

Office of the Secretary of Defense

|                          |        |        |        |        |        |        |        |
|--------------------------|--------|--------|--------|--------|--------|--------|--------|
| OSD - Spec Access Pgm *  | +100   | +312   | +321   | +330   | +342   | +354   | +363   |
| OSD - SATSD(GWI)         | +149   | +608   | +627   | +648   | +668   | +690   | +712   |
| OSD - CCDE               | -      | + ,806 | +1,824 | +1,881 | +1,939 | +2,000 | +2,063 |
| OSD - CRDRS              | -      | +181   | +187   | +194   | +201   | +208   | +215   |
| OSD - VAMOSC             | -      | +200   | +206   | +212   | +218   | +225   | +232   |
| OSD - SECDEFREP to OSCE  | +130   | +132   | +134   | +137   | +140   | +143   | +146   |
| OSD - Defense Reform Off | +130   | +792   | +358   | +830   | +404   | +877   | +455   |
| OSD - ICE                | +1,146 | + ,100 | +620   | +630   | +640   | +650   | +660   |
| OSD - Fed Fin Mgmt Imp   | +150   | + ,118 | +3,326 | +3,299 | +2,757 | +2,793 | +2,822 |
| OSD - Net Assessments    | -      | + ,191 | +1,619 | +1,583 | +1,100 | +1,137 | +1,241 |
| OSD - OSD Studies        | -      | - ,191 | -1,619 | -1,583 | -1,100 | -1,137 | -1,241 |
| Subtotal OSD             | +2,105 | + ,249 | +7,603 | +8,161 | +7,309 | +7,940 | +7,668 |

Washington Headquarters Services

|                          |        |        |         |         |         |         |         |
|--------------------------|--------|--------|---------|---------|---------|---------|---------|
| WHS - USEXPORTS          | -      | + ,100 | +1,119  | +1,141  | +1,164  | +1,187  | +1,211  |
| WHS - SECDEFREP to OSCE  | - ,30  | -132   | -134    | -137    | -140    | -143    | -146    |
| WHS - FirstGov/Fed CIO   | +1,140 | + ,500 | +2,548  | +2,598  | +2,650  | +2,703  | +2,757  |
| WHS - Defense Tvl Sys    | -      | - ,242 | +12,745 | +27,147 | -       | -       | -       |
| WHS - Network Security   | +1,165 | +966   | +982    | +1,002  | +1,022  | +1,043  | +1,063  |
| IS - DCPDS Support       | -      | +361   | +367    | +374    | +382    | +390    | +397    |
| WHS - WHMO               | +138   | +970   | +986    | +1,006  | +1,026  | +1,047  | +1,068  |
| WHS - Records Declass    | +1,175 | + ,975 | +1,975  | +500    | +515    | +530    | +546    |
| WHS - Correspondence Con | +182   | -      | -       | -       | -       | -       | -       |
| WHS - GSA Rent           | +4,104 | + ,061 | +4,053  | +4,296  | +4,554  | +4,827  | +5,117  |
| Subtotal WHS             | +9,174 | + ,559 | +24,641 | +37,927 | +11,173 | +11,584 | +12,013 |

Defense Legal Services Agency

|                     |        |   |   |   |   |   |   |
|---------------------|--------|---|---|---|---|---|---|
| DLSA - Civilian Pay | -1,152 | - | - | - | - | - | - |
| Subtotal DLSA       | -1,152 | - | - | - | - | - | - |

Civil Military Programs

|                       |   |        |        |        |        |        |        |
|-----------------------|---|--------|--------|--------|--------|--------|--------|
| CMP - STARBAS         | - | + ,200 | +4,800 | +6,200 | +5,800 | +5,400 | +5,000 |
| CMP - Outdoor Odyssey | - | +500   | +500   | +500   | +500   | +500   | +500   |
| Subtotal CMP          | - | + ,700 | +5,300 | +6,700 | +6,300 | +5,900 | +5,500 |

Defense Human Resources Activity

|               |   |        |         |         |         |         |         |
|---------------|---|--------|---------|---------|---------|---------|---------|
| DHRA - DIMHRS | - | -2,422 | -32,273 | 16,767  | 17,597  | -18,006 | -18,425 |
| Subtotal DHRA | - | -2,422 | -32,273 | -16,767 | -17,597 | -18,006 | -18,425 |

|                         |         |        |        |         |        |        |        |
|-------------------------|---------|--------|--------|---------|--------|--------|--------|
| Total O&M, Defense-Wide | +11,127 | - ,914 | +5,271 | +36,021 | +7,185 | +7,418 | +6,756 |
|-------------------------|---------|--------|--------|---------|--------|--------|--------|

Operation and Maintenance, Army

Budget Activity 4, Administration and Serviceside Activities

|                          |      |      |      |      |      |      |      |
|--------------------------|------|------|------|------|------|------|------|
| Army - Spec Access Pgm * | -100 | -104 | -107 | -110 | -114 | -118 | -121 |
| Total O&M, Army          | -100 | -104 | -107 | -110 | -114 | -118 | -121 |

Reimbursable to OSD in FY 2001.

Operation and Maintenance, Navy

~~For Official Use Only~~



**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**I. Description of Operations Financed:**

The Defense Legal Services Agency (DLSA) provides legal services to the Office of the Secretary of Defense, Department of Defense Field Activities, and the Defense Agencies. The largest component of DLSA, the Defense Office of Hearings and Appeals (DOHA), adjudicates numerous types of cases that arise from all Military Departments and Defense Agencies. DOHA provides hearings and issues decisions in personnel security clearance cases for contractors performing classified work for all DoD components and twenty other Federal Agencies and Departments. In addition, DOHA conducts personal appearances and issues decisions in security clearance cases for DoD civilian employees and military personnel. DOHA also conducts hearings and issues decisions in cases involving claims for non dependent's schools Activity benefits and CHAMPUS payment for medical services. A recently added claims function includes review of uniformed service and carrier claims for loss or damage of household goods and review of waiver applications. DOHA traditionally provides support to the Deputy General Counsel (Legal Counsel). Finally, DOHA functions as the point of contact for selection of third party neutrals in DOHA alternative dispute resolution processes. During FY 2000 and FY 2001, there is an anticipated increase in the number of referrals of completed industrial security clearance cases from the Defense Security Service (DSS), which will subsequently result in more cases requiring review and participation by the DOHA. Current estimates anticipate over 19,300 new cases will be received during FY 2000 and FY 2001. Since DOHA's personnel security missions are essential to national security, budget estimates provide for additional personnel and related costs to adjudicate the cases generated by the DSS elimination of periodic reinvestigation backlogs.

All customary expenses required to operate a government activity are financed, including salaries and benefits, travel, rental of office space, rental of equipment, communications, and the cost of supplies and equipment.

**DEFENSE LEGAL SERVICES AGENCY**  
Operation and Maintenance, Defense-Wide

**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**

**Budget Activity 4: Administration and Service-Wide Activities**

**II. Force Structure Summary:** Not applicable.

**III. Financial Summary (O&M: \$ in thousands):**

| A. Subactivities: | FY 1999 |                | FY 2000       |                  | FY 2001  |          |
|-------------------|---------|----------------|---------------|------------------|----------|----------|
|                   | Actuals | Budget Request | Appropriation | Current Estimate | Estimate | Estimate |
| 1. DLSA HQ        | 1,940   | 2,126          | 2,067         | 2,842            | 2,899    |          |
| 2. DOHA           | 7,150   | 7,357          | 7,169         | 8,097            | 9,697    |          |
| Total             | 9,090   | 9,483          | 9,236         | 10,939           | 12,596   |          |

**IV. Appropriation Summary:**

| 1. Baseline Funding                              | FY 2000                   |                           | FY 2001                   |                           |
|--------------------------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
|                                                  | Change<br>FY 2000/FY 2000 | Change<br>FY 2000/FY 2001 | Change<br>FY 2000/FY 2000 | Change<br>FY 2000/FY 2001 |
| a) Congressional Adjustments (Distributed)       | 9,483                     | 10,939                    |                           |                           |
| b) Congressional Adjustments (Undistributed)     | 0                         | 0                         |                           |                           |
| c) Congressional Adjustments (General Provision) | -59                       | 0                         |                           |                           |
| d) Congressional Earmarks                        | 0                         | 0                         |                           |                           |
| e) Congressional Earmark Billpayers              | -188                      | 0                         |                           |                           |
| 2. Appropriated Amount (Subtotal)                | 9,236                     | 0                         |                           |                           |
| a) Adjustments to Meet Congressional Intent      | 0                         | 0                         |                           |                           |
| b) Across-the-board Reduction (Rescission)       | -30                       | 0                         |                           |                           |
| c) Approved Reprogrammings/Transfers             | 482                       | 0                         |                           |                           |
| 3. Price Change                                  | 411                       | 403                       |                           |                           |
| 4. Program Changes                               | 1,438                     | 1,254                     |                           |                           |
| 5. Current Estimate                              | 10,939                    | 12,596                    |                           |                           |

**Exhibit OP-5 Detail by Subactivity Group**  
Page 2 of 11

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

**C. Reconciliation of Increases and Decreases:**

|                                                |       |
|------------------------------------------------|-------|
| 1. FY 2000 President's Budget Request          | 9,483 |
| 2. Congressional Adjustment (Distributed)      |       |
| Total Congressional Adjustment (Distributed)   | 0     |
| 3. Congressional Adjustment (Undistributed)    |       |
| Headquarters and Management                    | -59   |
| Congressional Adjustment (General Provisions)  |       |
| Total Congressional Adjustment (Undistributed) | -59   |
| 4. Congressional Earmarks                      |       |
| Congressional Appropriation Earmark Billpayer  | -180  |
| Congressional Authorization Earmark Billpayer  | -8    |
| Total Congressional Earmarks                   | -188  |
| 5. FY 2000 Appropriated Amount                 | 9,236 |
| 6. FY 2000 Rescission                          | -30   |
| 7. Functional Transfers - In                   |       |
| Other Functional Transfers                     |       |
| Automation Support from WHS to DLSA            | 427   |
| Travel support from OSD to DLSA                | 55    |
| Total Functional Transfers-In                  | 482   |

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

**C. Reconciliation of Increases and Decreases (Continued):**

|                                        |     |
|----------------------------------------|-----|
| 8. Other Transfers-In (Non-Functional) |     |
| Total Other Transfers-In               | 0   |
| 9. Functional Transfers-Out            |     |
| Total Functional Transfers-Out         | 0   |
| 10. Other Functional Transfers-Out     |     |
| Total Functional Transfers-Out         | 0   |
| 11. Price Change                       | -69 |

**12 Program Increase**

|                                                                                                                                                                                    |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| (a) Civilian Compensation and Benefits to support an increase of 12 FTE for additional workload related to the elimination of periodic reinvestigation backlogs.                   | 1,252 |
| (b) Travel costs related to the elimination of periodic reinvestigation backlogs. The DOHA has multiple sites which parties must travel to, for hearings and personal appearances. | 207   |
| (c) Pentagon Reservation Maintenance Revolving Fund rent rate adjustment for Pentagon renovation related construction contracts.                                                   | 270   |
| (d) Disability Compensation.                                                                                                                                                       | 26    |
| (e) Program increase resulting from price change.                                                                                                                                  | 69    |

|                        |       |
|------------------------|-------|
| Total Program Increase | 1,824 |
|------------------------|-------|

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**C. Reconciliation of Increases and Decreases (Continued):**

|                                                                                                                                                                                    |        |       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------|
| 13. Program Decrease                                                                                                                                                               |        |       |
| (a) Supplies and Materials reduction.                                                                                                                                              | -5     |       |
| (b) Other contracts reduction for purchased contracts.                                                                                                                             | -82    |       |
| (c) voluntary separation incentive pay (VSPF) program discontinued.                                                                                                                | -417   |       |
| Total Program Decrease                                                                                                                                                             | -504   |       |
| 14. Revised FY 2000 Estimate                                                                                                                                                       | 10,939 |       |
| 15. Price Growth                                                                                                                                                                   | 403    |       |
| 16. Transfers In                                                                                                                                                                   | 0      |       |
| 17. Transfers Out                                                                                                                                                                  | 0      |       |
| 18. Program Increases                                                                                                                                                              |        |       |
| a. Program Growth in FY 2001                                                                                                                                                       |        |       |
| (1) Civilian Compensation and Benefits to support an increase of 11 FTE for additional workload related to the elimination of periodic reinvestigation backlogs.                   |        | 1,145 |
| (2) Travel costs related to the elimination of periodic reinvestigation backlogs. The DOHA has multiple sites which parties must travel to, for hearings and personal appearances. |        | 115   |
| (3) Other Contract requirements associated with adjudication of reinvestigation backlog cases.                                                                                     |        | 41    |
| 19. Total Increases                                                                                                                                                                |        | 1,301 |

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**C. Reconciliation of Increases and Decreases (Continued):**

|                                                     |        |
|-----------------------------------------------------|--------|
| 20. Program Decreases                               |        |
| a. Program Decreases in FY 2001                     |        |
| (1) Pentagon Reservation Maintenance Revolving Fund |        |
| rent rate reduction for decrease in Pentagon        | -23    |
| Renovation related construction contracts.          | -24    |
| (2) Disability Compensation reduction.              |        |
| 21. Total Decreases                                 | 47     |
| 22. FY 2001 Budget Request                          | 12,596 |

**IV. Performance Criteria and Evaluation Summary:**

The Defense Legal Services Agency (DLSA) provides legal services to the staff elements of the Office of the Secretary of Defense and the Defense Agencies. DLSA's activities include providing opinions and consulting on legal compliance issues affecting policy formulation and implementation; participation in developing the Department's legislative program, including drafting legislation and comments; negotiations on behalf of DoD clients with private entities and other Government agencies; ensuring proper use of Government funds and property; adherence to ethical standards; and participation in contractual matters. The Defense Office of Hearings and Appeals (DOHA), the largest component of DLSA, provides hearings and issues decisions in personnel security clearance cases for contractor personnel doing classified work for all DoD components and 20 other Federal Agencies and Departments and conducts personal appearances and issues decisions in security clearance cases for DoD civilian employees and military personnel. DOHA also conducts hearings and issues decisions in cases involving the special education programs of the Department of Defense's overseas and domestic school systems, and CHAMPUS payment for medical services. DOHA also adjudicates various financial claims including, but not limited to, claims related to uniform services members' pay, allowances, travel, transportation, retired pay, and survivor benefits; claims by transportation carriers for amounts collected from them for loss and damage incurred to property incident to shipment at Government expense; claims for proceeds of sale of unclaimed property coming into the custody or control of the Army, Navy, Air Force or Coast Guard; and petitions for waiver of debts owed by employees to the Government. DLSA is evaluated on the

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**IV. Performance Criteria and Evaluation Summary (Continued):**

basis of the quality and timeliness of its myriad of services; adherence to appropriate standards of professional conduct and Department of Defense ethical standards; the professional independence, impartiality and competence exhibited by its attorneys; and its overall responsiveness to the needs of its clients.

**Industrial Security Clearance Review (ISCR) Program**

The due process hearings and appeals of the Industrial Security Program are DOHA's central mission implementing Department of Defense Directive 5220.6. The Industrial Security Program was created as a result of the Supreme Court's decision in *Greene v. McElroy*, 360 US 474, 79 S. Ct. 1400, 3 L. Ed.2d 1377 (1959). In response to the *Greene* decision, President Eisenhower signed Executive Order 10865 on February 20, 1960. Executive Order 10865 requires a hearing in which contractor employees be given the opportunity to appear before the decision-maker to confront and cross-examine witnesses and attempt to rebut the Government's case.

Executive Order 10865, as amended by Executive Order 10909, Executive Order 11382 and Executive Order 12829 mandate the due process regulation found in Department of Defense Directive 5220.6. Executive Order 12829, January 6, 1993, established DoD as the executive agent for the entire federal government's implementation of the new National Industrial Security Program (NISP) along with continuing responsibility for implementation of the procedural requirements of Executive Order 10865. Section 203 of Executive Order 12829 continues the process mandated by Executive Order 10865. Finally, Executive Order 12968, signed August 2, 1995 by President Clinton did not affect the program and was specifically designed not to change the full due process given to contractors.

The workload associated with the Industrial Security (ISCR) cases DOHA handles is currently increasing as a result of security reinvestigation backlogs anticipated during FY 2000 and FY 2001.

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**IV. Performance Criteria and Evaluation Summary (Continued):**

**Personal Appearance (PA) Program**

Executive Order 12068, which President Clinton signed on August 2, 1995, mandated that the "opportunity to appear personally" be part of security clearance due process for all military and civilian clearance applicants. DoD Regulation 5200.2-R provides for "personal appearances" by military and civilian clearance applicants which are handled by the same DOHA Administrative Judges who handle cases involving employees of Defense contractors and of other contractors. This decision was made in part due to the collective experience of the DOHA Administrative Judges in convening industrial security clearance hearings and the logic of centralizing security clearance due process proceedings generally in the Department. DOHA is the only DoD entity with experience providing a clearance applicant with the opportunity to appear personally as a regular part of due process.

The workload associated with the personal appearance cases DOHA handles is currently increasing as a result of security re-investigation backlog anticipated during FY 2000 and FY 2001.

**Claims Appeals Board**

The Claims Appeals Board has ultimate settlement authority over many different types of claims and related matters. This authority is relatively new within the Department of Defense (DoD), and resulted from legislation in 1995 and 1996 which transferred claim settlement responsibility from the Comptroller General to, among others, the Secretary of Defense. The Board is a streamlined reconstitution of the portion of the GAO/OGC division which considered uniformed service and carrier claims. Under Title 31, United States Code, Section 3702, the Secretary of Defense now settles claims involving uniformed service members' pay, allowances, travel, transportation, retired pay, and survivor benefits. Additionally, he settles claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipments at government expense. The Secretary's responsibilities in these areas are not restricted to DoD. The Secretary

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

**IV. Performance Criteria and Evaluation Summary (Continued):**

also has the statutory responsibility for settling the accounts of deceased DoD service members. As a result of a recent Office of Management and Budget (OMB) Determination Order, the Secretary was given the OMB Director's general claims settlement authority over most activities within DoD, and the bulk of the waiver authority within the Federal government; i.e., the Secretary now exercises the former authority of the Comptroller General to consider applications by service members and DoD employees to waive overpayment debts exceeding \$1,500, and upon request advises on DoD agencies on waiver applications by their civilian employees.

Claims appeals board workload is expected to increase. For example, the number of carrier claims regarding loss and damage increased dramatically during the last year that such claims were considered at GAO, and they continue to increase. Changes to GAO's statutory authority to relieve certifying, dispersing and other accountable officers of financial liability may result in added responsibilities.

**Workload:**

|                                       | FY 1999<br>Actual | FY 2000<br>Estimate | FY 2001<br>Estimate |
|---------------------------------------|-------------------|---------------------|---------------------|
| Cases Reviewed (ISCR & PA)            | 13,429            | 21,150              | 25,875              |
| Hearing cases (ISCR/PA/TRICARE/DODEA) | 745               | 1,069               | 1,192               |
| Claims cases Reviewed                 | 1,472             | 1,575               | 1,625               |
| Mediations                            | 20                | 25                  | 30                  |

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

| V. Personnel Summary:                         | FY 1999 | FY 2000 | FY 2001 | Change<br>FY 2000/FY 2001 |
|-----------------------------------------------|---------|---------|---------|---------------------------|
| <u>Active Military End Strength (E/S)</u>     |         |         |         |                           |
| Officer                                       | 2       | 2       | 2       | 0                         |
| Enlisted                                      | 5       | 2       | 2       | 0                         |
| Total                                         | 7       | 11      | 11      | 0                         |
| <br><u>Civilian End Strength (Total)</u>      |         |         |         |                           |
| U.S. Direct Hire                              | 75      | 104     | 108     | 4                         |
| <br><u>Active Military End Strength (A/S)</u> |         |         |         |                           |
| Officer                                       | 2       | 2       | 2       | 0                         |
| Enlisted                                      | 5       | 0       | 2       | 2                         |
| Total                                         | 7       | 11      | 11      | 0                         |
| <br><u>Civilian FTEs (Total)</u>              |         |         |         |                           |
| U.S. Direct Hire                              | 80      | 92      | 103     | 11                        |

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

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

|                                        | Change from<br>FY2000 to FY2001 |                         | Change from<br>FY2001 to FY2002 |                         | Change from<br>FY2002 to FY2003 |                         |
|----------------------------------------|---------------------------------|-------------------------|---------------------------------|-------------------------|---------------------------------|-------------------------|
|                                        | FY 2000<br>Actual               | Price Program<br>Growth | FY 2001<br>Estimate             | Price Program<br>Growth | FY 2002<br>Estimate             | Price Program<br>Growth |
| <b>CIVILIAN PERSONNEL COMPENSATION</b> |                                 |                         |                                 |                         |                                 |                         |
| Exec, Gen & Spec Sched                 | 7,989                           | 295                     | 2,546                           | 10,828                  | 447                             | -985                    |
| Disability Compensation                | 26                              | 0                       | -24                             | 2                       | 0                               | -1                      |
| Total                                  | 8,015                           | 295                     | 2,522                           | 10,830                  | 447                             | -986                    |
| <b>TRAVEL</b>                          |                                 |                         |                                 |                         |                                 |                         |
| Travel of Persons                      | 285                             | 4                       | -103                            | 186                     | 3                               | 79                      |
| <b>OTHER PURCHASES</b>                 |                                 |                         |                                 |                         |                                 |                         |
| PRMRF Purchases                        | 332                             | 5                       | -27                             | 310                     | 5                               | -5                      |
| Rental Payment to GSA                  | 454                             | 7                       | 0                               | 461                     | 7                               | 0                       |
| Purchased Communications               | 54                              | 1                       | 0                               | 55                      | 1                               | 0                       |
| Printing/Reproduction                  | 9                               | 0                       | 0                               | 9                       | 0                               | 0                       |
| Equipment Maintenance                  | 5                               | 0                       | 0                               | 5                       | 0                               | 0                       |
| Facility Maintenance                   | 20                              | 0                       | 17                              | 37                      | 1                               | 0                       |
| Equipment Purchases                    | 0                               | 0                       | 0                               | 0                       | 0                               | 0                       |
| Other Contracts                        | 645                             | 10                      | 0                               | 655                     | 10                              | 0                       |
| Other Costs                            | 4                               | 0                       | 0                               | 4                       | 0                               | 0                       |
| Total                                  | 2,148                           | 44                      | 320                             | 2,512                   | 51                              | 227                     |
| <b>Total</b>                           |                                 |                         |                                 |                         |                                 |                         |
|                                        | 9,788                           | 263                     | 806                             | 12,526                  | 275                             | 247                     |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |
|                                        |                                 |                         |                                 |                         |                                 |                         |

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**I. Description of Operations Financed:**

The Defense Legal Services Agency (DLSA) provides legal services to the Office of the Secretary of Defense, Department of Defense Field Activities, and the Defense Agencies. The largest component of DLSA, the Defense Office of Hearings and Appeals (DOHA), adjudicates numerous types of cases that arise from all Military Departments and Defense Agencies. DOHA provides hearings and issues decisions in personnel security clearance cases for contractors performing classified work for all DoD components and twenty other Federal Agencies and Departments. In addition, DOHA conducts personal appearances and issues decisions in security clearance cases for DoD civilian employees and military personnel. DOHA also conducts hearings and issues decisions in cases involving claims for DoD Dependents' Services Activity benefits and CHAMPUS payment for medical services. A recently added claims function includes review of uniformed service and carrier claims for loss or damage of household goods and review of waiver applications. DOHA traditionally provides support to the Deputy General Counsel (Legal Counsel). Finally, DOHA functions as the point of contact for selection of third party neutrals in DOHA alternative dispute resolution processes. During FY 2000 and FY 2001, there is an anticipated increase in the number of referrals of completed industrial security clearance cases from the Defense Security Service (DSS), which will subsequently result in more cases requiring review and participation by the DOHA. Current estimates anticipate over 19,300 new cases will be received during FY 2000 and FY 2001. Since DOHA's personnel security missions are essential to national security, budget estimates provide for additional personnel and related costs to adjudicate the cases generated by the DSS elimination of periodic reinvestigation backlogs.

All customary expenses required to operate a government activity are financed, including salaries and benefits, travel, rental of office space, rental of equipment, communications, and the cost of supplies and equipment.

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**II. Force Structure Summary:** Not applicable.

**III. Financial Summary (O&M: \$ in thousands):**

|                          | FY 2000                |               | FY 2001          |          |
|--------------------------|------------------------|---------------|------------------|----------|
|                          | Budget Request         | Appropriation | Current Estimate | Estimate |
| <b>A. Subactivities:</b> | <b>FY 1999 Actuals</b> |               |                  |          |
| 1. DLSA HO               | 1,940                  | 2,067         | 2,842            | 2,899    |
| 2. DOHA                  | 7,150                  | 7,162         | 8,097            | 9,697    |
| Total                    | 9,090                  | 9,236         | 10,939           | 12,596   |

**D. Reconciliation Summary:**

**1. Baseline Funding**

- a) Congressional Adjustments (Distributed)
- b) Congressional Adjustments (Undistributed)
- c) Congressional Adjustments (General Provision)
- d) Congressional Earmarks
- e) Congressional Earmark Billpayers

**2. Appropriated Amount (Subtotal)**

- a) Adjustments to Meet Congressional Intent
- b) Across-the-board Reduction (Rescission)
- c) Approved Reprogrammings/Transfers

**3. Price Change**

**4. Program Changes**

**5. Current Estimate**

|  | Change<br>by 2000/2001 | Change<br>by 2000/2001 |
|--|------------------------|------------------------|
|  | 9,483                  | 10,939                 |
|  | 0                      | 0                      |
|  | -59                    | 0                      |
|  | 0                      | 0                      |
|  | -188                   | 0                      |
|  | 9,236                  | 0                      |
|  | 0                      | 0                      |
|  | -30                    | 0                      |
|  | 482                    | 0                      |
|  | 411                    | 403                    |
|  | 1,438                  | 1,254                  |
|  | 10,939                 | 12,596                 |

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

**C. Reconciliation of Increases and Decreases:**

|                                                |       |
|------------------------------------------------|-------|
| 1. FY 2000 President's Budget Request          | 9,483 |
| 2. Congressional Adjustment (Distributed)      |       |
| Total Congressional Adjustment (Distributed)   | 0     |
| 3. Congressional Adjustment (Undistributed)    |       |
| Headquarters and Management                    | -59   |
| Congressional Adjustment (General Provisions)  |       |
| Total Congressional Adjustment (Undistributed) | -59   |
| 4. Congressional Earmarks:                     |       |
| Congressional Appropriation Earmark Billpayer  | -180  |
| Congressional Authorization Earmark Billpayer  | -8    |
| Total Congressional Earmarks                   | -188  |
| 5. FY 2000 Appropriated Amount                 | 9,236 |
| 6. FY 2000 Rescission                          | -30   |
| 7. Functional Transfers - In                   |       |
| Other Functional Transfers                     |       |
| Automation Support from WHS to DLSA            | 427   |
| Travel support from OSD to DLSA                | 55    |
| Total Functional Transfers-In                  | 482   |

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**C. Reconciliation of Increases and Decreases (Continued):**

|                                                                                                                                                                                 |       |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| 8. Other Transfers-In (Non-Functional)                                                                                                                                          |       |       |
| Total Other Transfers-In                                                                                                                                                        |       | 0     |
| 9. Functional Transfers-Out                                                                                                                                                     |       |       |
| Total Functional Transfers-Out                                                                                                                                                  |       | 0     |
| 10. Other Functional Transfers-Out                                                                                                                                              |       |       |
| Total Functional Transfers-Out                                                                                                                                                  |       | 0     |
| 11. Price Change                                                                                                                                                                |       | -69   |
| 12 Program Increase                                                                                                                                                             |       |       |
| (a) Civilian Compensation and Benefits to support an increase of 12 per cent for additional workload related to the elimination of periodic reinvestment backlogs.              | 1,252 |       |
| (b) Travel costs related to the elimination of periodic reinvestment backlogs. The DOHA has multiple sites which parties must travel to, for hearings and personal appearances. | 207   |       |
| (c) Pentagon Reservation Maintenance Revolving Fund rent rate adjustment for Pentagon renovation related construction contracts.                                                | 270   |       |
| (d) Disability Compensation.                                                                                                                                                    | 26    |       |
| (e) Program increase resulting from price change.                                                                                                                               | 69    |       |
| Total Program Increase                                                                                                                                                          |       | 1,824 |

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**C. Reconciliation of Increases and Decreases (Continued):**

|                                                                                                                                                                                    |       |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|--------|
| 13. Program Decrease                                                                                                                                                               |       |        |
| (a) Supplies and Materials reduction.                                                                                                                                              | -5    |        |
| (b) Other contracts reduction for purchased contracts.                                                                                                                             | -82   |        |
| (c) voluntary separation incentive pay (VSP)                                                                                                                                       | -417  |        |
| program discontinued.                                                                                                                                                              |       |        |
| Total Program Decrease                                                                                                                                                             |       | -504   |
| 14. Revised FY 2000 Estimate                                                                                                                                                       |       | 10,939 |
| 15. Price Growth                                                                                                                                                                   |       | 403    |
| 16. Transfers In                                                                                                                                                                   |       | 0      |
| 17. Transfers Out                                                                                                                                                                  |       | 0      |
| 18. Program Increases                                                                                                                                                              |       |        |
| a. Program Growth in FY 2001                                                                                                                                                       |       |        |
| (1) Civilian Compensation and Benefits to support an increase of 11 FTE for additional workload related to the elimination of periodic reinvestigation backlogs.                   | 1,145 |        |
| (2) Travel costs related to the elimination of periodic reinvestigation backlogs. The DOHA has multiple sites which parties must travel to, for hearings and personal appearances. | 115   |        |
| (3) Other Contract requirements associated with adjudication of reinvestigation backlog cases.                                                                                     | 41    |        |
| 19. Total Increases                                                                                                                                                                |       | 1,301  |

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**C. Reconciliation of Increases and Decreases (Continued):**

20. Program Decreases

a. Program Decreases in FY 2001

- (1) Pentagon Reservation Maintenance Revolving Fund  
rent rate reduction for decrease in Pentagon  
Renovation related construction contracts. -23
- (2) Disability Compensation reduction. -24

21. Total Decreases

17

22. FY 2001 Budget Request

12,596

**IV. Performance Criteria and Evaluation Summary:**

The Defense Legal Services Agency (DLSA) provides legal services to the staff elements of the Office of the Secretary of Defense and the Defense Agencies. DLSA's activities include providing opinions and commenting on legal compliance issues affecting policy formulation and implementation; participation in developing the Department's legislative program, including drafting legislation and comments; negotiations on behalf of DoD clients with private entities and other Government agencies; ensuring proper use of Government funds and property; adherence to ethical standards; and participation in contractual matters. The Defense Office of Hearings and Appeals (DOHA), the largest component of DLSA, provides hearings and issues decisions in personnel security clearance cases for contractor personnel doing classified work for all DoD components and 20 other Federal Agencies and Departments and conducts personal appearances and issues decisions in security clearance cases for DoD civilian employees and military personnel. DOHA also conducts hearings and issues decisions in cases involving the special education programs of the Department of Defense's overseas and domestic school systems, and CHAMPUS payment for medical services. DOHA also adjudicates various financial claims including, but not limited to, claims related to uniform services members' pay, allowances, travel, transportation, retired pay, and survivor benefits; claims by transportation carriers for amounts collected from them for loss and damage incurred to property incident to shipment at Government expense; claims for proceeds of sale of unclaimed property coming into the custody or control of the Army, Navy, Air Force or Coast Guard; and petitions for waiver of debts owed by employees to the Government. DLSA is evaluated on the

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**IV. Performance Criteria and Evaluation Summary (Continued):**

basis of the quality and timeliness of its myriad of services; adherence to appropriate standards of professional conduct and Department of Defense ethical standards; the professional independence, impartiality and competence exhibited by its attorneys; and its overall responsiveness to the needs of its clients.

**Industrial Security Clearance Review (ISCR) Program**

The due process hearings and appeals of the Industrial Security Program are DOHA's central mission implementing Department of Defense Directive 5220.6. The Industrial Security Program was created as a result of the Supreme Court's decision in *Greene v. McElroy*, 360 US 474, 79 S. Ct. 1400, 3 L. Ed.2d 1377 (1959). In response to the *Greene* decision, President Eisenhower signed Executive Order 10865 on February 20, 1960. Executive Order 10865 requires a hearing in which contractor employees be given the opportunity to appear before the decision-maker to confront and cross-examine witnesses and attempt to rebut the Government's case.

Executive Order 10865, as amended by Executive Order 10909, Executive Order 11382 and Executive Order 12829 mandate the due process regulation found in Department of Defense Directive 5220.6. Executive Order 12829, January 6, 1993, established DoD as the executive agent for the entire federal government's implementation of the new National Industrial Security Program (NISP) along with continuing responsibility for implementation of the procedural requirements of Executive Order 10865. Section 203 of Executive Order 12829 continues the process mandated by Executive Order 10865. Finally, Executive Order 12968, signed August 2, 1995 by President Clinton did not affect the program and was specifically designed not to change the full due process given to contractors.

The workload associated with the Industrial Security (ISCR) cases DOHA handles is currently increasing as a result of security reinvestigation backlogs anticipated during FY 2000 and FY 2001.

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

IV. Performance Criteria and Evaluation Summary (Continued):

Personal Appearance (PA) Program

Executive Order 12968 which President Clinton signed on August 7, 1995, mandated that the "opportunity to appear personally" be part of security clearance due process for all military and civilian clearance applicants. DoD Regulation 5200.2-R provides for "personal appearances" by military and civilian clearance applicants which are handled by the same DOHA Administrative Judges who handle cases involving employees of Defense Contractors and other contractors. This decision was made in part due to the collective experience of the DOHA Administrative Judges in convening industrial security clearances and the logic of centralizing security clearance due process proceedings generally in the Department. DOHA is the only DoD entity with experience providing a clearance applicant with the opportunity to appear personally as a regular part of due process.

The workload associated with the personal appearance cases DOHA handles is currently increasing as a result of security re-investigation backlogs anticipated during FY 2000 and FY 2001.

Claims Appeals Board

The Claims Appeals Board has ultimate settlement authority over many different types of claims and related matters. This authority is relatively new within the Department of Defense (DoD), and resulted from legislation in 1995 and 1996 which transferred claim settlement responsibility from the Comptroller General to, among others, the Secretary of Defense. The Board is a streamlined reconstitution of the portion of the GAO/OGC division which considered uniformed service and carrier claims. Under Title 31, United States Code, Section 3702, the Secretary of Defense now settles claims involving uniformed service members' pay, allowances, travel, transportation, retired pay, and survivor benefits. Additionally, he settles claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipments at government expense. The Secretary's responsibilities in these areas are not restricted to DoD. The Secretary

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**Fiscal Year (FY) 2002/2003 Biennial Budget Estimates**  
**Budget Activity 4: Administration and Service-Wide Activities**

**IV. Performance Criteria and Evaluation Summary (Continued):**

also has the statutory responsibility for settling the accounts of deceased DoD service members. As a result of a recent Office of Management and Budget (OMB) Determination Order, the Secretary was given the OMB Director's general claim settlement authority over most activities within DoD, and the bulk of the waiver authority within the Federal government; i.e., the Secretary now exercises the former authority of the Comptroller General to consider applications by service members and DoD employees to waive overpayment debts exceeding \$1,500, and upon request advises on DoD agencies on waiver applications by their civilian employees.

Claims appeals board workload is expected to increase. For example, the number of carrier claims regarding loss and damage increased dramatically during the last year that such claims were considered at GAO, and they continue to increase. Changes to GAO's statutory authority to relieve certifying, dispersing and other accountable officers of financial liability may result in added responsibilities.

**Workload:**

|                                       | FY 1999<br>Actual | FY 2000<br>Estimate | FY 2001<br>Estimate |
|---------------------------------------|-------------------|---------------------|---------------------|
| Cases Reviewed (ISCR & PA)            | 13,429            | 21,150              | 25,875              |
| Hearing cases (ISCR/PA/TRICARE/DODEA) | 745               | 1,069               | 1,192               |
| Claims cases Reviewed                 | 1,472             | 1,575               | 1,625               |
| Mediations                            | 20                | 25                  | 30                  |

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Fiscal Year (FY) 2002/2003 Biennial Budget Estimates  
Budget Activity 4: Administration and Service-Wide Activities

| V. Personnel Summary:                        | FY 1999 | FY 2000 | FY 2001 | Change<br>FY 2000/FY 2001 |
|----------------------------------------------|---------|---------|---------|---------------------------|
| <u>Active Military End Strength(A/E/S)</u>   |         |         |         |                           |
| Officer                                      | 2       | 2       | 2       | 0                         |
| Enlisted                                     | 5       | 2       | 2       | 0                         |
| Total                                        | 7       | 11      | 11      | 0                         |
| <br><u>Civilian End Strength (Total)</u>     |         |         |         |                           |
| U.S. Direct Hire                             | 75      | 104     | 108     | 4                         |
| <br><u>Active Military End Strength(A/S)</u> |         |         |         |                           |
| Officer                                      | 2       | 2       | 2       | 0                         |
| Enlisted                                     | 5       | 2       | 2       | 0                         |
| Total                                        | 7       | 11      | 11      | 0                         |
| <br><u>Civilian FTEs (Total)</u>             |         |         |         |                           |
| U.S. Direct Hire                             | 80      | 92      | 103     | 11                        |

**V. QP 32 Line Items as Applicable (Dollars in Thousands):**

Exhibit OP-5 Detail by Subactivity Group



# Defense Legal Services Agency

Amended FY 2001 Budget Estimates

September 15, 1999

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates Submission**

**Table of Contents**

|                                                          |  |
|----------------------------------------------------------|--|
| <u>Summary of Budget Estimates</u>                       |  |
| <u>Fiscal Guidance Track</u>                             |  |
| <u>Program and Financing Schedule</u>                    |  |
| <u>Schedule of Civilian and Military Personnel</u>       |  |
| <u>Functional Transfers</u>                              |  |
| <u>Advisory and Assistance Services</u>                  |  |
| <u>Contract Reporting by Appropriation</u>               |  |
| <u>Management Headquarters</u>                           |  |
| <u>Summary of Increases and Decreases</u>                |  |
| <u>Competition and Privatization</u>                     |  |
| <u>Budgeted Military and Civilian Pay Raise Amounts</u>  |  |
| <u>Summary of Civilian Personnel Gains and Losses</u>    |  |
| <br>                                                     |  |
| <u>Summary Budget Exhibit</u>                            |  |
| <u>Civilian Personnel Costs</u>                          |  |
| <u>Analysis of Changes in Full-time Equivalent Costs</u> |  |
| <u>Summary of Price and Program Changes</u>              |  |
| <br>                                                     |  |
| <u>Space Budget Justification</u>                        |  |
| <u>FYDP RIC Summaries</u>                                |  |
| <br>                                                     |  |
| <u>Exhibit 54</u>                                        |  |
| <u>-----</u>                                             |  |

September 15, 1999

DEFENSE LEGAL SERVICES AGENCY  
Summary of Amended FY 2001 Budget Estimates  
(Dollars in Thousands)

|                                | Direct Budget Plan (TOA) |                     |                     | Budget Authority  |                     |                     |
|--------------------------------|--------------------------|---------------------|---------------------|-------------------|---------------------|---------------------|
| Appropriation<br>Account Title | FY 1999<br>Actual        | FY 2000<br>Estimate | FY 2001<br>Estimate | FY 1999<br>Actual | FY 2000<br>Estimate | FY 2001<br>Estimate |
| O&M, DW                        | 9,079                    | 9,965               | 10,212              | 9,090             | 9,965               | 10,212              |

Exhibit PB-1 Summary of Budget Estimates  
September 1999

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates

|                             | Fiscal Guidance Track (TOA, in millions of dollars) |         |         |         |         |
|-----------------------------|-----------------------------------------------------|---------|---------|---------|---------|
|                             | FY 2001                                             | FY 2002 | FY 2003 | FY 2004 | FY 2005 |
| POM FISCAL GUIDANCE         | 9.722                                               | 10.064  | 10.422  | 10.775  | 11.146  |
| POM1 ADJUSTMENTS            | 0                                                   | 0       | 0       | 0       | 0       |
| FUNCTIONAL TRANSFERS        | 0.400                                               | 0.400   | 0.507   | 0.517   | 0.520   |
| OTHER                       | 0                                                   | 0       | 0       | 0       | 0       |
| BUDGET ESTIMATES SUBMISSION | 10.122                                              | 10.464  | 10.929  | 11.292  | 11.666  |

Exhibit PB-1A Fiscal Guidance Track  
September 15, 1999

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Program and Financing  
(Dollars in Thousands)

|                                          | FY 1999<br>Actual | FY 2000<br>Estimate | FY 2001<br>Estimate |
|------------------------------------------|-------------------|---------------------|---------------------|
| <b>Program by Activities</b>             |                   |                     |                     |
| 04 7770 Direct Program:                  |                   |                     |                     |
| Administration and Associated Activities | 2,072             | 2,500               | 40,442              |
| <b>Reimbursable Program:</b>             |                   |                     |                     |
| 40.0000 Current Appropriation:           | 9,079             | 9,965               | 10,212              |
| <b>Financing:</b>                        |                   |                     |                     |
| 11.0001 Offsetting Collections From:     |                   |                     |                     |
| Federal Funds                            | 0                 | 0                   | 0                   |
| 25.0001 Unobligated Balance Lapsing      | 11                | 0                   | 0                   |
| 39.0001 Budget Authority                 | 9,090             | 9,965               | 10,212              |
| 40.0001 Current Authority:               |                   |                     |                     |
| Appropriation                            | 9,090             | 9,965               | 10,212              |

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Object Classification  
(Dollars in Thousands)

Identification Code 97-0100-0-1-051

|                                          | FY 1999<br>AVAILABLE | FY 2000<br>AVAILABLE | FY 2001<br>AVAILABLE |
|------------------------------------------|----------------------|----------------------|----------------------|
| Direct Obligations                       |                      |                      |                      |
| T11 111 Personnel Compensation           | 6,318                | 6,781                | 6,889                |
| T11 211 Personnel Benefits               | 1,239                | 1,378                | 1,370                |
| T11 301 Benefits to Former Employees     | 417                  | 0                    | 0                    |
| T12 101 Travel/Transportation of Persons | 167                  | 225                  | 229                  |
| T12 221 Rental Payments to Others        | 59                   | 332                  | 310                  |
| T12 331 Communications                   | 50                   | 51                   | 52                   |
| T12 401 Printing and Reproduction        | 0                    | 0                    | 0                    |
| T12 501 Supplies/Materials               | 23                   | 23                   | 24                   |
| T14 301 Interest and Dividends           | 4                    | 4                    | 4                    |
| Total Direct Obligations                 | 9,079                | 9,965                | 10,212               |
| Total Obligations                        | 9,079                | 9,965                | 10,212               |

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates

SCHEDULE OF CIVILIAN AND MILITARY PERSONNEL

FY 1999 FY 2000 FY 2001 FY 2002 FY 2003 FY 2004 FY 2005

I. CIVILIAN PERSONNEL (Full time Equivalents (FTE))

Operation and Maintenance, Defense Wide

US Direct Hire

80 82 80 80 80 80 80

II. ACTIVE MILITARY PERSONNEL (and strength)

ARMY

Officers  
Enlisted  
Cadets

1 1 1 1 1 1 1  
1 1 1 1 1 1 1  
0 0 0 0 0 0 0

NAVY

Officers  
Enlisted  
Cadets

0 0 0 0 0 0 0  
0 0 0 0 0 0 0  
0 0 0 0 0 0 0

AIR FORCE

Officers  
Enlisted  
Cadets

1 1 1 1 1 1 1  
3 1 1 1 1 1 1  
0 0 0 0 0 0 0

MARINES

Officers  
Enlisted  
Cadets

0 0 0 0 0 0 0  
0 0 0 0 0 0 0  
0 0 0 0 0 0 0

TOTAL MILITARY PERSONNEL

8 11 11 11 11 11 11

**FUNCTIONAL TRANSFERS**  
**DEFENSE LEGAL SERVICES AGENCY**  
 Amended FY 2001 Budget Estimates

FY 2000    FY 2001    FY 2002    FY 2003    FY 2004    FY 2005

**PART I**

Total adjustment as a result of functional transfers (\$000)

482    490    498    507    517    528

**PART II**

Information Technology Support Services (from Washington Headquarters Services)

**Gaining Appropriation**

DLSA, O&M, DW

Civilian Full-Time Equivalents (FTE)

Military Average Strength

Funding (\$000)

0    0    0    0    0    0  
 0    0    0    0    0    0  
 427    434    441    449    458    468

**Losing Appropriation**

OSD, O&M, DW

Civilian Full-Time Equivalents (FTE)

Military Average Strength

Funding (\$000)

0    0    0    0    0    0  
 0    0    0    0    0    0  
 -427    -434    -441    -449    -458    -468

Travel (from Office of the Secretary of Defense)

**Gaining Appropriation**

DLSA, O&M, DW

Civilian Full-Time Equivalents (FTE)

Military Average Strength

Funding (\$000)

0    0    0    0    0    0  
 0    0    0    0    0    0  
 55    56    57    58    59    60

**Losing Appropriation**

OSD, O&M, DW

Civilian Full-Time Equivalents (FTE)

Military Average Strength

Funding (\$000)

0    0    0    0    0    0  
 -55    -56    -57    -58    -59    -60

Exhibit PB-14    Functional Transfers  
 September 15, 1999



DEPARTMENT OF DEFENSE  
WASHINGTON HEADQUARTERS SERVICES  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155

(Budget and Finance)

September 15, 1999

MEMORANDUM FOR THE RECORD

SUBJECT: Functional transfers

The following functional transfers have been approved by the DoD activities indicated, and have been appropriately reflected in the Amended FY 2001 Budget Estimates Submissions:

a. A transfer of resources from Washington Headquarters Services (WHS) to the Defense Legal Services Agency (DLSA) for Information Technology Support Services is accomplished to more properly align actual expenses:

|         |         |         | (\$000) |         |         |  |
|---------|---------|---------|---------|---------|---------|--|
| FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |  |
| 427     | 434     | 441     | 449     | 458     | 468     |  |

Approved: Maria Probst  
Budget Officer, DLSA

Paul York  
Budget Officer, WHS

b. A transfer of resources from the Office of the Secretary of Defense (OSD) to the Defense Legal Services Agency (DLSA) for operational travel is accomplished to more properly align actual expenses:

|         |         |         | (\$000) |         |         |  |
|---------|---------|---------|---------|---------|---------|--|
| FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |  |
| 55      | 56      | 57      | 58      | 59      | 60      |  |

Approved: Maria Probst  
Budget Officer, DLSA

Byron L. Williams Jr.  
Budget Officer, OSD



**ADVISORY AND ASSISTANCE SERVICES**

DEFENSE LEGAL SERVICES AGENCY  
Operation and Maintenance, Defense-Wide  
Amended FY 2001 Budget Estimates

Not applicable

Exhibit PB-15 Advisory and Assistance Services  
September 15, 1999

POC: Ms. Maria Probst (703) 693-7138

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**

**Contract Reporting by Appropriation**

|                                                    | FY 1999 Actual |           |           |           | FY 2000   |           |           |           | FY 2001   |           |           |           |
|----------------------------------------------------|----------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|                                                    | Total          |           | Services  |           | Total     |           | Services  |           | Total     |           | Services  |           |
|                                                    | Contracts      | Contracts | Contracts | Contracts | Contracts | Contracts | Contracts | Contracts | Contracts | Contracts | Contracts | Contracts |
| <b>Appropriation</b>                               |                |           |           |           |           |           |           |           |           |           |           |           |
| Operation and Maintenance,<br>Defense-Wide (\$000) | 354            | 1         | 0.2       | 716       | 10        | 1.4       | 872       | 15        | 1.7       |           |           |           |

Justification for high percentage of Other Services Contracts: Not applicable

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
Operation and Maintenance, Defense-Wide  
MANAGEMENT HEADQUARTERS

DEPARTMENT OF DEFENSE MANAGEMENT HEADQUARTERS

| FY 1999 Actual |      | FY 2000 Estimate |          |          |      | FY 2001 Estimate |          |          |      |       |          |
|----------------|------|------------------|----------|----------|------|------------------|----------|----------|------|-------|----------|
| Militar        |      | Militar          |          | Militar  |      | Militar          |          | Militar  |      |       |          |
| Avg            | Civ  | Total            | Oblig.   | Avg      | Civ  | Total            | Oblig.   | Avg      | Civ  | Total | Oblig.   |
| Strength       | FTEs | Mnpwr            | (\$ 000) | Strength | FTEs | Mnpwr            | (\$ 000) | Strength | FTEs | Mnpwr | (\$ 000) |
| 1              | 20   | 21               | \$1,999  | 1        | 22   | 23               | \$2,000  | 1        | 22   | 23    | \$2,070  |
| Army           | (3)  |                  |          | (3)      |      |                  |          | (3)      |      |       |          |
| Navy           | (0)  |                  |          | (0)      |      |                  |          | (0)      |      |       |          |
| A.F.           | (1)  |                  |          | (1)      |      |                  |          | (1)      |      |       |          |

PB-22 Management Headquarters  
POC: Ms. Maria Probst Phone No. (703) 693-7138  
September 15, 1999

**DEFENSE LEGAL SERVICES AGENCY**  
**Operation and Maintenance, Defense-Wide**  
**SUMMARY OF INCREASES AND DECREASES**

(\$000)

|                                                                                                                                                                                                                                                                                                         |      |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|
| 1. FY 2000 President's Budget Request                                                                                                                                                                                                                                                                   |      | 9,483  |
| 2. Congressional Adjustments                                                                                                                                                                                                                                                                            |      | 0      |
| 3. Transfers In                                                                                                                                                                                                                                                                                         |      |        |
| (1) Information technology support services from Washington Headquarters Services                                                                                                                                                                                                                       | 427  |        |
| (2) Travel from Office of the Secretary of Defense                                                                                                                                                                                                                                                      | 55   |        |
| Total Transfers In                                                                                                                                                                                                                                                                                      |      | 482    |
| 4. Transfers Out                                                                                                                                                                                                                                                                                        |      | 0      |
| 5. Price Growth                                                                                                                                                                                                                                                                                         |      | -11    |
| 6. Program Increases                                                                                                                                                                                                                                                                                    |      |        |
| a. Annualization of New FY 2000 Program                                                                                                                                                                                                                                                                 |      |        |
| (1) Activity groups realigned to offset additional price increase.                                                                                                                                                                                                                                      | 11   | 11     |
| b. Program Decreases                                                                                                                                                                                                                                                                                    |      |        |
| Revised FY 2000 Current Estimate                                                                                                                                                                                                                                                                        | 0    | 9,965  |
| Price Growth                                                                                                                                                                                                                                                                                            |      | 202    |
| 11. Transfers In                                                                                                                                                                                                                                                                                        | 0    |        |
| 12. Transfers Out                                                                                                                                                                                                                                                                                       | 0    |        |
| 13. Program Increases                                                                                                                                                                                                                                                                                   |      |        |
| a. Program Growth in FY 2001                                                                                                                                                                                                                                                                            |      |        |
| (1) Miscellaneous contracts: Increase is attributable to increased litigation expenses associated with overseas litigation, including temporary duty travel and experts and consultant support; and increased cost of inter-service support agreements for Massachusetts, California, and Ohio offices. | 145  | 145    |
| 14. Total Increases                                                                                                                                                                                                                                                                                     |      |        |
| 15. Program Decreases                                                                                                                                                                                                                                                                                   |      |        |
| a. Program Decreases in FY 2001                                                                                                                                                                                                                                                                         |      |        |
| (1) Compensation and Benefits reduced to reflect civilian personnel downsizing of two (2) FTE.                                                                                                                                                                                                          | -207 |        |
| (2) Pentagon Reservation Maintenance Revolving Fund Rent rate adjustment                                                                                                                                                                                                                                | -27  |        |
| (3) Disability compensation reduction                                                                                                                                                                                                                                                                   | -25  |        |
| Total Program Decreases                                                                                                                                                                                                                                                                                 |      | -259   |
| 17. FY 2001 Budget Request                                                                                                                                                                                                                                                                              |      | 10,212 |

Exhibit PB-31D Summary of Increases and Decreases  
September 15, 1999

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
Operation and Maintenance, Defense-Wide  
(Dollars in Thousands)

Competition and Privatization

Not Applicable

Exhibit PB-42 Competition and Privatization  
September 15, 1999

DEFENSE LEGAL SERVICES AGENCY

Amended FY 2001 Budget Estimates

Operation and Maintenance, Defense-Wide

BUDGETED MILITARY AND CIVILIAN PAY RAISE AMOUNTS (\$ in Thousands)

|                                         | DATE OF          |           | % OF | AMOUNT |
|-----------------------------------------|------------------|-----------|------|--------|
|                                         | PAY RAISE        | PAY RAISE |      |        |
| CIVILIAN PERSONNEL                      |                  |           |      |        |
| Operation and Maintenance, Defense-Wide |                  |           |      |        |
| Classified                              |                  |           |      |        |
| FY 2000                                 | January 2, 2000  | 4.40      |      | 337    |
| FY 2001                                 | January 14, 2001 | 3.90      |      | 331    |
| Total Operation and Maintenance         |                  |           |      |        |
| FY 2000                                 | January 2, 2000  | 4.40      |      | 337    |
| FY 2001                                 | January 14, 2001 | 3.90      |      | 331    |

CIVILIAN PERSONNEL HIRING PLAN  
DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
FY 1999

Operation and Maintenance, Defense-Wide

| Month | E/S<br>Beginning | Gains | Generations |     |       |       | Change | Revised | FTE |
|-------|------------------|-------|-------------|-----|-------|-------|--------|---------|-----|
|       |                  |       | VSIP        | RIF | Other | Total |        |         |     |
| Oct   | 87               | 1     | 0           | 0   | 0     | 0     | 1      | 88      | 6   |
| NOV   | 88               | 0     | 2           | 0   | 0     | 2     | -2     | 86      | 9   |
| Dec   | 86               | 0     | 1           | 0   | 1     | 2     | -2     | 84      | 7   |
| Jan   | 84               | 0     | 0           | 0   | 2     | 2     | -2     | 82      | 6   |
| Feb   | 82               | 1     | 0           | 0   | 0     | 0     | 1      | 83      | 7   |
| Mar   | 83               | 2     | 0           | 0   | 0     | 0     | 2      | 85      | 6   |
| Apr   | 85               | 0     | 0           | 0   | 0     | 0     | 0      | 85      | 7   |
| May   | 85               | 0     | 5           | 0   | 0     | 5     | -5     | 80      | 6   |
| Jun   | 80               | 0     | 4           | 0   | 0     | 4     | -4     | 76      | 9   |
| Jul   | 76               | 0     | 0           | 0   | 0     | 0     | 0      | 76      | 5   |
| Aug   | 76               | 0     | 0           | 0   | 0     | 0     | 0      | 76      | 6   |
| Sep   | 76               | 3     | 0           | 0   | 0     | 0     | 3      | 79      | 6   |
| Total |                  | 7     | 12          | 0   | 3     | 15    | -8     |         | 80  |

Exhibit PB-54 Civilian Personnel Hiring Plan  
September 15, 1999

CIVILIAN PERSONNEL HIRING PLAN  
DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
FY 2000

Operation and Maintenance, Defense-Wide

| Month | E/S<br>Beginning | Gains | VSIP | Separations |       | Total | Net<br>Change | E/S<br>Revised | FTE |
|-------|------------------|-------|------|-------------|-------|-------|---------------|----------------|-----|
|       |                  |       |      | RIF         | Other |       |               |                |     |
| Oct   | 79               | 2     | 0    | 0           | 0     | 0     | 2             | 81             | 6   |
| Nov   | 81               | 1     | 0    | 0           | 0     | 0     | 1             | 82             | 6   |
| Dec   | 82               | 2     | 0    | 0           | 1     | 1     | 1             | 83             | 6   |
| Jan   | 83               | 1     | 0    | 0           | 0     | 0     | 1             | 84             | 6   |
| Feb   | 84               | 0     | 0    | 0           | 0     | 0     | 0             | 84             | 6   |
| Mar   | 84               | 0     | 0    | 0           | 1     | 1     | -1            | 83             | 7   |
| Apr   | 83               | 2     | 0    | 0           | 0     | 0     | 2             | 85             | 7   |
| May   | 85               | 1     | 0    | 0           | 0     | 0     | 1             | 86             | 7   |
| Jun   | 86               | 0     | 0    | 0           | 0     | 0     | 0             | 86             | 7   |
| Jul   | 86               | 0     | 0    | 0           | 1     | 1     | -1            | 85             | 8   |
| Aug   | 85               | 1     | 0    | 0           | 0     | 0     | 1             | 86             | 8   |
| Sep   | 86               | 0     | 0    | 0           | 0     | 0     | 0             | 86             | 8   |
| Total |                  | 10    | 0    | 0           | 3     | 3     | 7             |                | 82  |

Exhibit PB-54 Civilian Personnel Hiring Plan  
September 15, 1999

CIVILIAN PERSONNEL HIRING PLAN  
DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
FY 2001

Operation and Maintenance, Defense-Wide

| Month | B/c<br>Beginning | Gains | Supplemental |       |       | VSIP | NEL<br>Change | E/D<br>Revised | FTE |
|-------|------------------|-------|--------------|-------|-------|------|---------------|----------------|-----|
|       |                  |       | RIF          | Other | Total |      |               |                |     |
| Oct   | 86               | 0     | 0            | 1     | 1     | 0    | -1            | 85             | 8   |
| Nov   | 85               | 0     | 0            | 0     | 0     | 0    | 0             | 85             | 8   |
| Dec   | 85               | 1     | 0            | 1     | 1     | 0    | 0             | 85             | 7   |
| Jan   | 85               | 1     | 0            | 1     | 1     | 0    | 0             | 85             | 7   |
| Feb   | 85               | 0     | 0            | 1     | 1     | 0    | -1            | 84             | 7   |
| Mar   | 84               | 1     | 0            | 0     | 0     | 0    | 1             | 84             | 7   |
| Apr   | 85               | 0     | 0            | 1     | 1     | 0    | -1            | 84             | 6   |
| May   | 84               | 0     | 0            | 0     | 0     | 0    | 0             | 84             | 6   |
| Jun   | 84               | 0     | 0            | 0     | 0     | 0    | 0             | 84             | 6   |
| Jul   | 84               | 0     | 0            | 2     | 2     | 0    | -2            | 82             | 6   |
| Aug   | 82               | 0     | 0            | 1     | 1     | 0    | -1            | 81             | 6   |
| Sep   | 81               | 0     | 0            | 1     | 1     | 0    | -1            | 80             | 6   |
| Total |                  | 3     | 0            | 9     | 9     | 0    | -6            |                | 80  |

Exhibit PB-54 Civilian Personnel Hiring Plan  
September 15, 1999

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**I. Description of Operations Financed:**

The Defense Legal Services Agency (DLSA) provides legal services to the Office of the Secretary of Defense, Department of Defense Field Activities, and the Defense Agencies. The largest component of DLSA is the Defense Office of Hearings and Appeals (DOHA). DOHA provides numerous types of cases that arise from all Military Departments and Defense Agencies. DOHA provides hearings and issues decisions in personnel security clearance cases for contractor personnel doing classified work for all DoD components and twenty other Federal Agencies and Departments. In addition, DOHA conducts personal appearances and issues decisions in security clearance cases for DoD civilian employees and military personnel. DOHA also conducts hearings and issues decisions in cases involving claims for DoD Dependents Schools Activity benefits and CHAMPUS payment for medical services. A recently added claims function includes review of uniformed service and carrier claims for loss or damage of goods and review of waiver applications. DOHA occasionally provides support to the Deputy General Counsel (Legal Counsel). Finally, DOHA functions as the central DoD point of contact and as a central clearing house for DoD alternative dispute resolution activities and selection of third party neutrals. This activity is a Budget Activity 4, Administration and Service-Wide Activities program.

All customary expenses required to operate a government activity are financed, including salaries and benefits, travel, rental of office space, rental of equipment, communications, and the cost of supplies and equipment.

**II. Financial Summary (O&M: \$ in Thousands):**

| A. <u>Activity Group:</u> | FY 1999<br><u>Actual</u> | FY 2000                   |                     |                             | FY 2001<br><u>Estimate</u> |
|---------------------------|--------------------------|---------------------------|---------------------|-----------------------------|----------------------------|
|                           |                          | <u>Budget<br/>Request</u> | <u>Appropriated</u> | <u>Current<br/>Estimate</u> |                            |
| 1. DLSA HQ                | 1,899                    | 2,126                     | 0                   | 2,608                       | 2,676                      |
| 2. DOHA                   | 7,180                    | 7,357                     | 0                   | 7,357                       | 7,536                      |
| Total                     | 9,079                    | 9,483                     | 0                   | 9,965                       | 10,212                     |

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**II. Financial Summary (O&M: \$ in thousands) (continued):**

**B. Reconciliation Summary:**

|                           | Change<br>FY 2000/FY 2000 | Change<br>FY 2000/FY 2001 |
|---------------------------|---------------------------|---------------------------|
| Baseline Funding          | 9,483                     | 9,965                     |
| Congressional Adjustments | 0                         | 0                         |
| Price Change              | -11                       | 361                       |
| Functional Transfer       | 482                       | 0                         |
| Program Changes           | 11                        | -114                      |
| Current Estimate          | 9,965                     | 10,212                    |

**C. RECONCILIATION OF INCREASES & DECREASES:**

|                                                                                   |       |
|-----------------------------------------------------------------------------------|-------|
| 1. FY 2000 President's Budget Request                                             | 9,483 |
| 2. Congressional Adjustments (distributed)                                        | 0     |
| 3. Congressional Adjustments (Undistributed)                                      | 0     |
| 4. Transfers in                                                                   |       |
| (1) Information Technology Support Services from Washington Headquarters Services |       |
| (2) Travel from Office of the Secretary of Defense                                | 427   |
| Total Transfers In                                                                | 55    |
| 5. Transfers Out                                                                  | 0     |
| 6. Price Growth                                                                   | -11   |
| 7. Program Increases                                                              |       |
| a. Annualization of New FY 2000 Program                                           |       |
| (1) Activity groups realigned to offset additional price increase.                | 11    |
| 8. Total Increases                                                                | 11    |
| 9. Program Decreases                                                              | 0     |
| 10. Revised FY 2000 Current Estimate                                              |       |
| 11. Price Growth                                                                  |       |
| 12. Transfers In                                                                  | 0     |
| 13. Transfers Out                                                                 | 0     |
|                                                                                   | 9,965 |
|                                                                                   | 361   |

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**II. Financial Summary (O&M: \$ in thousands) (continued):**

|                                                                                                                                                                                                                                                                                                         |      |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------|
| 14. Program Increases                                                                                                                                                                                                                                                                                   |      |        |
| a. Program Growth in FY 2001                                                                                                                                                                                                                                                                            |      |        |
| (1) Miscellaneous contracts: Increase is attributable to increased litigation expenses associated with overseas litigation, including temporary duty travel and experts and consultant support; and increased cost of inter-service support agreements for Massachusetts, California, and UNIO OFFICES. | 145  | 145    |
| 15. Total Increases                                                                                                                                                                                                                                                                                     |      |        |
| 16. Program Decreases                                                                                                                                                                                                                                                                                   |      |        |
| a. Program Decreases in FY 2001                                                                                                                                                                                                                                                                         |      |        |
| (1) Compensation and benefits reduced to reflect civilian personnel downsizing of two (2) FTE.                                                                                                                                                                                                          | -207 |        |
| (2) Pentagon Reservation Maintenance Revolving Fund rent rate adjustment                                                                                                                                                                                                                                | -27  |        |
| (3) Disability compensation reduction                                                                                                                                                                                                                                                                   | -25  |        |
| 17. Total Program Decreases                                                                                                                                                                                                                                                                             |      | -259   |
| 18. FY 2001 Budget Request                                                                                                                                                                                                                                                                              |      | 10,212 |

**III. Performance Criteria and Evaluation Summary:**

The Defense Legal Services Agency (DLSA) provides legal services to the staff elements of the Office of the Secretary of Defense and the Defense Agencies. DLSA's activities include providing opinions and counseling on legal compliance issues affecting policy formulation and implementation; participation in developing the Department's legislative program, including drafting legislation and comments; negotiations on behalf of DoD clients with private entities and other Government agencies; ensuring proper use of Government funds and property; adherence to ethical standards; and participation in contractual matters. The Defense Office of Hearings and Appeals (DOHA), the largest component of DLSA, provides hearings and issues decisions in personnel security clearance cases for contractor personnel doing classified work for all DoD components and 20 other Federal Agencies and Departments and conducts personal appearances and issues decisions in security clearance cases for DoD civilian employees and military personnel. DOHA also conducts hearings and issues decisions in cases involving the special education programs of the Department of Defense's overseas and domestic school

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**III. Performance Criteria and Evaluation Summary (Con't):**

systems, and CHAMPUS payment for medical services. DOHA also adjudicates various financial claims including, but not limited to, claims related to uniform services members' pay, allowances, travel, transportation, retired pay and survivor benefits; claims by transportation carriers for amounts collected from them for loss and damage incurred to property incident to shipment at Government expense; claims for proceeds of sale of unclaimed property coming into the custody or control of the Army, Navy, Air Force or Coast Guard; and petitions for waiver of debts owed by employees to the Government. DLSA is evaluated on the basis of the quality and timeliness of its myriad of services; adherence to appropriate standards of professional conduct and Department of Defense ethical standards; the professional independence, impartiality and competence exhibited by its attorneys; and its overall responsiveness to the needs of its clients.

**Industrial Security Clearance Review (ISCR) Program**

The due process hearings and appeals of the Industrial Security Program are DOHA's central mission implementing Department of Defense Directive 5220.6. The Industrial Security Program was created as a result of the Supreme Court's decision in *Greene v. McElroy*, 360 US 474, 79 S. Ct. 1400, 3 L. Ed.2d 1377 (1959). In response to the *Greene* decision, President Eisenhower signed Executive Order 10865 on February 20, 1960. Executive Order 10865 requires a hearing in which contractor employees be given the opportunity to appear before the decision-maker to confront and cross-examine witnesses and attempt to rebut the Government's case.

Executive Order 10865, as amended by Executive Order 10909, Executive Order 11382 and Executive Order 12829 mandate the due process regulation found in Department of Defense Directive 5220.6. Executive Order 12829, January 6, 1993, established DoD as the executive agent for the entire federal government's implementation of the new National Industrial Security Program (NISP) along with continuing responsibility for implementation of the procedural requirements of Executive Order 10865. Section 203 of Executive Order 12829 continues the process mandated by Executive Order 10865. Finally, Executive Order 12968, signed August 2, 1995 by President Clinton did not affect the program and was specifically designed not to change the full due process given to contractors.

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**III. Performance Criteria and Evaluation Summary (Con't):**

The workload associated with the Industrial Security (ISCR) cases DOHA handles is currently holding steady from 1996 figures. Projections for Fiscal Year 1999 show caseload holding steady, not decreasing.

**Personal Appearance (PA) Program**

Executive Order 12060, which President Clinton signed on August 2, 1995, mandated that the "opportunity to appear personally" be part of security clearance due process for all military and civilian clearance applicants. DoD Regulation 5200.2-R provides for "personal appearances" by military and civilian clearance applicants which are handled by the same DOHA Administrative Judges who handle cases involving employees of Defense contractors and of other contractors. This decision was made in part due to the collective experience of the DOHA Administrative Judges in convening industrial security clearance hearings and the logic of centralizing security clearance due process proceedings generally in the Department. DOHA is the only DoD entity with experience providing a clearance applicant with the opportunity to appear personally as a regular part of due process.

The workload associated with the personal appearances cases DOHA handles is currently increasing from historical figures. Projections for Fiscal Year 1999 show caseload increasing.

**Claims Appeals Board**

The Claims Appeals Board has ultimate settlement authority over many different types of claims and related matters. This authority is relatively new within the Department of Defense (DoD), and resulted from legislation in 1995 and 1996 which transferred claim settlement responsibility from the Comptroller General to, among others, the Secretary of Defense. The Board is a streamlined reconstitution of the portion of the GAO/OGC division which considered uniformed service and carrier claims. Under Title 31, United States Code, Section 3702, the Secretary of Defense now settles claims involving uniformed service members' pay, allowances, travel, transportation, retired pay, and survivor benefits.

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**III. Performance Criteria and Evaluation Summary (Con't):**

Additionally, he settles claims by transportation carriers involving amounts collected from them for loss or damage incurred to property incident to shipments at government expense. The Secretary's responsibilities in these areas are not restricted to DOD. The Secretary also has the statutory responsibility for settling the accounts of deceased DoD service members. As a result of a recent Office of Management and Budget (OMB) Determination Order, the Secretary was given the OMB Director's general claims settlement authority over most activities within DOD, and the bulk of the waiver authority within the Federal government; i.e., the Secretary now exercises the former authority of the Comptroller General to consider applications by service members and DoD employees to waive overpayment debts exceeding \$1,500, and upon request advises on-duty agencies on waiver applications by their civilian employees.

Claims appeals board workload is expected to increase. For example, the number of carrier claims regarding loss and damage increased dramatically during the last year that such claims were considered at GAO, and they continue to increase. Changes to GAO's statutory authority to relieve certifying, dispersing and other accountable officers of financial liability may result in added responsibilities.

|                                       | FY 1999<br>Actual | FY 2000<br>Estimate | FY 2001<br>Estimate |
|---------------------------------------|-------------------|---------------------|---------------------|
|                                       |                   |                     |                     |
| <b>Workload:</b>                      |                   |                     |                     |
| Cases Reviewed (ISCR & PA)            | 13,429            | 13,850              | 13,875              |
| Hearing cases (ISCR/PA/TRICARE/DODEA) | 745               | 795                 | 800                 |
| Claims cases Reviewed                 | 1,472             | 1,575               | 1,625               |
| Mediations                            | 20                | 25                  | 30                  |

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**IV. Personnel Summary:**

|                                                      | <u>FY 1999</u> | <u>FY 2000</u> | <u>FY 2001</u> | <u>Change</u><br><u>FY 2000/FY 2001</u> |
|------------------------------------------------------|----------------|----------------|----------------|-----------------------------------------|
| <u>Active Military End Strength(E/S) (Total)</u>     |                |                |                |                                         |
| Officer                                              | 2              | 2              | 2              | 0                                       |
| Enlisted                                             | 6              | 9              | 9              | 0                                       |
| Total                                                | 8              | 11             | 11             | 0                                       |
| <u>Civilian End Strength (Total)</u>                 |                |                |                |                                         |
| U. S. Direct Hire                                    | 79             | 86             | 80             | -6                                      |
| <u>Active Military Average Strength(A/S) (Total)</u> |                |                |                |                                         |
| Officer                                              | 2              | 2              | 2              | 0                                       |
| Enlisted                                             | 6              | 9              | 9              | 0                                       |
| Total                                                | 8              | 11             | 11             | 0                                       |
| <u>Civilian FTEs (Total)</u>                         |                |                |                |                                         |
| U. S. Direct Hire                                    | 80             | 82             | 80             | -2                                      |

**V. Outyear Summary:**

|                                 |                |                |                |                |
|---------------------------------|----------------|----------------|----------------|----------------|
| <u>O&amp;M (\$ in Millions)</u> | <u>FY 2002</u> | <u>FY 2003</u> | <u>FY 2004</u> | <u>FY 2005</u> |
| Military End Strength           | 10.6           | 10.9           | 11.3           | 11.7           |
| Civilian FTEs                   | 11             | 11             | 11             | 11             |
|                                 | 80             | 80             | 80             | 80             |

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**

**VI. OP 32 Line Items As Applicable (Dollars in Thousands):**

|                                 | FY 1999      | FY 1999/FY 2000 | FY 2000        | FY 2000/FY 2001 | FY 2001       |
|---------------------------------|--------------|-----------------|----------------|-----------------|---------------|
|                                 | Actual       | Price Growth    | Program Growth | Price Growth    | Estimate      |
| Exec & General Schedules Comp.  | 7,557        | 337             | 239            | 331             | 8,257         |
| Vol. Separation Incentive Pay   | 417          | 0               | -417           | 0               | 0             |
| Disability Compensation         | 0            | 0               | 26             | 1               | 2             |
| Travel of Persons               | 167          | 3               | 33             | 4               | 229           |
| PRMRF Purchases                 | 59           | 1               | 272            | 5               | 310           |
| Rent GSA (SLUC)                 | 448          | 7               | 0              | 7               | 462           |
| Purchased Comm. (Non-Fund)      | 50           | 1               | 0              | 1               | 52            |
| Supplies & Materials (Non-Fund) | 23           | 0               | 0              | 1               | 24            |
| Equipment Maint. by Contract    | 5            | 0               | 0              | 0               | 5             |
| Equipment Purchases (Non-Fund)  | 15           | 0               | 0              | 0               | 15            |
| Other Contracts                 | 334          | 5               | 357            | 11              | 352           |
| Other Costs                     | 4            | 0               | 0              | 0               | 4             |
| <b>TOTAL</b>                    | <b>9,079</b> | <b>354</b>      | <b>532</b>     | <b>361</b>      | <b>10,212</b> |

DEFENSE LOCAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
Operation and Maintenance, Defense-Wide  
Civilian Personnel Costs  
FY 1999  
(\$ in thousands)

OSM, Defense Wide

| Begin<br>Strength                         | End<br>Strength | Total<br>FTE | Full-Time<br>Equivalent<br>FTE | Basic<br>Compensation | Overtime<br>Pay | Holiday<br>Pay | Other<br>Pay | Total<br>Variable<br>Compensation | Total<br>Compensation | Benefits  | Compensation<br>& Benefits |
|-------------------------------------------|-----------------|--------------|--------------------------------|-----------------------|-----------------|----------------|--------------|-----------------------------------|-----------------------|-----------|----------------------------|
|                                           |                 |              |                                |                       |                 |                |              |                                   |                       |           |                            |
| 1                                         | 1               | 1            | 1                              | 123                   | 0               | 0              | 0            | 0                                 | 123                   | 16        | 139                        |
| 86                                        | 78              | 78           | 79                             | 5,965                 | 2               | 0              | 228          | 230                               | 6,195                 | 1,223     | 7,418                      |
| 87                                        | 79              | 79           | 80                             | 6,088                 | 2               | 0              | 228          | 230                               | 6,318                 | 1,239     | 7,557                      |
|                                           |                 |              |                                | (76,100)              |                 |                |              |                                   | (76,975)              | (0,20352) | (94,463)                   |
| 87                                        | 79              | 79           | 80                             | 6,088                 | 2               | 0              | 228          | 230                               | 6,318                 | 1,239     | 7,557                      |
|                                           |                 |              |                                | (76,100)              |                 |                |              |                                   | (76,975)              | (0,20352) | (94,463)                   |
| 87                                        | 79              | 79           | 80                             | 6,088                 | 2               | 0              | 228          | 230                               | 6,318                 | 1,239     | 7,557                      |
| b. Total Direct Hire                      |                 |              |                                |                       |                 |                |              |                                   |                       |           |                            |
| 87                                        | 79              | 79           | 80                             | 6,088                 | 2               | 0              | 228          | 230                               | 6,318                 | 1,239     | 7,557                      |
| 4. Benefits for Former Employees (OC 13): |                 |              |                                |                       |                 |                |              |                                   |                       |           |                            |
| a. U.S. Direct Hire                       |                 |              |                                |                       |                 |                |              |                                   |                       |           |                            |
| c. Percent Early Retirement               |                 |              |                                |                       |                 |                |              |                                   |                       |           |                            |
| 87                                        | 79              | 79           | 80                             | 6,088                 | 2               | 0              | 228          | 230                               | 6,318                 | 1,456     | 7,774                      |
|                                           |                 |              |                                | (76,100)              |                 |                |              |                                   | (76,975)              | (0,27201) | (99,675)                   |
| 87                                        | 79              | 79           | 80                             | 6,088                 | 2               | 0              | 228          | 230                               | 6,318                 | 1,456     | 7,774                      |
|                                           |                 |              |                                | (76,100)              |                 |                |              |                                   | (76,975)              | (0,27201) | (99,675)                   |

FY 1000  
(\$ in thousands)

a. U.S. Employees  
(1) Classified and Administrative

|                                     | Begin<br>Strength | End<br>Strength | Full-Time<br>Equivalent | Basic<br>Compensation | Overtime<br>Pay | Holiday<br>Pay | Other<br>Pay | Total<br>Compensation | Benefits           | Compensation<br>& Benefits |
|-------------------------------------|-------------------|-----------------|-------------------------|-----------------------|-----------------|----------------|--------------|-----------------------|--------------------|----------------------------|
|                                     |                   |                 |                         |                       |                 |                |              |                       |                    |                            |
| 2. U.S. Employees                   |                   |                 |                         |                       |                 |                |              |                       |                    |                            |
| (1) Classified and Administrative   |                   |                 |                         |                       |                 |                |              |                       |                    |                            |
| (a) Senior Executive Schedule       | 1                 | 1               | 1                       | 128                   | 0               | 0              | 0            | 128                   | 17                 | 145                        |
| (b) General Schedule                | 78                | 85              | 81                      | 6,376                 | 2               | 0              | 274          | 6,652                 | 1,361              | 8,013                      |
| Subtotal<br>(Rate)                  | 79                | 86              | 82                      | 6,504<br>(79,317)     | 2               | 0              | 274          | 6,780<br>(82,684)     | 1,378<br>(0.21187) | 8,158<br>(99,489)          |
| Subtotal Indirect Expense<br>(Rate) |                   |                 |                         |                       |                 |                |              | 8,158<br>(82,684)     | 1,378<br>(0.21187) | 9,536<br>(99,489)          |
| b. Total Direct Hire                | 79                | 86              | 82                      | 6,504                 | 2               | 0              | 274          | 6,780                 | 1,378              | 8,158                      |
| 3. TOTAL CIVILIAN PERSONNEL         |                   |                 |                         |                       |                 |                |              |                       |                    |                            |
| (Rate)                              | 79                | 86              | 82                      | 6,504<br>(79,317)     | 2               | 0              | 274          | 6,780<br>(82,684)     | 1,378<br>(0.21187) | 8,158<br>(99,489)          |
| 4. DIRECT FUNDED CIVILIAN PERSONNEL |                   |                 |                         |                       |                 |                |              |                       |                    |                            |
| (Rate)                              | 79                | 86              | 82                      | 6,504<br>(79,317)     | 2               | 0              | 274          | 6,780<br>(82,684)     | 1,378<br>(0.21187) | 8,158<br>(99,489)          |

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
Operation and Maintenance, Defense-Wide  
Civilian Personnel Costs

FY 2001

(\$ in thousands)

O&M, Defense Wide

|                                   | Begin Strength | End Strength | Full Time Equivalent Total FTE | Basic Compensation | Overtime Pay | Holiday Pay | Other Variables OC 11 | Total Compensation OC 11 | Benefits & Benefits | Compensation |
|-----------------------------------|----------------|--------------|--------------------------------|--------------------|--------------|-------------|-----------------------|--------------------------|---------------------|--------------|
|                                   |                |              |                                |                    |              |             |                       |                          |                     |              |
| 1. Direct Hire Civilian           |                |              |                                |                    |              |             |                       |                          |                     |              |
| a. U.S. Employees                 |                |              |                                |                    |              |             |                       |                          |                     |              |
| (i) Classified and Administrative |                |              |                                |                    |              |             |                       |                          |                     |              |
| (a) Senior Executive Schedule     | 1              | 1            | 1                              | 133                | 0            | 0           | 0                     | 133                      | 18                  | 151          |
| (b) General Schedule              | 85             | 79           | 79                             | 6,444              | 2            | 0           | 310                   | 6,756                    | 1,352               | 8,107        |
| Subtotal (Rate)                   | 86             | 80           | 80                             | 6,577              | 2            | 0           | 310                   | 6,889                    | 1,370               | 8,258        |
| Subtotal United States (Rate)     | 86             | 80           | 80                             | 6,577              | 2            | 0           | 310                   | 6,889                    | 1,370               | 8,258        |
| Subtotal Direct Hire              | 86             | 80           | 80                             | 6,577              | 2            | 0           | 310                   | 6,889                    | 1,370               | 8,258        |

2. Benefits for Former Employees (OC 13):

- a. U.S. Direct Hire  
b. Vol. Sep. Pay  
c. Percent Early Retirement

|                                            |    |    |    |       |   |   |     |       |       |       |
|--------------------------------------------|----|----|----|-------|---|---|-----|-------|-------|-------|
| 3. TOTAL CIVILIAN PERSONNEL (Rate)         | 86 | 80 | 80 | 6,577 | 2 | 0 | 310 | 6,889 | 1,370 | 8,258 |
| 4. DIRECT FUNDED CIVILIAN PERSONNEL (Rate) | 86 | 80 | 80 | 6,577 | 2 | 0 | 310 | 6,889 | 1,370 | 8,258 |

Appropriation: Operation and Maintenance, DW

September 15, 1999

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Analysis of Changes in Full-Time Equivalent (FTE) Cost**

|                                                      |        | SES/US     |  |
|------------------------------------------------------|--------|------------|--|
|                                                      | Amount | Rate       |  |
| <b>FY 1999 (261 Compensable Days)</b>                |        |            |  |
| 1. End Strength                                      |        |            |  |
| A. Budgeted                                          | 85     |            |  |
| B. Actual                                            | 79     |            |  |
| 2. FTEs                                              |        |            |  |
| A. Budgeted                                          | 85     |            |  |
| B. Actual                                            | 80     |            |  |
| 3. Basic Compensation (\$ in Thousands)              |        |            |  |
| A. Budgeted                                          | 6,120  |            |  |
| B. Actual                                            | 6,088  |            |  |
| 4. Average Basic Annual Salary (Basic Comp)          |        |            |  |
| A. Budgeted                                          | 72,000 |            |  |
| B. Actual                                            | 70,555 |            |  |
| 5. Average Other OC-11 Variables Adjustments         |        |            |  |
| A. Budgeted                                          | 965    | 0.01340    |  |
| B. Actual                                            | 2,875  | 0.03778 *1 |  |
| 6. Overall Average Annual Salary (OC-11)             |        |            |  |
| A. Budgeted                                          | 72,965 |            |  |
| B. Actual                                            | 78,975 |            |  |
| 7. Average Benefits                                  |        |            |  |
| A. Budgeted                                          | 14,424 | 0.20033    |  |
| B. Actual                                            | 20,700 | 0.27201 *1 |  |
| 8. Average FTE Cost (OC-11 & OC-12)                  |        |            |  |
| A. Budgeted                                          | 87,388 |            |  |
| B. Actual                                            | 99,675 |            |  |
| 9. Budgeted/Actual Rate Change Factors: Normal Range |        |            |  |

Appropriation: Operation and Maintenance, DW

September 15, 1999

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Analysis of Changes in Full-Time Equivalent (FTE) Cost**

|                                                     | Amount | Rate         |
|-----------------------------------------------------|--------|--------------|
| <b>Adjustments to FY 1999 Salary</b>                |        |              |
| 10. + Annualization of FY 1999 Pay Raise(s)         | 693    | 0.00910 *2a  |
| 11. +/- Extra Pay                                   | 0      | 0.00000      |
| 12. Total Other Adjustments                         | -1,705 | -0.00000 *2a |
| 12a. Within Grade Adjustments                       | 0      |              |
| 12b. High Grade Reduction                           | 0      |              |
| 12c. Other Factor Changes                           | -3,295 |              |
| 13. Subtotal Adj. to FY 1999 Basic Ann Salary       | 2,500  |              |
| 14. Adjusted Basic Average Salary for FY 2000       | 73,498 |              |
| <b>Other Adjustments to Derive FY 2000 FTE Cost</b> |        |              |
| 15. FY 2000 Pay Raise (Basic Comp)                  | 2,416  | 0.03287 *2b  |
| 16. Other OC-11 Variables Adjustments               | 111    | 0.04580 *1   |
| 17. Benefit                                         | -244   | -0.00000 *1  |
| 17a. Health Insurance Increase                      | -14    |              |
| 17b. FERS                                           | -26    |              |
| 17c. Other Factor Changes                           | -71    |              |
| 18. Change in Foreign Currency Budget Rates         | 0      |              |
| 19. Total FY 2000 Adjustments to FTE Cost           | 2,415  |              |
| 20. Average FTE Cost in FY 2000                     | 99,488 |              |
| 21. Total FTE Cost in FY 2000 (\$ in Thousands)     | 8,158  |              |
| <b>FY 2000 (261 Compensable Days)</b>               |        |              |
| 22. Full-Time Equivalent End Strength               | 86     |              |
| 23. FTEs                                            | 82     |              |
| 24. Average Basic Annual Salary (Basic Comp)        | 73,498 |              |
| 25. Overall Average Annual Salary (OC-11)           | 78,900 |              |
| 26. Average FTE Cost (OC-11 & OC-12)                | 99,488 |              |

Appropriation: Operation and Maintenance, DW

September 15, 1999

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Analysis of Changes in Full-Time Equivalent (FTE) Cost**

|                                                     | Amount  | Rate        |
|-----------------------------------------------------|---------|-------------|
| <b>FY 2000 (261 Compensable Days)</b>               |         |             |
| 27. + Annualization of FY 2000 Pay Raise(s)         | 945     | 0.01286 *2C |
| 28. +/- Extra Day                                   | -283    | -0.00385    |
| 29. Total Other Adjustments                         | 899     | 0.01223 *3a |
| 29a. Within Grade Adjustments                       | 899     |             |
| 29b. High Grade Reduction                           | 0       |             |
| 29c. Other Factor Changes                           |         |             |
| 30. Subtotal Adj. to FY 2000 Basic Avg. Salary      | 1,562   |             |
| 31. Adjusted Basic Average Salary for FY 2001       | 75,059  |             |
| <b>Other Adjustments to Derive FY 2001 FTE Cost</b> |         |             |
| 32. FY 2001 Pay Raise (Basic Comp)                  | 2,072   | 0.02760 *2d |
| 33. Other OC-11 Variables Adjustments               | 100     | 0.05105 *1  |
| 34. Benefits                                        | -3      | -0.00133 *1 |
| 34a. HEALTH INSURANCE ADJUSTMENT                    | 0       |             |
| 34b. PERS                                           | -1      |             |
| 34c. Other Factor Changes                           | -2      |             |
| 35. Change in Foreign Currency Budget Rates         |         |             |
| 36. Total FY 2001 Adjustments to FTE Cost           | 2,177   |             |
| 37. Average FTE Cost in FY 2001                     | 103,226 |             |
| 38. Total FTE Cost in FY 2001 (\$ in Thousands)     | 8,258   |             |
| <b>FY 2001 (260 Compensable Days)</b>               |         |             |
| 39. Full-Time Equivalent End Strength               | 80      |             |
| 40. FTEs                                            | 80      |             |
| 41. Average Basic Annual Salary (Basic Comp)        | 75,059  |             |
| 42. Overall Average Annual Salary (OC-11)           | 81,320  |             |
| 43. Average FTE Cost (OC-11 & OC-12)                | 103,226 |             |

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
Analysis of Changes in Full-Time Equivalent (FTE) Costs

FOOTNOTES.

1. The rates are shown as a percentage of Basic Compensation.
2. The annualization of the Annual/Locality pay raises were computed using a ratio of the number of applicable days to the total compensable days in the year times the pay raise percentage.
  - a. Annualization of FY 1999 pay raise.  $66/261 \text{ days} \times 3.6\% = 0.00910$
  - b. FY 2000 pay raise.  $195/261 \text{ days} \times 4.4\% = 0.03287$
  - c. Annualization of FY 2000 pay raise.  $15/260 \text{ days} \times 4.4\% = 0.01286$
  - d. FY 2001 pay raise.  $184/260 \text{ days} \times 3.9\% = 0.02760$
3. Computation of adjustments:
  - a. The rates for Total Other Adjustments are shown as a percentage of the Basic Average Salaries.

DEFENSE LEGAL SERVICES AGENCY  
Amended FY 2001 Budget Estimates  
Operation and Maintenance, Defense-Wide  
Summary of Price and Program Changes - FY 2000  
(Dollars in Thousands)

|                                                      | FY1999 | Price Growth | Program | FY2000 |
|------------------------------------------------------|--------|--------------|---------|--------|
| <b>CIVILIAN PERSONNEL COMPENSATION</b>               |        |              |         |        |
| 101 Exec., General & Special Schedules               | 7,557  | 4.5%         | 239     | 8,133  |
| 107 Voluntary Separation Incentive Pay               | 417    | 0.0%         | -417    | 0      |
| 111 Disability Compensation                          | 0      | 0.0%         | 26      | 26     |
| 199 Total Civilian Personnel Compensation            | 7,974  | 4.2%         | -152    | 8,159  |
| <b>TRAVEL</b>                                        |        |              |         |        |
| 308 Travel of Persons                                | 167    | 1.5%         | 3       | 225    |
| 399 Total Travel                                     | 167    | 1.5%         | 3       | 225    |
| <b>OTHER FUND PURCHASES (EXCLUDE TRANSPORTATION)</b> |        |              |         |        |
| 672 Pentagon Reservation Maintenance Revolving Fund  | 59     | 1.5%         | 1       | 332    |
| 699 Total Purchases                                  | 59     | 1.5%         | 1       | 332    |
| <b>OTHER PURCHASES</b>                               |        |              |         |        |
| 912 Rental Payments to GSA (SLUC)                    | 448    | 1.5%         | 7       | 455    |
| 914 Purchased Communications (Non-Fund)              | 50     | 1.5%         | 1       | 51     |
| 920 Supplies & Materials (Non-Fund)                  | 23     | 1.5%         | 0       | 23     |
| 922 Equipment Maintenance by Contract                | 5      | 1.5%         | 0       | 5      |
| 925 Equipment Purchases (Non-Fund)                   | 15     | 1.5%         | 0       | 15     |
| 989 Other Contracts                                  | 334    | 1.5%         | 5       | 696    |
| 998 Other Costs                                      | 4      | 1.5%         | 0       | 4      |
| 999 Total Other Purchases                            | 879    | 1.5%         | 13      | 1,249  |
| 9999 TOTAL                                           | 9,079  | 3.9%         | 354     | 9,965  |

**DEFENSE LEGAL SERVICES AGENCY**  
**Amended FY 2001 Budget Estimates**  
**Operation and Maintenance, Defense-Wide**  
**Summary of Price and Program Changes - FY 2001**  
(Dollars in Thousands)

|                                           | FY2000<br>Program | Price Growth<br>Percent Amount | Program<br>Growth | FY2001<br>Program |       |
|-------------------------------------------|-------------------|--------------------------------|-------------------|-------------------|-------|
| 101 Exec., General & Special Schedules    | 8,133             | 4.1%                           | 331               | -207              | 8,257 |
| 107 Voluntary Separation Incentive Pay    | 0                 | 0.0%                           | 0                 | 0                 | 0     |
| 111 Disability Compensation               | 26                | 4.1%                           | 1                 | -25               | 2     |
| 199 Total Civilian Personnel Compensation | 8,159             | 4.1%                           | 332               | -232              | 8,259 |

**TRAVEL**

|                       |     |      |   |   |     |
|-----------------------|-----|------|---|---|-----|
| 308 Travel of Persons | 225 | 1.6% | 4 | 0 | 229 |
| 399 Total Travel      | 225 | 1.6% | 4 | 0 | 229 |

**OTHER FUND PURCHASES (EXCLUDE TRANSPORTATION)**

|                                                     |     |      |   |     |     |
|-----------------------------------------------------|-----|------|---|-----|-----|
| 672 Pentagon Reservation Maintenance Revolving Fund | 332 | 1.6% | 5 | -27 | 310 |
| 699 Total Purchases                                 | 332 | 1.6% | 5 | -27 | 310 |

**OTHER PURCHASES**

|                                         |       |      |     |      |        |
|-----------------------------------------|-------|------|-----|------|--------|
| 912 Rental Payments to GSA (SLUC)       | 455   | 1.6% | 7   | 0    | 462    |
| 914 Purchased Communications (Non-Fund) | 51    | 1.6% | 1   | 0    | 52     |
| 920 Supplies & Materials (Non-Fund)     | 23    | 1.6% | 1   | 0    | 24     |
| 922 Equipment Maintenance by Contract   | 5     | 1.6% | 0   | 0    | 5      |
| 925 Equipment Purchases (Non-Fund)      | 15    | 1.6% | 0   | 0    | 15     |
| 989 Other Contracts                     | 696   | 1.6% | 11  | 145  | 852    |
| 998 Other Costs                         | 4     | 1.6% | 0   | 0    | 4      |
| 999 Total Other Purchases               | 1,249 | 1.6% | 20  | 145  | 1,414  |
| 9999 TOTAL                              | 9,965 | 3.6% | 361 | -114 | 10,212 |

## Space Budget Justification

|                 |      |                     |  |  |  |  |  |  |  |
|-----------------|------|---------------------|--|--|--|--|--|--|--|
| Agency          | DDHA | 17 DoD Inside VCA   |  |  |  |  |  |  |  |
| Bureau          |      | 1700 DoD Inside VCA |  |  |  |  |  |  |  |
| GSA Bureau Code |      | 1700                |  |  |  |  |  |  |  |
| Date            |      | August 31, 1999     |  |  |  |  |  |  |  |

| 97 DoD Inside VCA<br>(obligations in thousands of dollars) |         |   |         |      |         |       |         |       |  |
|------------------------------------------------------------|---------|---|---------|------|---------|-------|---------|-------|--|
|                                                            | FY 1999 |   | FY 2000 |      | FY 2001 |       | FY 2002 |       |  |
|                                                            | \$      | % | \$      | %    | \$      | %     | \$      | %     |  |
| OMB approved initial factor                                |         |   |         | 3.0% |         | 2.10% |         | 2.10% |  |

|                                                                |  |               |             |               |             |               |             |               |             |
|----------------------------------------------------------------|--|---------------|-------------|---------------|-------------|---------------|-------------|---------------|-------------|
| <b>PART 1: RENTAL PAYMENTS TO GSA</b>                          |  |               |             |               |             |               |             |               |             |
| GSA rent estimate                                              |  | 20,071        | 1448        | 20,071        | 1455        | 20,071        | 1462        | 20,071        | 1472        |
| Agency adjustments to the bill:                                |  |               |             |               |             |               |             |               |             |
| Chargeback (FY1999 only)                                       |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| Other adjustments Real Property Center and Protection Services |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| Statutorily required rent code                                 |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| Planned changes to inventory:                                  |  |               |             |               |             |               |             |               |             |
| FY1999                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| FY2000                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| FY2001                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| FY2002                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| Requested program changes:                                     |  |               |             |               |             |               |             |               |             |
| FY2000                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| FY2001                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| FY2002                                                         |  | 0             | 10          | 0             | 10          | 0             | 10          | 0             | 10          |
| <b>Total, net rental payments to GSA</b>                       |  | <b>20,071</b> | <b>1448</b> | <b>20,071</b> | <b>1455</b> | <b>20,071</b> | <b>1462</b> | <b>20,071</b> | <b>1472</b> |

|                                                   |  |  |             |  |             |  |             |  |             |
|---------------------------------------------------|--|--|-------------|--|-------------|--|-------------|--|-------------|
| <b>FUNDING SOURCES FOR RENTAL PAYMENTS TO GSA</b> |  |  |             |  |             |  |             |  |             |
| Funded by direct appropriations:                  |  |  |             |  |             |  |             |  |             |
| Account title and IC code:                        |  |  |             |  |             |  |             |  |             |
| Acct. 1 DDHA 97-0100 1820                         |  |  | 1448        |  | 1455        |  | 1462        |  | 1472        |
| Acct. 2                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 3                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 4                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 5                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 6                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 7                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 8                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| <b>Subtotal, direct appropriations</b>            |  |  | <b>1448</b> |  | <b>1455</b> |  | <b>1462</b> |  | <b>1472</b> |
| Funded by other sources:                          |  |  |             |  |             |  |             |  |             |
| Account title and IC Code:                        |  |  |             |  |             |  |             |  |             |
| Acct. 1                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 2                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 3                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 4                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 5                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| Acct. 6                                           |  |  | 10          |  | 10          |  | 10          |  | 10          |
| <b>Subtotal, other funding sources</b>            |  |  | <b>60</b>   |  | <b>60</b>   |  | <b>60</b>   |  | <b>60</b>   |
| <b>Total funding sources (subject class 23.1)</b> |  |  | <b>1448</b> |  | <b>1455</b> |  | <b>1462</b> |  | <b>1472</b> |
| <b>Control Difference</b>                         |  |  | <b>60</b>   |  | <b>60</b>   |  | <b>60</b>   |  | <b>60</b>   |

|                                          |  |          |           |          |           |          |           |          |           |
|------------------------------------------|--|----------|-----------|----------|-----------|----------|-----------|----------|-----------|
| <b>PART 2: RENTAL PAYMENTS TO OTHERS</b> |  |          |           |          |           |          |           |          |           |
| Non-Federal sources (subject class 23.2) |  | 0        | 10        | 0        | 10        | 0        | 10        | 0        | 10        |
| Federal sources (subject class 25.3)     |  | 0        | 10        | 0        | 10        | 0        | 10        | 0        | 10        |
| <b>Total rental payments to others</b>   |  | <b>0</b> | <b>10</b> | <b>0</b> | <b>10</b> | <b>0</b> | <b>10</b> | <b>0</b> | <b>10</b> |

DEPT OF LEGAL SERVICES AGENCY  
Summary of Program Elements  
Submission Date: September 1999  
Dollars in Thousands

| RLC                                   | III E | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |
|---------------------------------------|-------|---------|---------|---------|---------|---------|---------|---------|
| <b>OPERATIONS</b>                     |       |         |         |         |         |         |         |         |
| 0514 O&M, DEFENSE-WIDE                |       | 9,079   | 9,965   | 10,212  | 10,562  | 10,929  | 11,292  | 11,674  |
| <b>TOTAL OPERATIONS</b>               |       | 9,079   | 9,965   | 10,212  | 10,562  | 10,929  | 11,292  | 11,674  |
| <b>TOTAL TGA</b>                      |       | 9,079   | 9,965   | 10,212  | 10,562  | 10,929  | 11,292  | 11,674  |
| <b>ACTIVE MILITARY MANPOWER</b>       |       |         |         |         |         |         |         |         |
| 0001 ARMY - OFFICERS                  |       | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| 0101 ARMY - ENLISTED                  |       | 3       | 8       | 8       | 8       | 8       | 8       | 8       |
| <b>TOTAL - ARMY</b>                   |       | 4       | 9       | 9       | 9       | 9       | 9       | 9       |
| 0002 NAVY - OFFICERS                  |       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0102 NAVY - ENLISTED                  |       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - NAVY</b>                   |       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0003 MARINE CORPS - OFFICERS          |       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0103 MARINE CORPS - ENLISTED          |       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - MARINE CORPS</b>           |       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0004 AIR FORCE - OFFICERS             |       | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| 0104 AIR FORCE - ENLISTED             |       | 3       | 1       | 1       | 1       | 1       | 1       | 1       |
| <b>TOTAL - AIR FORCE</b>              |       | 4       | 2       | 2       | 2       | 2       | 2       | 2       |
| <b>TOTAL ACTIVE MILITARY MANPOWER</b> |       | 8       | 11      | 11      | 11      | 11      | 11      | 11      |
| <b>CIVILIAN MANPOWER</b>              |       |         |         |         |         |         |         |         |
| 0160 CIVILIAN - USED                  |       | 80      | 82      | 80      | 80      | 80      | 80      | 80      |
| <b>TOTAL CIVILIAN MANPOWER</b>        |       | 80      | 82      | 80      | 80      | 80      | 80      | 80      |
| <b>TOTAL MANPOWER</b>                 |       | 88      | 93      | 91      | 91      | 91      | 91      | 91      |

DEFENSE LEGAL SERVICES AGENCY  
Resource Identification Code (RIC) Summary for: PE 0903090D8L  
DLA - Management Headquarters  
Submission Date: September 1999

| RIC                             | TITLE                 | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |
|---------------------------------|-----------------------|---------|---------|---------|---------|---------|---------|---------|
| <b>OPERATIONS</b>               |                       |         |         |         |         |         |         |         |
| 0514                            | O&M, DEFENSE-IDE      | 1,840   | 2,216   | 2,366   | 2,455   | 2,556   | 2,660   | 2,772   |
| TOTAL OPERATIONS                |                       | 1,840   | 2,216   | 2,366   | 2,455   | 2,556   | 2,660   | 2,772   |
| TOTAL TOA                       |                       | 1,840   | 2,216   | 2,366   | 2,455   | 2,556   | 2,660   | 2,772   |
| <b>ACTIVE MILITARY MANPOWER</b> |                       |         |         |         |         |         |         |         |
| 0001                            | ARMY - OFFICER        | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| 0101                            | ARMY - ENLISTED       | 2       | 2       | 2       | 2       | 2       | 2       | 2       |
| TOTAL - ARMY                    |                       | 3       | 3       | 3       | 3       | 3       | 3       | 3       |
| 0002                            | NAVY - OFFICER        | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0102                            | NAVY - ENLISTED       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| TOTAL - NAVY                    |                       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0003                            | MARINE CORPS OFFICER  | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0103                            | MARINE CORPS ENLISTED | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| TOTAL - MARINE CORPS            |                       | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0004                            | AIR FORCE - OFFICER   | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0104                            | AIR FORCE - ENLISTED  | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| TOTAL - AIR FORCE               |                       | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| TOTAL ACTIVE MILITARY MANPOWER  |                       | 4       | 4       | 4       | 4       | 4       | 4       | 4       |
| <b>CIVILIAN MANPOWER</b>        |                       |         |         |         |         |         |         |         |
| 0160                            | CIVILIAN - USN        | 20      | 22      | 22      | 22      | 22      | 22      | 22      |
| TOTAL CIVILIAN MANPOWER         |                       | 20      | 22      | 22      | 22      | 22      | 22      | 22      |
| TOTAL MANPOWER                  |                       | 24      | 26      | 26      | 26      | 26      | 26      | 26      |

**D FENSE LEGAL SERVICES AGENCY**  
Resource Identification Code (RIC) Summary for: PR 0903010D8L  
DOMA - Other Non-Management Headquarters  
Submission Date: September 1999

| RIC                                   | TITLE                   | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |
|---------------------------------------|-------------------------|---------|---------|---------|---------|---------|---------|---------|
| <b>OPERATIONS</b>                     |                         |         |         |         |         |         |         |         |
| 0514                                  | O&M, DEFENSE-WIDE       | 7,180   | 7,317   | 7,536   | 7,797   | 8,123   | 8,332   | 8,692   |
| <b>TOTAL OPERATIONS</b>               |                         | 7,180   | 7,317   | 7,536   | 7,797   | 8,123   | 8,332   | 8,692   |
| <b>TOTAL TOA</b>                      |                         | 7,180   | 7,317   | 7,536   | 7,797   | 8,123   | 8,332   | 8,692   |
| <b>ACTIVE MILITARY MANPOWER</b>       |                         |         |         |         |         |         |         |         |
| 0001                                  | ARMY - OFFICER          | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0101                                  | ARMY - ENLISTED         | 1       | 6       | 6       | 6       | 6       | 6       | 6       |
| <b>TOTAL - ARMY</b>                   |                         | 1       | 6       | 6       | 6       | 6       | 6       | 6       |
| 0002                                  | NAVY - OFFICER          | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0102                                  | NAVY - ENLISTED         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - NAVY</b>                   |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0003                                  | MARINE CORPS - OFFICER  | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0103                                  | MARINE CORPS - ENLISTED | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - MARINE CORPS</b>           |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0004                                  | AIR FORCE - OFFICER     | 1       | 1       | 1       | 1       | 1       | 1       | 1       |
| 0104                                  | AIR FORCE - ENLISTED    | 2       | 3       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - AIR FORCE</b>              |                         | 3       | 4       | 1       | 1       | 1       | 1       | 1       |
| <b>TOTAL ACTIVE MILITARY MANPOWER</b> |                         | 4       | 10      | 7       | 7       | 7       | 7       | 7       |
| <b>CIVILIAN MANPOWER</b>              |                         |         |         |         |         |         |         |         |
| 0160                                  | CIVILIAN - USED         | 60      | 61      | 58      | 58      | 58      | 58      | 58      |
| <b>TOTAL CIVILIAN MANPOWER</b>        |                         | 60      | 61      | 58      | 58      | 58      | 58      | 58      |
| <b>TOTAL MANPOWER</b>                 |                         | 64      | 71      | 65      | 65      | 65      | 65      | 65      |

EXPENSE LEGAL SERVICES AGENCY  
Resource Identification Code (RIC) Summary for: PN 0901585DEL  
DASA/Pentagon Reservations Maintenance Revolving Fund  
Submission Date September 1999

| RIC                                   | TITLE                   | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 | FY 2004 | FY 2005 |
|---------------------------------------|-------------------------|---------|---------|---------|---------|---------|---------|---------|
| <b>OPERATIONS</b>                     |                         |         |         |         |         |         |         |         |
| 0514                                  | O&M, DEFENSE WIDE       | 59      | 32      | 310     | 310     | 250     | 300     | 210     |
| <b>TOTAL OPERATIONS</b>               |                         | 59      | 32      | 310     | 310     | 250     | 300     | 210     |
| <b>TOTAL TOA</b>                      |                         | 59      | 32      | 310     | 310     | 250     | 300     | 210     |
| <b>ACTIVE MILITARY MANPOWER</b>       |                         |         |         |         |         |         |         |         |
| 0001                                  | ARMY - OFFICER          | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0101                                  | ARMY - ENLISTED         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - ARMY</b>                   |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0002                                  | NAVY - OFFICER          | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0102                                  | NAVY - ENLISTED         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - NAVY</b>                   |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0003                                  | MARINE CORPS - OFFICER  | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0103                                  | MARINE CORPS - ENLISTED | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - MARINE CORPS</b>           |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0004                                  | AIR FORCE - OFFICER     | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| 0104                                  | AIR FORCE - ENLISTED    | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL - AIR FORCE</b>              |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL ACTIVE MILITARY MANPOWER</b> |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>CIVILIAN MANPOWER</b>              |                         |         |         |         |         |         |         |         |
| 0150                                  | CIVILIAN - USDR         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL CIVILIAN MANPOWER</b>        |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |
| <b>TOTAL MANPOWER</b>                 |                         | 0       | 0       | 0       | 0       | 0       | 0       | 0       |

SECRET  
CONFIDENTIAL  
TOP SECRET

SECRET

CONFIDENTIAL

TOP SECRET

SECRET

CONFIDENTIAL

TOP SECRET

SECRET

CONFIDENTIAL

TOP SECRET

SECRET

CONFIDENTIAL

TOP SECRET

SECRET

CONFIDENTIAL

TOP SECRET

SECRET

CONFIDENTIAL

TOP SECRET



DEPARTMENT OF DEFENSE  
OFFICE OF GENERAL COUNSEL  
1600 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1600

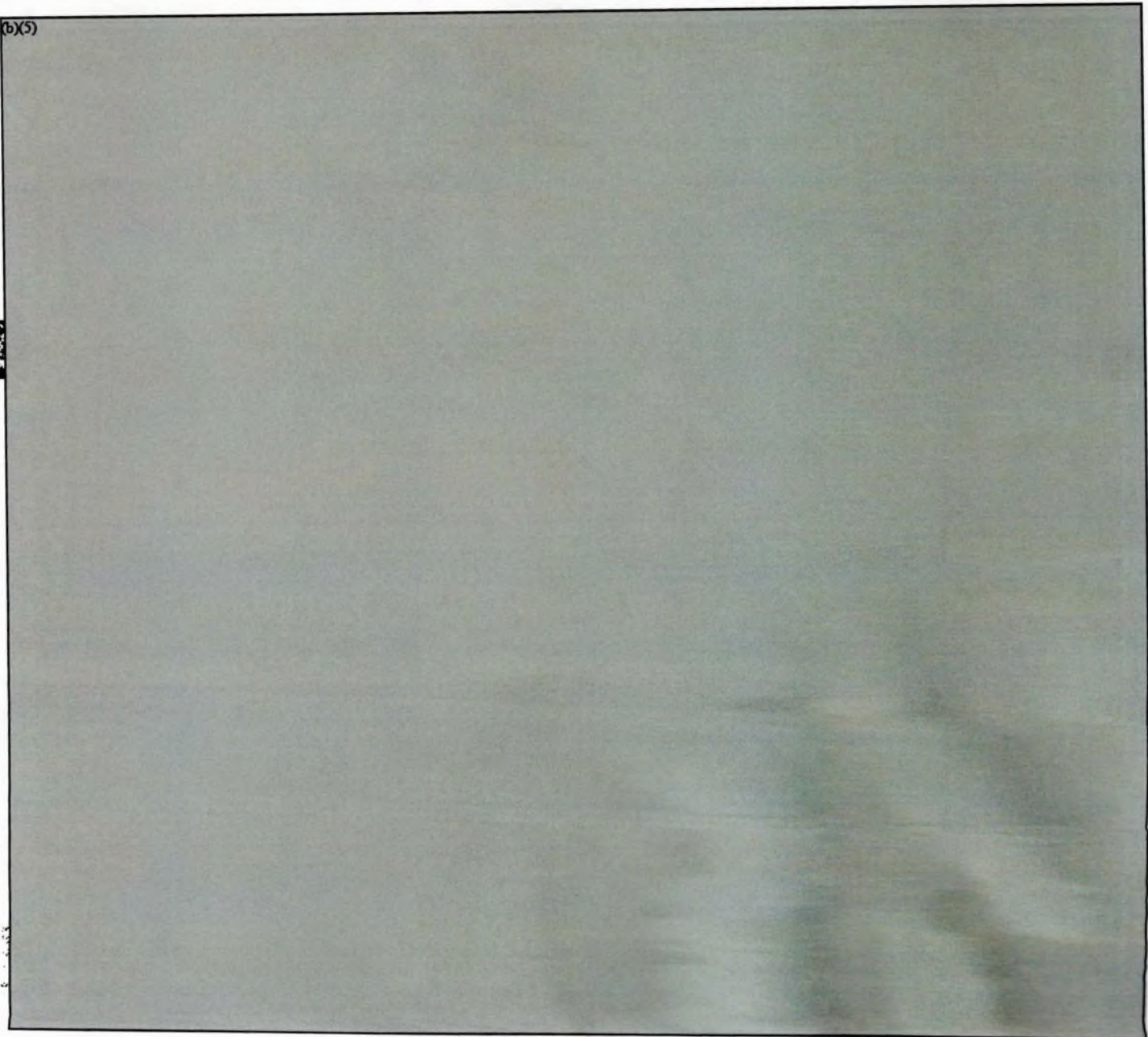


25 OCT 1991

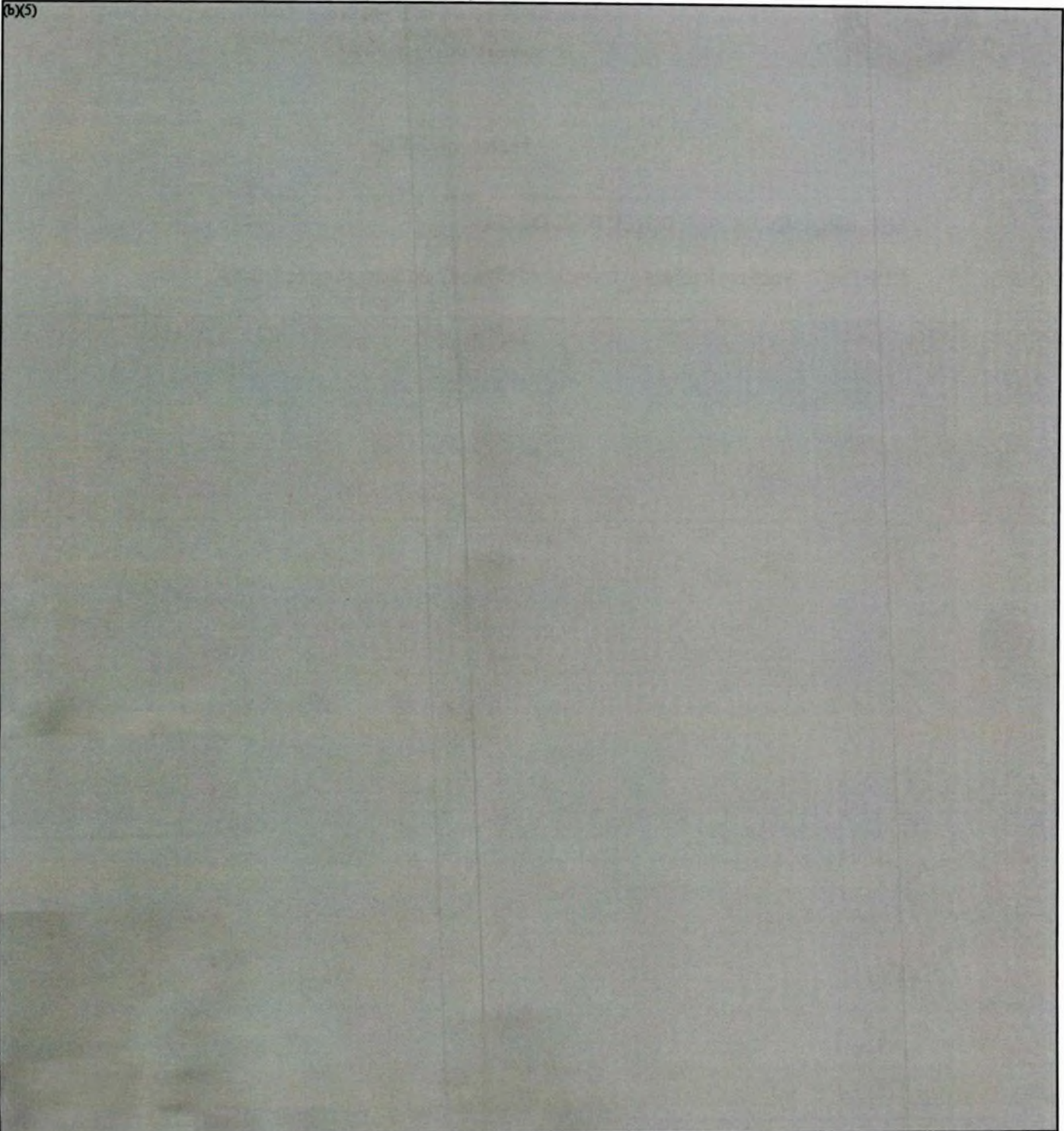
MEMORANDUM FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER)

SUBJECT: FY 2001 DLSA/DC HA Budget Review Issues

(b)(5)



(b)(5)



Douglas A. F. Workin  
Principal Deputy General Counsel



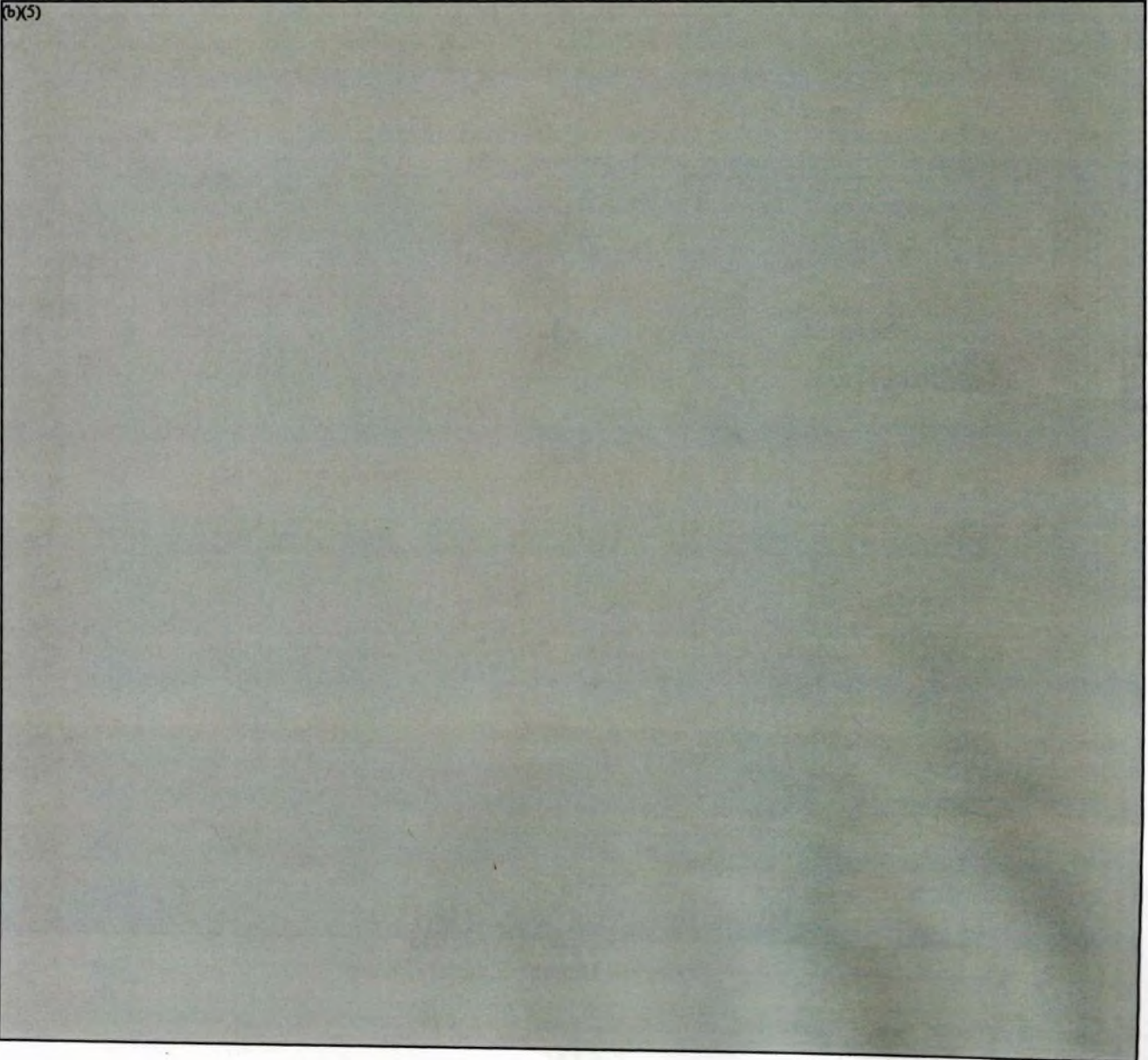
DEPARTMENT OF DEFENSE  
DEFENSE LEGAL SERVICES AGENCY  
DEFENSE OFFICE OF HEARINGS AND APPEALS  
PERSONNEL SECURITY DIVISION I/II  
P.O. BOX 18567  
COLUMBUS, OHIO 43218-8007

March 15 2000

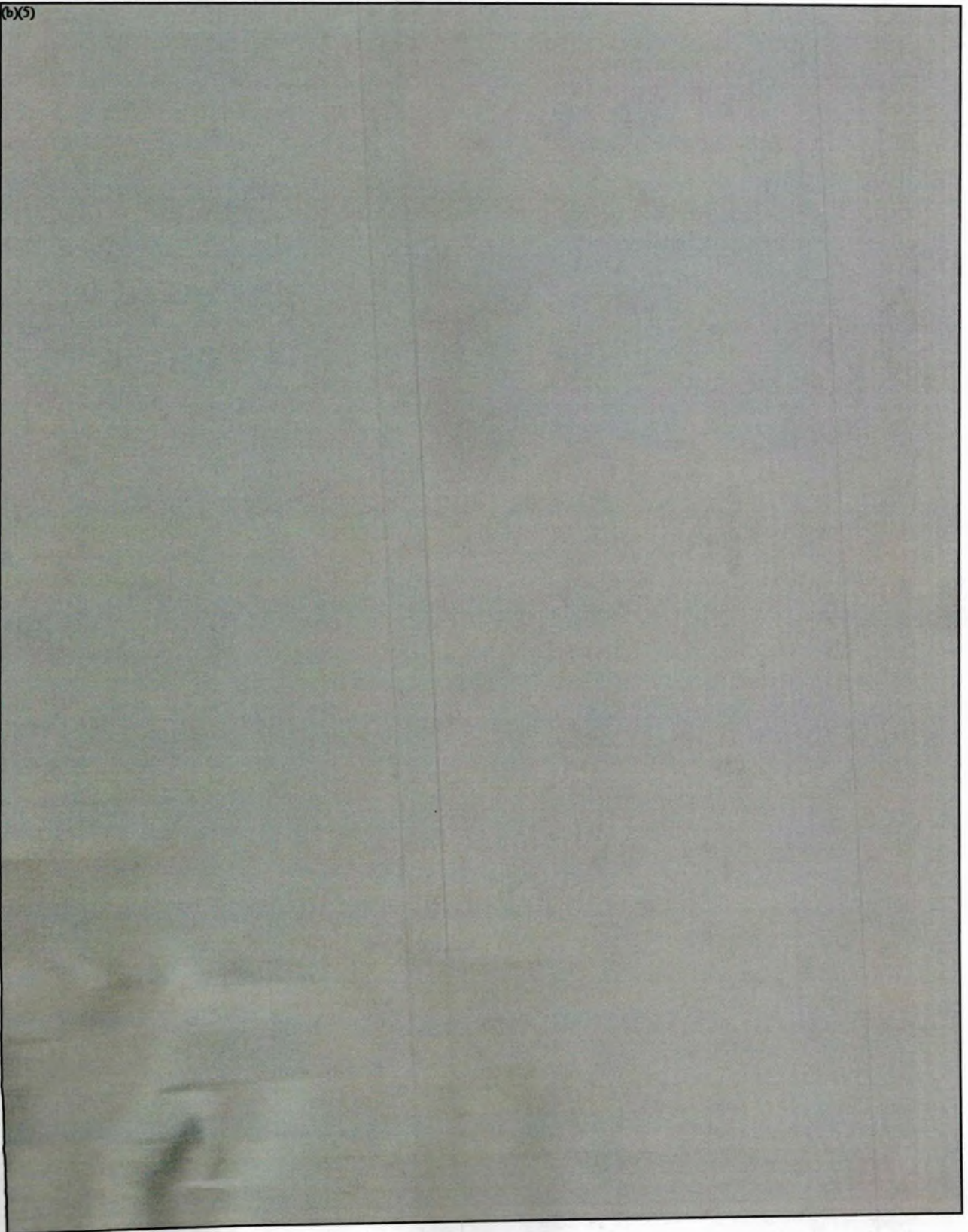
MEMORANDUM FOR DIRECTOR, DOHA

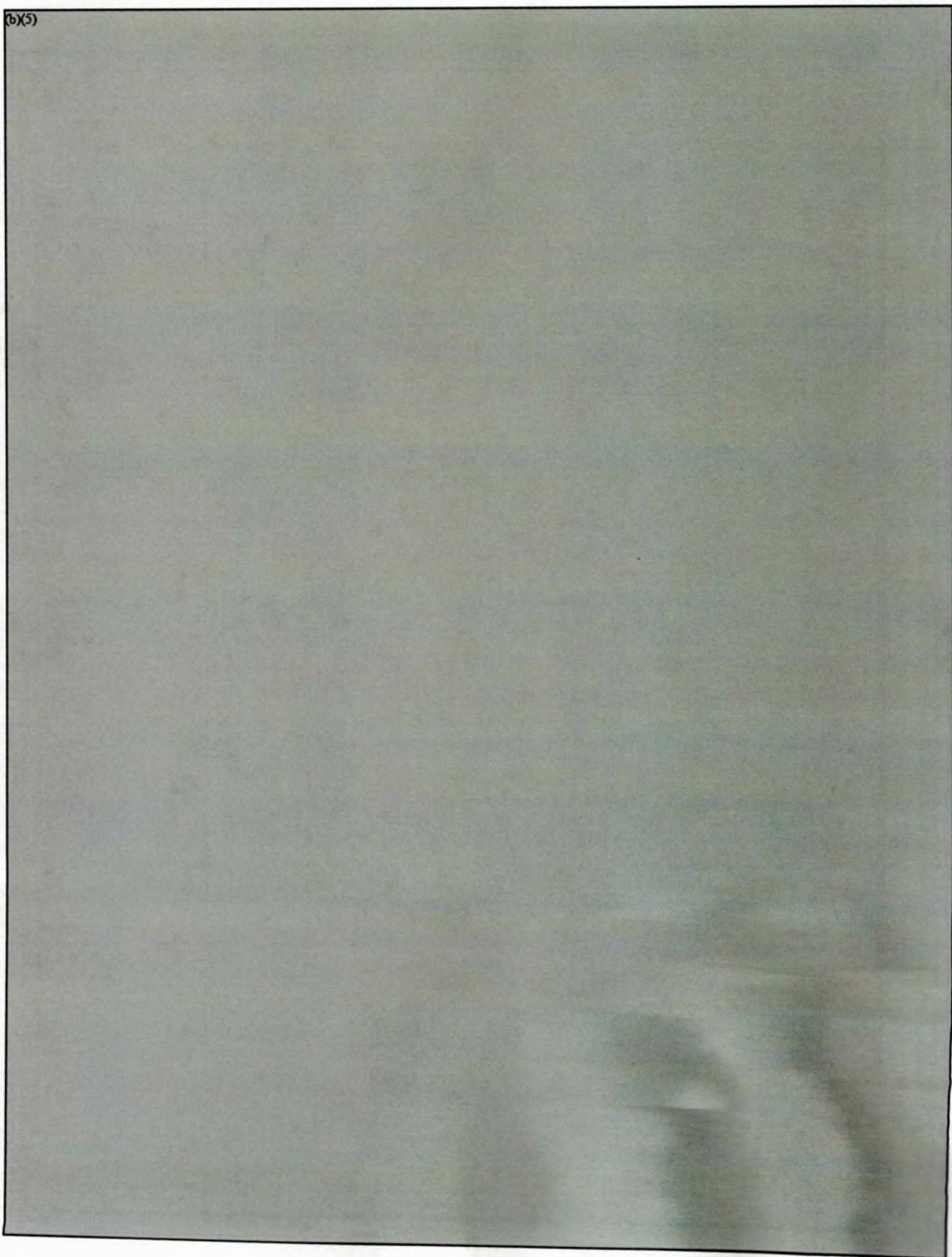
SUBJECT: Staffing Request - Transfer of Clean Case Screening to DOHA

(b)(5)



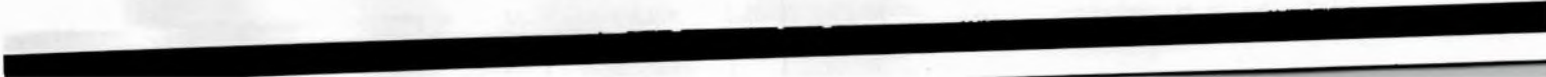
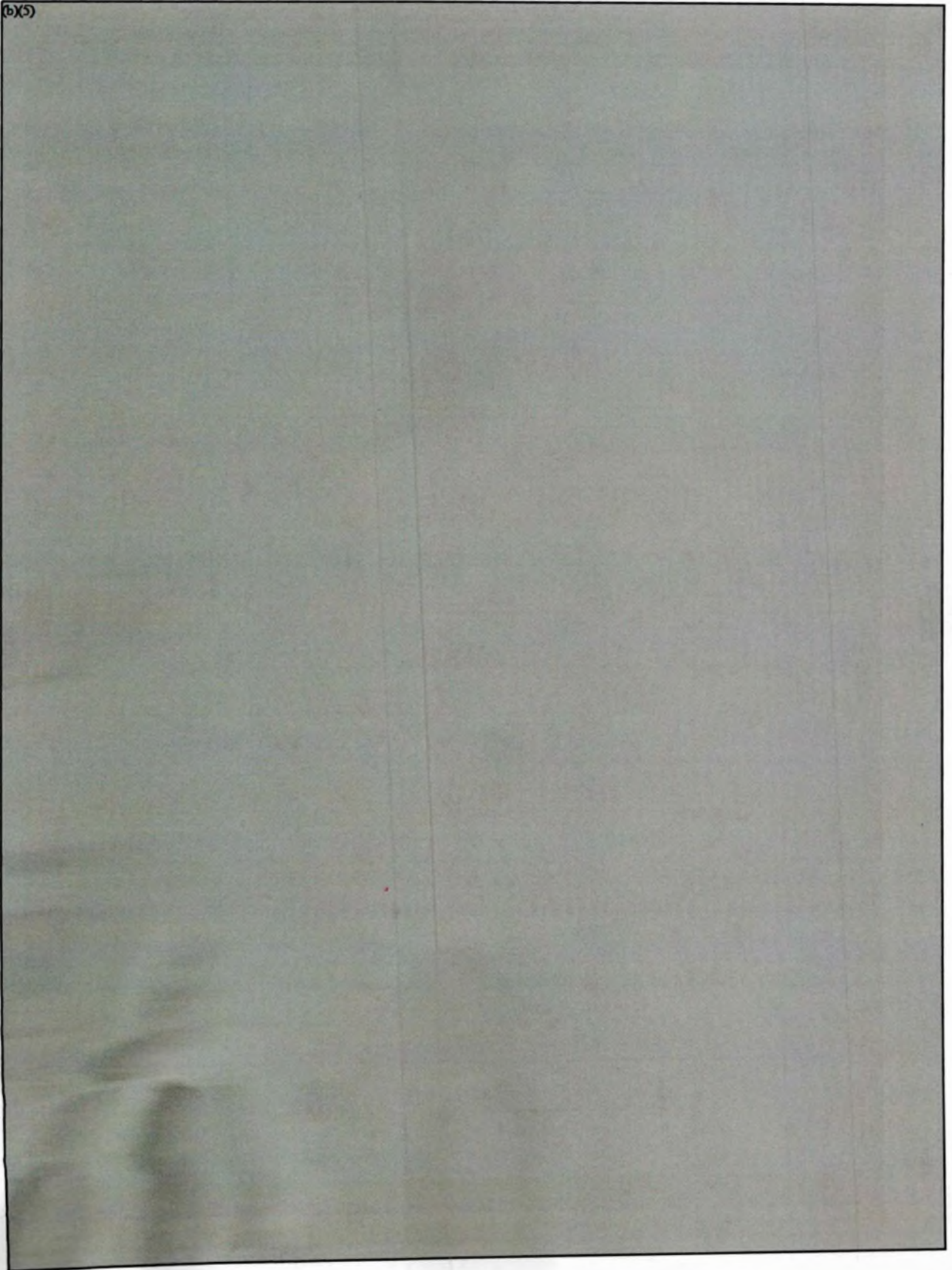
(b)(5)



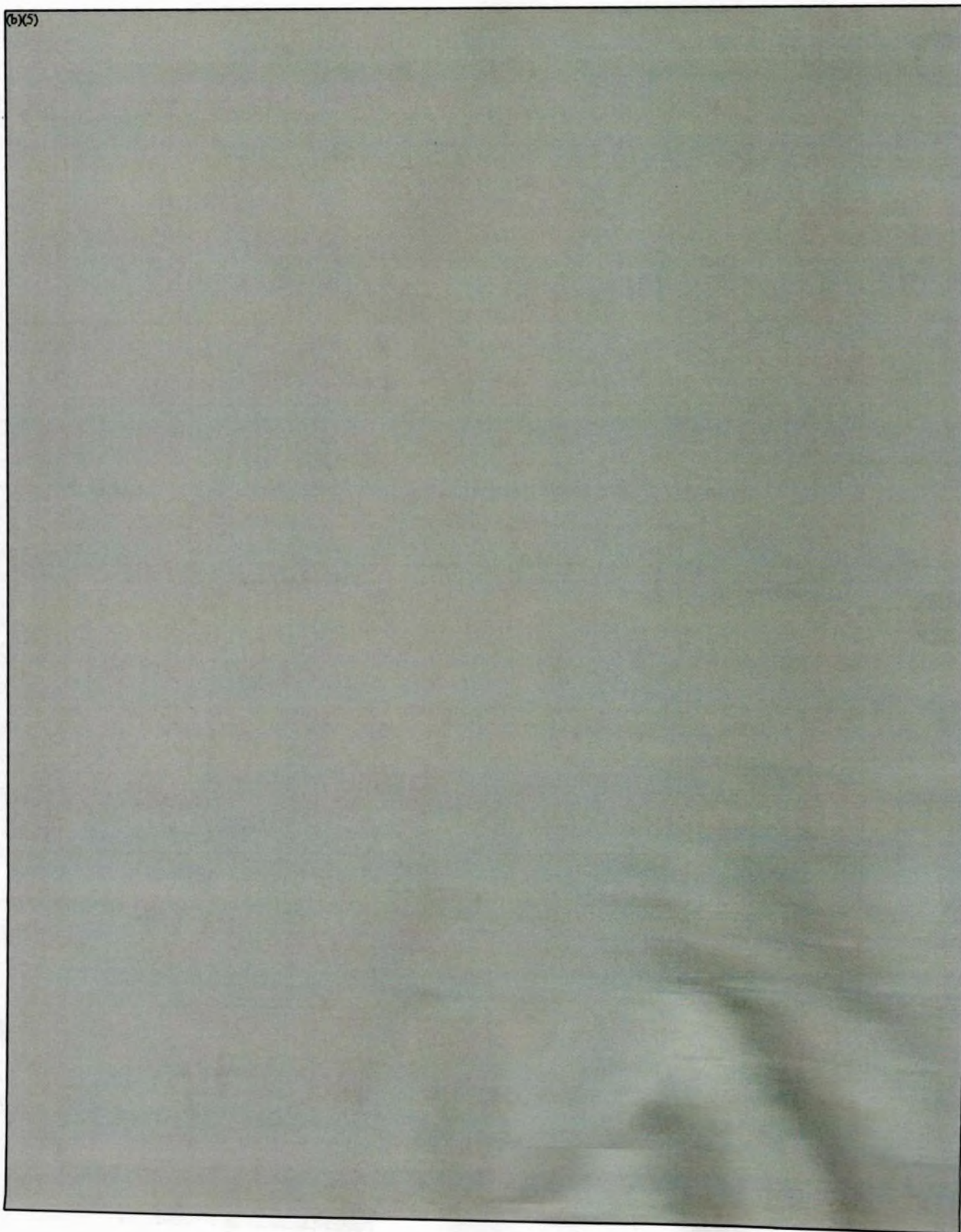


(b)(5)

(b)(5)



(b)(5)



12/22/99 THU 00:17 FAX



DEFENSE SECURITY SERVICE  
1344 BRADDOCK PLACE  
ALEXANDRIA, VA 22314-1851

DEC 22 1999

MEMORANDUM FOR ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE  
(SECURITY AND INFORMATION OPERATIONS)

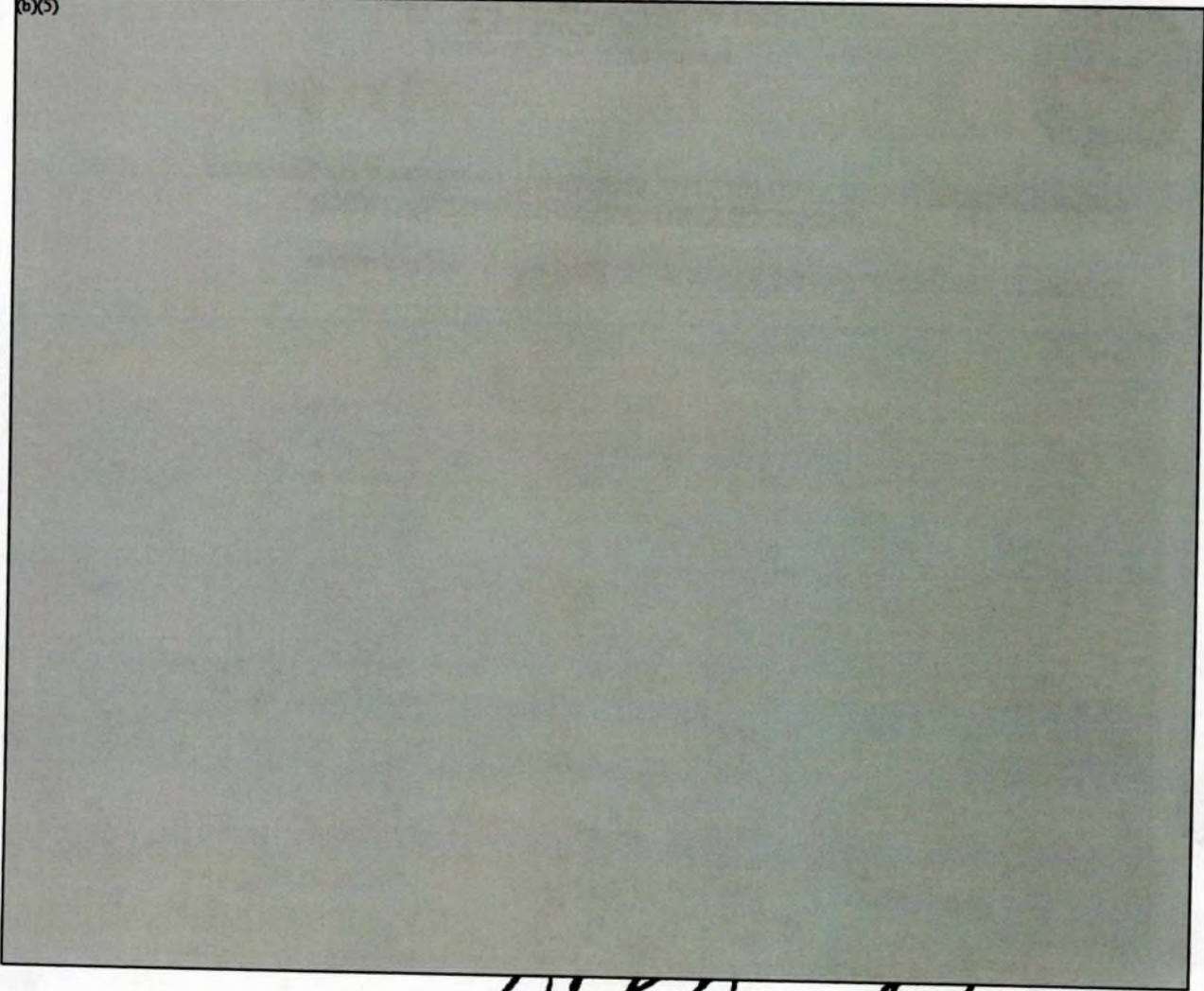
SUBJECT: The Defense Security Service (DSS) Clearance Screening Program

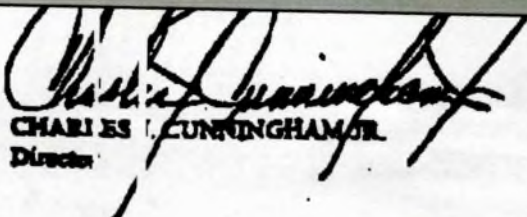
(b)(5)

A large rectangular area of the document is completely redacted, appearing as a solid grey block. It covers the majority of the page content below the subject line.

ENCL 1

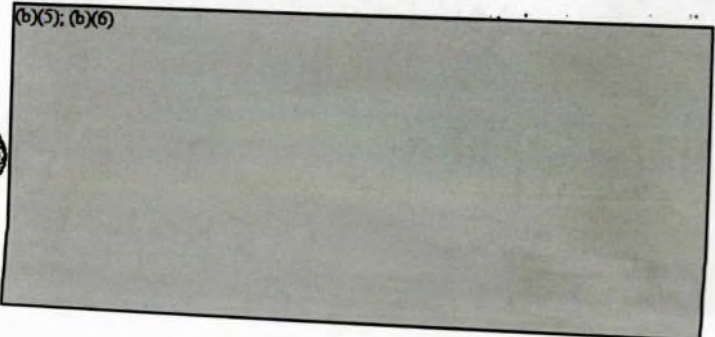
(b)(5)



  
CHARLES E. CUNNINGHAM JR.  
Director

Copy to: ASD(CI)  
Director DCHA

(b)(5); (b)(6)





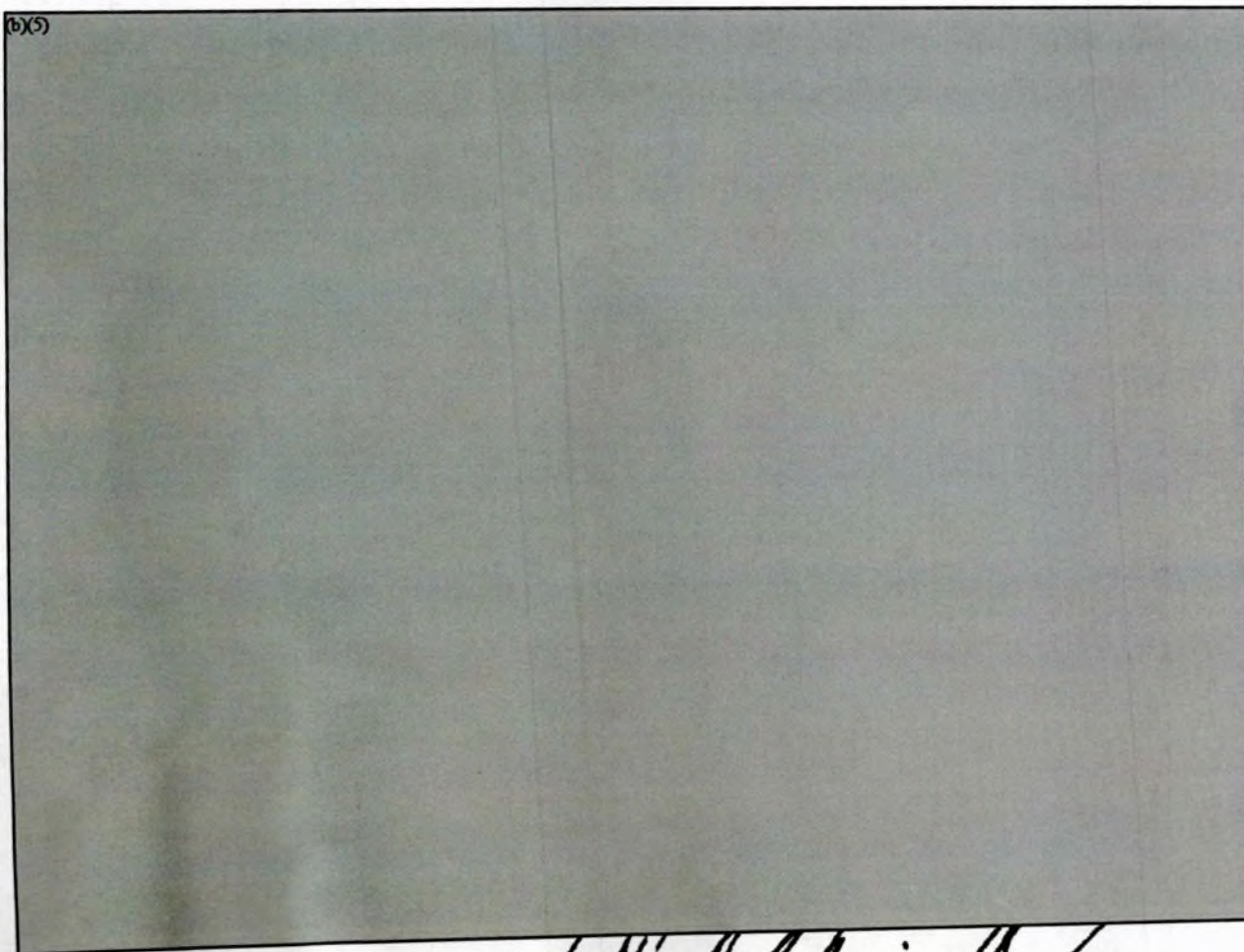
DEFENSE SECURITY SERVICE  
1340 BRADDOCK PLACE  
ALEXANDRIA, VA 22314-1651

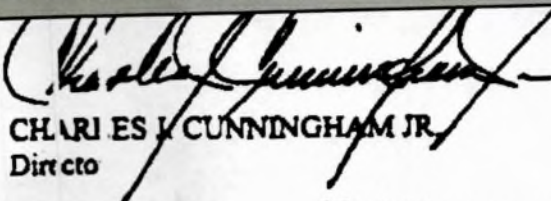
FEB 07 2000

MEMORANDUM FOR ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE  
(SECURITY AND INFORMATION OPERATIONS)

SUBJECT: The Defense Security Service (DSS) Clearance Screening Program

(b)(5)



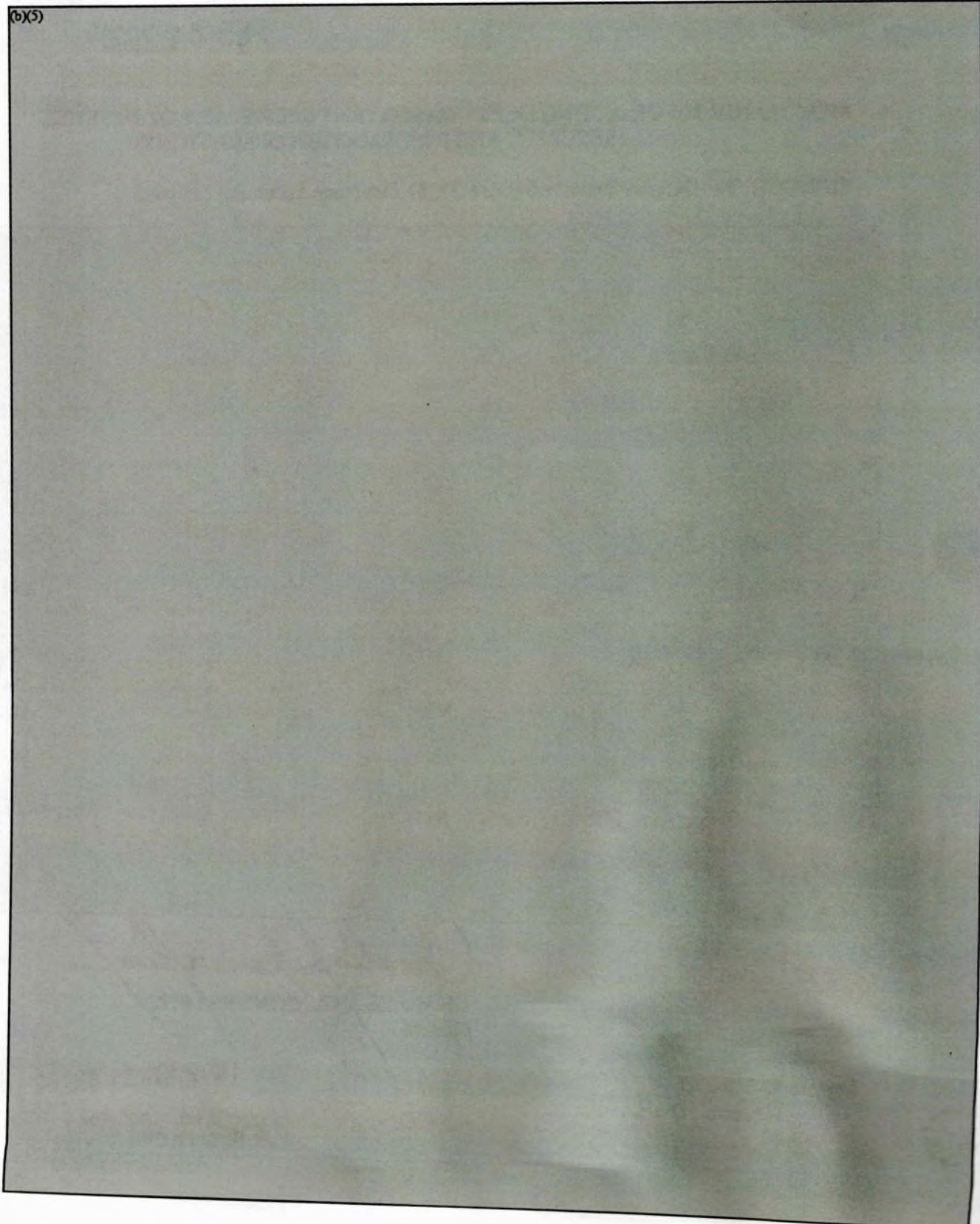
  
CHARLES L. CUNNINGHAM JR.  
Director

Copy to: ASD(C.I.)  
Director, DOHA

DEFENSE OFFICE OF  
HEARINGS AND APPEALS  
COLUMBUS, OHIO  
00 FEB 15 AM 6:31 ENCL 2

## Clean Case Screening Resource Determination

(b)(5)



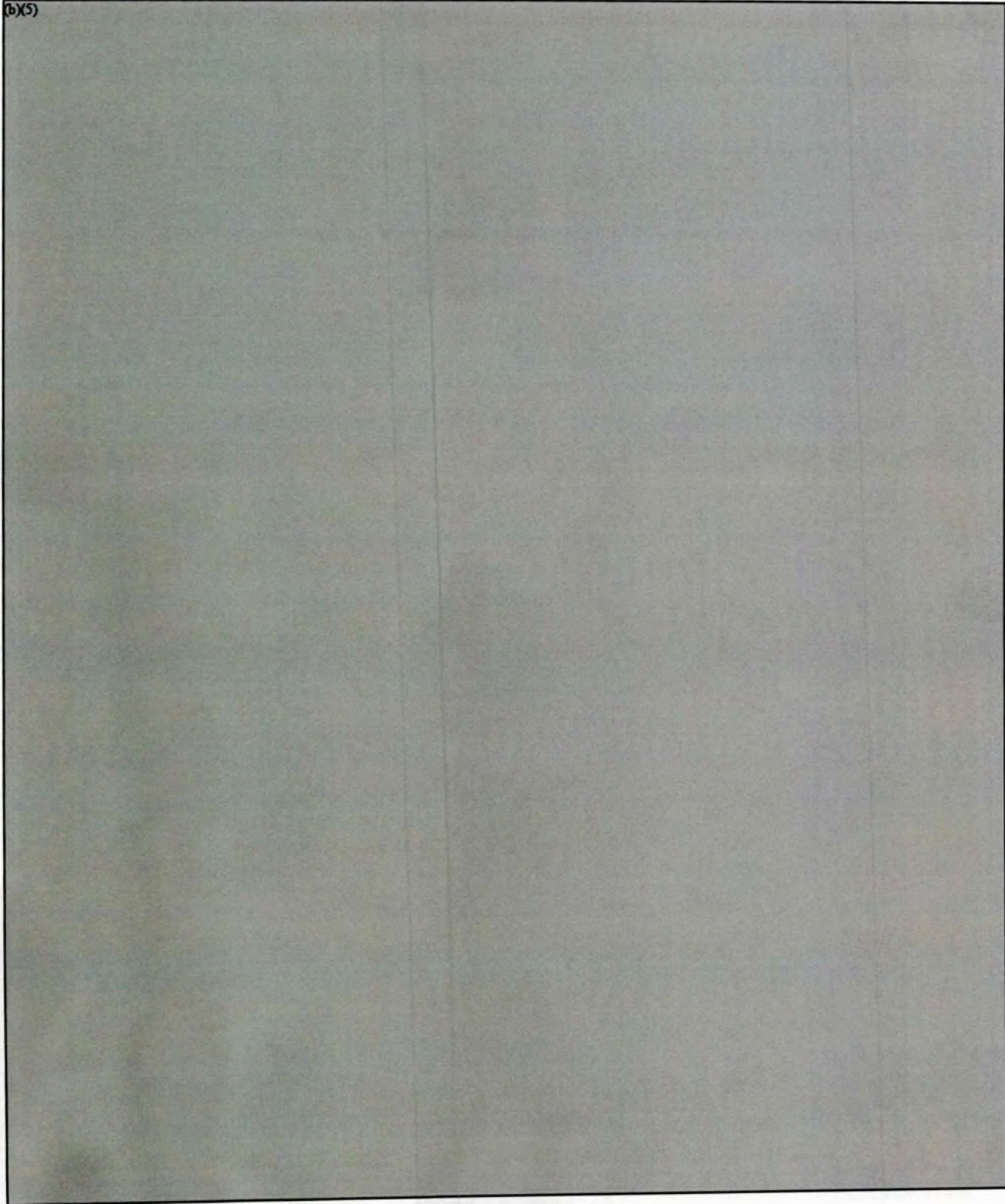
MAR-15 08 15:52 FROM:DC-4A  
NOV-29-99 MON 11:51 AM

614692323

FAX NO. 10:40

PAGE 11  
P. 03

(b)(5)



AMS DRAFT

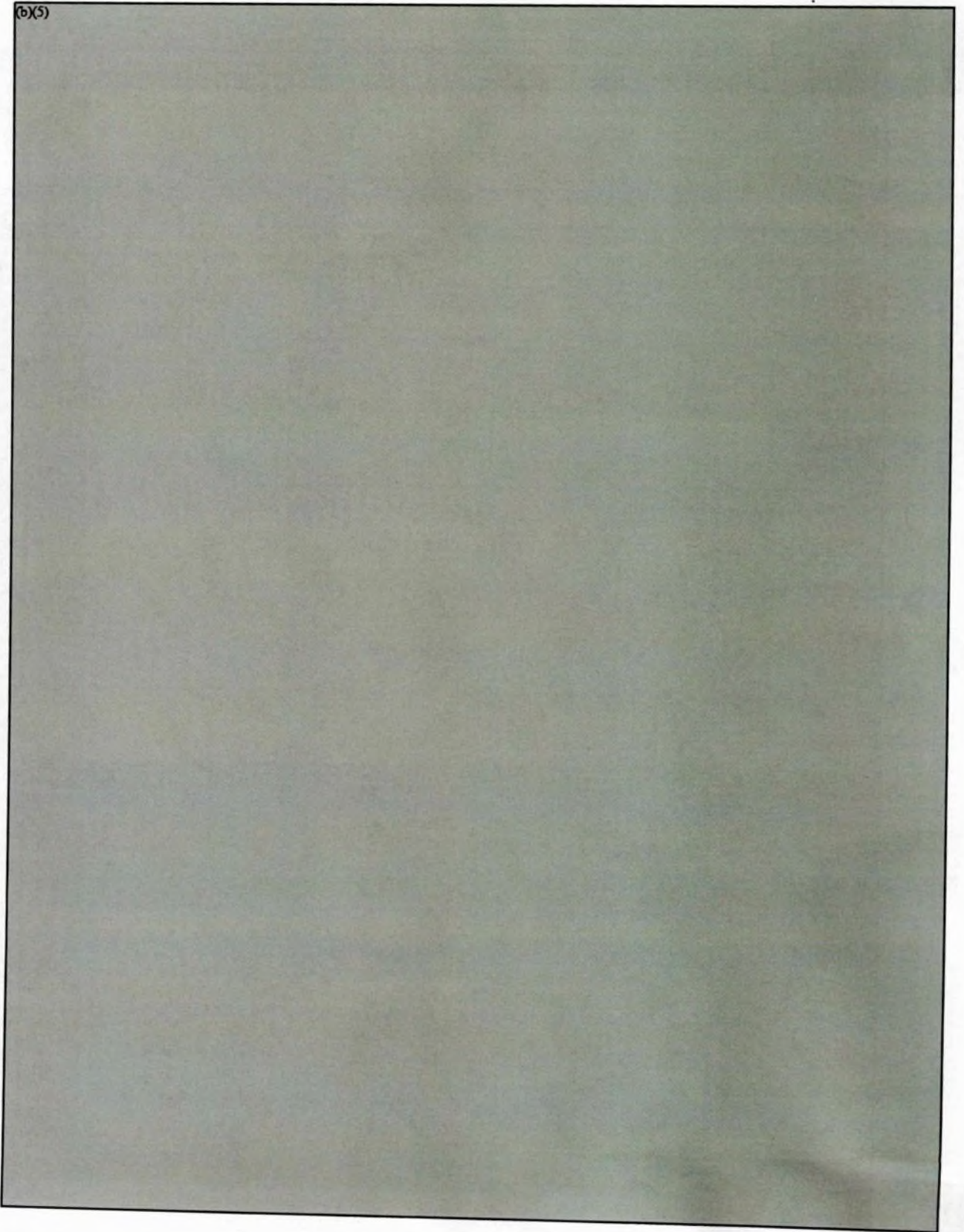
NOV-29-99 MON 11:53 AM

0170000000

FAX NO.

PAGE: 12  
P. 04

(b)(5)



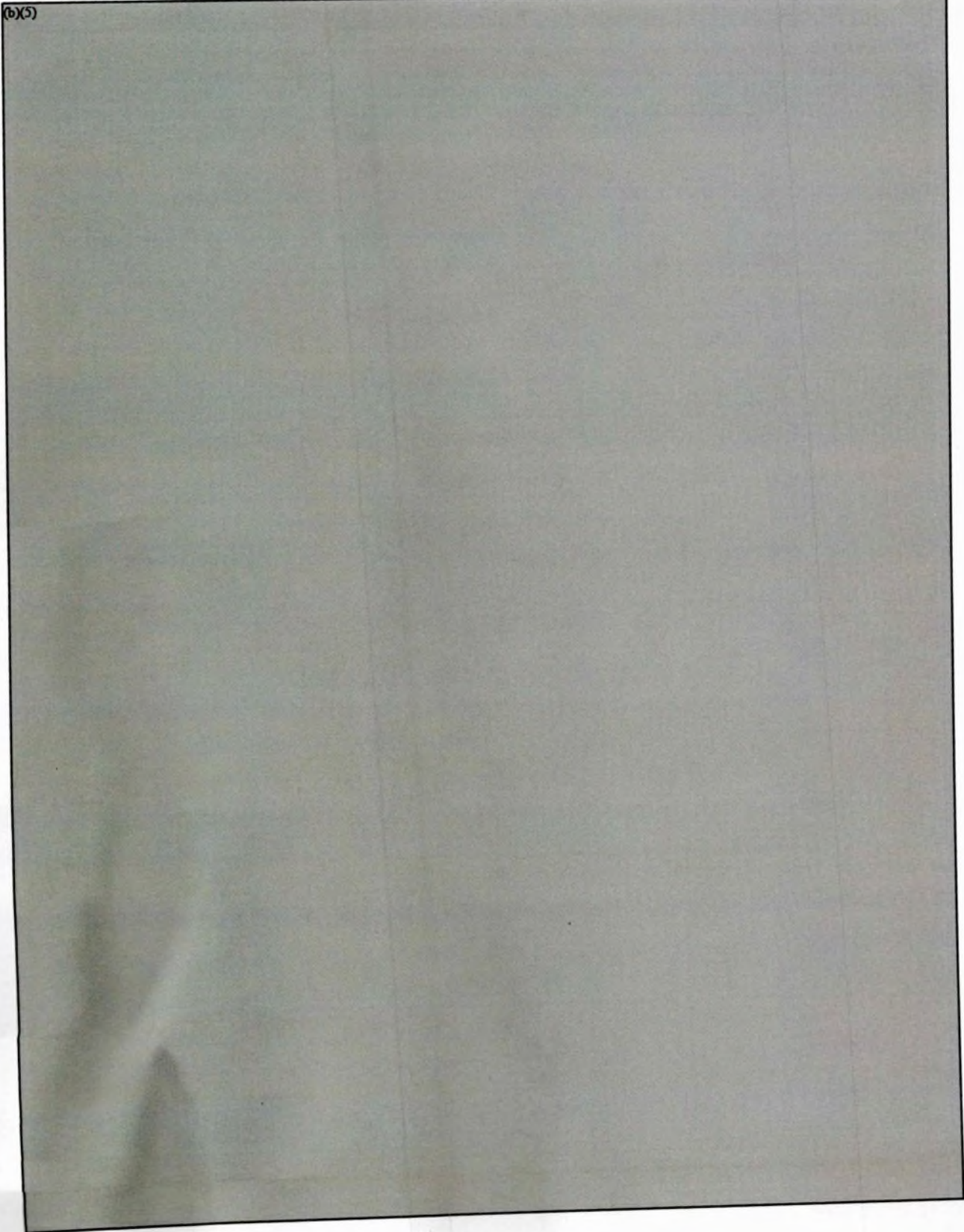
AMS DRAFT

NOV-29-99 MON 11:14 AM

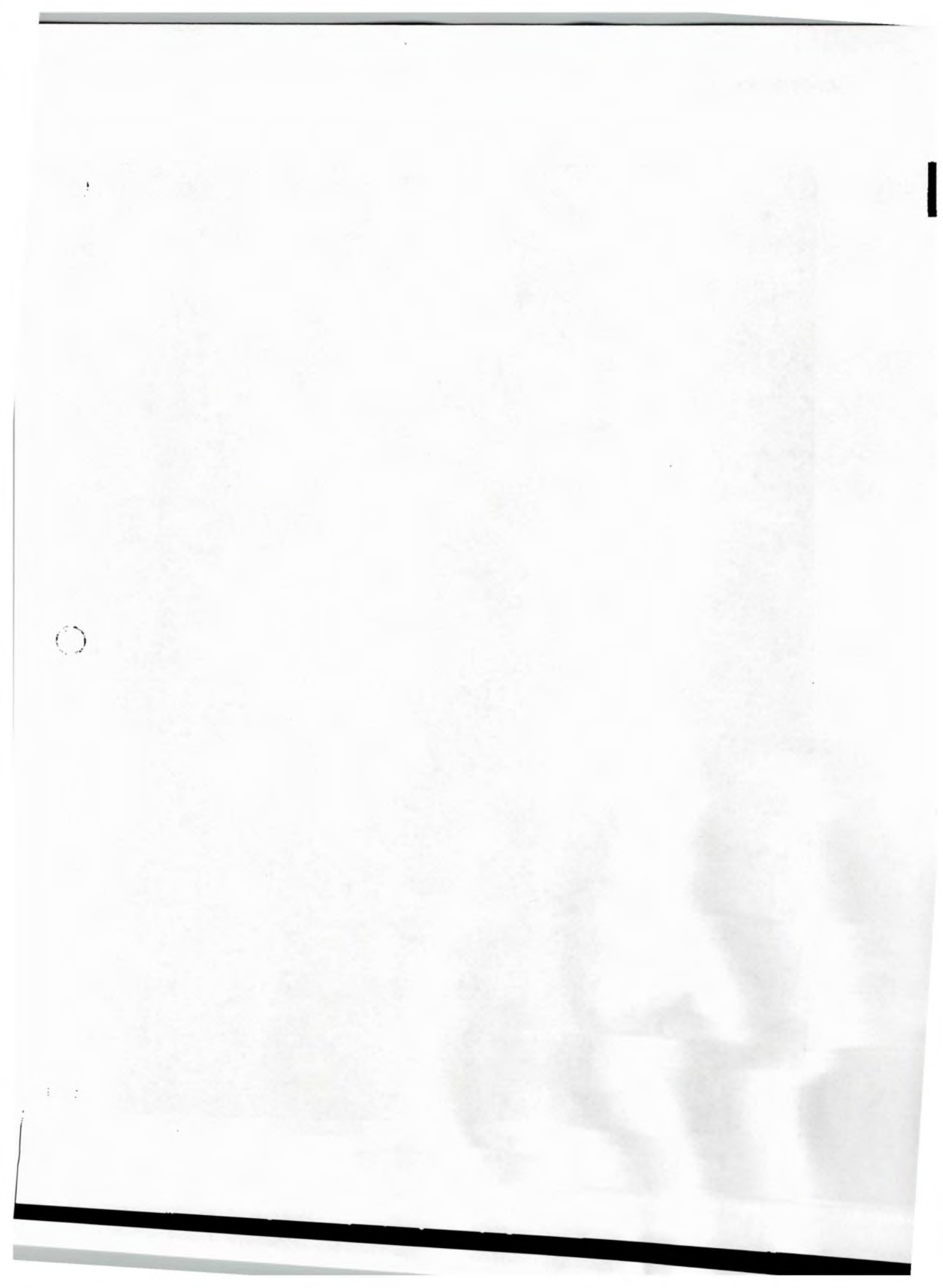
FAX NO. 1012

PAGE: 13  
P. 05

(b)(5)



AMS DRAFT







00 DEC 02 08:07

AS OF 00 DEC 01 PCN N130050

DESIGN (PA)

COMMAND CODE 25 UNIT IDENTIFICATION CODE: DDAAMC

207 REPORT

AUTH WS CTRL # POSITION TITLE VICE POS POSITION SUPV CODE CMP LVL EMPLOYEE NAME PERSON NTE DT

A F 3894 ORGANIZATION TITLE: DOHA  
A F 3895 DIR, DOHA  
ADMINISTRATIVE OFFICERTOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0ORGANIZATION TITLE: BOSTON HEARING OFC  
ATTORNEY EXAMINER (GENERAL)

15 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0ORGANIZATION TITLE: WESTN HEARING OFC  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)

15 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0ORGANIZATION TITLE: WASH HEARING OFC  
ATTORNEY EXAMINER (GENERAL)  
SUPVY ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
ATTORNEY EXAMINER (GENERAL)  
LEGAL STAFF ASST  
TRIAL ATTORNEY (GENERAL)

15 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0

PCN N130050

PAGE 3

PERSONAL DATA - PRIVACY ACT OF 1974



PRE 00 DEC 02 08:07

DESIGN (PA)

AS OF 00 DEC 01 PCN N130050

COMMAND CODE: 25 UNIT IDENTIFICATION CODE: DDAAMC

207 REPORT

AUTH WS CTRL # POSITION TITLE VICE POS POSITION SUPV CODE LVL EMPLOYEE NAME PERSON NTE DT

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0

ORGANIZATION TITLE: SPEC ACTIONS, POL & REV D ORG CODE: 902300  
SUPV PERSONNEL SECURITY SPEC 00544004 3 07528008 2 GS 0080 14 00  
PERSONNEL SECURITY SPEC 3 00544006 5 GM 0080 13 00  
PERSONNEL SECURITY SPEC 3 C993D000 8 GS 0080 07 00  
PERSONNEL SECURITY SPEC 3 C993C001 8 GS 0080 09 00  
PERSONNEL SECURITY SPEC 00647010 3 C993A001 8 GS 0080 12 00  
PERSONNEL SECURITY SPEC 3 C993D001 8 GS 0080 07 00  
CIV SPACE PER OMP 2 OF 16 3 ODLSA002 5 GS 0080 12 00  
CIV SPACE PER OMP 3 OF 16 3 ODLSA003 5 GS 0080 12 00  
CIV SPACE PER OMP 4 OF 16 3 ODLSA004 5 GS 0080 12 00  
CIV SPACE PER OMP 5 OF 16 3 ODLSA005 5 GS 0080 12 00  
CIV SPACE PER OMP 6 OF 16 3 ODLSA006 5 GS 0080 12 00  
CIV SPACE PER OMP 7 OF 16 3 ODLSA007 5 GS 0080 12 00  
CIV SPACE PER OMP 14 OF 16 3 ODLSA014 5 GS 0080 12 00  
CIV SPACE PER OMP 15 OF 16 3 ODLSA015 5 GS 0080 12 00  
PERSONNEL SECURITY SPEC ODLSA016 3 C993D002 8 GS 0080 07 00  
CIV SPACE PER OMP 17 OF 16 3 ODLSA017 5 GS 0080 12 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0

ORGANIZATION TITLE: ADMIN SUPT DIV  
PROGRAM ASSISTANT 07162001 2 A360A010 8 GS 0303 09 01  
LEGAL STAFF ASST (OA) 11806007 3 D456A001 8 GS 0986 08 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0

ORGANIZATION TITLE: PERSONNEL SECURITY DIV II ORG CODE: 902500  
SUPV PERSONNEL SECURITY SPEC 07491023 3 C103A001 2 GS 0080 14 00  
PRSS SECURITY SPEC 3 0063A001 5 GM 0080 13 00  
PERSONNEL SECURITY SPEC 3 07490007 8 GS 0080 12 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0

031105

PCN N130050

PAGE 5

PERSONAL DATA - PRIVACY ACT OF 1974

PRE 10 DEC 02 08:07

DESIGN (PA)

AS OF 00 DEC 01 PCN N130050

COMMAND CODE: 25 UNIT IDENTIFICATION CODE: DDAAMC

207 REPORT

A F 3963 A F 3964 A F 3965 A F 3966 A F 3967 A F 3968 A F 3970 A F 3971 A F 3972 A F 3973 A F 3974

AUTH WS CTRL # POSITION TITLE

VICE POS POSITION SUPV CODE

CMP LVL EMPLOYEE NAME

PERSON NTE DT

ORGANIZATION TITLE: CLAIMS DIVISION

ORG CODE: 902600

SUPVY ATTORNEY EXAMINER (GEN)

3 12985007

GS 0905

15 00

ATTORNEY EXAMINER (GENERAL)

3 12986007

GS 0905

15 00

ATTORNEY EXAMINER (GENERAL)

A104A010

3 A105A015

GS 0905

15 00

SUPVY PARALEGAL SPECIALIST

16502007

3 A217A001

GS 0950

13 02

SUPERVISORY PARALEGAL SPEC

ODLSA102

3 A104A010

GS 0950

13 02

PARALEGAL SPECIALIST

3 16503002

GS 0950

12 01

COMMITTEE CHAIR/DCA/DAAAMC

3 16503002

GS 0950

12 01

PARALEGAL SPEC

3 A102A011

GS 0950

12 01

PARALEGAL SPECIALIST

3 16503001

GS 0950

12 01

PARALEGAL SPEC

ODLSA101

3 A102A014

GS 0950

12 01

SECRETARY (OA)

ODOHA003

2 A569A011

GS 0318

07 00

ATTORNEY EXAMINER (GENERAL)

3 C468C001

GS 0905

11 00

TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0TOTAL PERM AUTH PSNS= 0  
TOTAL TEMP AUTH PSNS = 0

PCN N130050

END PAGE 6

PERSONAL DATA - PRIVACY ACT OF 1974

## OSD Military Staffing Plan

| OSD Position Number          | Requestion # | OMP Control Number | Service   | Position Stop Date | Position Title                                 | Pers Rank<br>Specialty | Auth Rank | Proj Arrival | SSN    | MEMBER<br>INPROCESSED<br>MILPERS |
|------------------------------|--------------|--------------------|-----------|--------------------|------------------------------------------------|------------------------|-----------|--------------|--------|----------------------------------|
| DEFENSE LEGAL SERVICE AGENCY |              |                    |           |                    |                                                |                        |           |              |        |                                  |
| 900000                       |              |                    | ARMY      |                    | ADMINISTRATIVE SPECIALIST                      | SGT                    |           | Jul 14 1997  | (b)(6) |                                  |
| 900000A02A01                 |              |                    |           |                    |                                                | 71L20                  |           | Jan 14 2002  |        | 07/14/1997                       |
| OMP CTRL # - 3975            |              |                    |           |                    |                                                | SGT                    |           |              | (b)(6) |                                  |
| 2000706                      |              |                    | AIR FORCE |                    | PARALEGAL/ADMINISTRATIVE SPECIALIST            | SSgt                   |           | Jul 12 2002  |        | 07/12/1992                       |
| 900000A02A02                 |              |                    |           |                    |                                                | 3A051                  |           | May 20 1998  | (b)(6) |                                  |
| OMP CTRL # - 3976            |              |                    |           |                    |                                                | SSgt                   |           | May 20 2002  |        | 05/20/1998                       |
| 900000A03A01                 |              |                    | AIR FORCE |                    | CHIEF, EXECUTIVE ADMINISTRATOR                 | TSGT                   |           | Nov 30 2000  | (b)(6) |                                  |
| OMP CTRL # - 3977            |              |                    |           |                    |                                                | LT Col                 |           | Nov 30 2000  |        |                                  |
| 900000B01A02                 |              |                    | AIR FORCE |                    | ASSOCIATE DEPUTY GENERAL COUNSEL               | Maj                    |           | Jul 02 1999  | (b)(6) |                                  |
| OMP CTRL # - 3978            |              |                    |           |                    |                                                | 55A00                  |           | Jul 02 2002  |        | 07/02/1992                       |
| 901000A25A01                 |              |                    | ARMY      |                    | DEP DIR, LEGIS REF SVC                         | LTC                    |           |              |        |                                  |
| OMP CTRL # - 3979            |              |                    |           |                    |                                                | COL                    |           |              |        |                                  |
| 901000A25W01                 |              |                    |           |                    | LEGISLATIVE ADVISOR                            | COL                    |           |              |        |                                  |
| OMP CTRL # - 3984            |              |                    |           |                    |                                                |                        |           |              |        |                                  |
| 902030                       |              |                    | ARMY      |                    | ADMIN/LEGAL ASST, DEFENSE LEGAL SERVICE AGENCY | SSG                    |           | Sep 30 2000  | (b)(6) |                                  |
| 902030B01A00                 |              |                    |           |                    |                                                | 71L                    |           | Sep 30 2003  |        |                                  |
| OMP CTRL # - 3980            |              |                    |           |                    |                                                | SSG                    |           |              |        |                                  |

VACANT

12-Dec-00

## OSD Military Staffing Plan

Page 2 of 2

| OSD Position Number | Service                         | Position Stop Date | Position Title                                    | Pers Rank<br>Specialty | Proj Arrival   | SSN    | MEMBER<br>INPROCESSED<br>MILPERS |
|---------------------|---------------------------------|--------------------|---------------------------------------------------|------------------------|----------------|--------|----------------------------------|
| OMP Control Number  |                                 |                    |                                                   | Auth Rank              | Proj Departure | Name   |                                  |
| Requisition #       |                                 |                    |                                                   |                        |                |        |                                  |
| 902070              | DEPUTY OF CSL WEST COAST        |                    |                                                   | PO2                    | Jul 07 2000    | (b)(6) | 27/07/2000                       |
| 902070A02A01        | NAVY                            |                    | ADMINISTRATIVE ASSISTANT                          | LN                     | Sep 30 2003    |        |                                  |
|                     |                                 |                    |                                                   | PO1                    |                |        |                                  |
| 902400              | ADMINISTRATIVE SUPPORT DIVISION |                    |                                                   |                        |                |        |                                  |
| 902400A04A01        | AIR FORCE                       |                    | SUPERINTENDENT ADMINISTRATIVE POLICY AND PROGRAMS | MSgt                   | Jan 04 1989    |        | 01/04/1989                       |
| OMP CTRL # - 3282   |                                 |                    |                                                   | 3A071                  | Apr 01 2002    |        |                                  |
|                     |                                 |                    |                                                   | MSgt                   |                |        |                                  |
| 902400A09A01        | ARMY                            |                    | ADMIN ASST                                        | SFC                    | Sep 20 1999    |        | 27/01/1999                       |
| OMP CTRL # - 3983   |                                 |                    |                                                   | SSG                    |                |        |                                  |

U and MP Authorizations

Authorized(A)

Overstrength(T)

Reservist

1

9

A-LINE 9

W-LINE 1

R-LINE 0



**MILITARY EXTRATERRITORIAL JURISDICTION ACT OF 2000**  
**18 U.S.C. § 3251 et seq., Public Law 106-523 (November 22, 2000)**

**Background:**

Since the 1950s, the military has been prohibited from prosecuting by courts-martial civilians accompanying the Armed Forces overseas in peacetime who commit criminal offenses. Many Federal criminal statutes lack extraterritorial application, including those penalizing rape, robbery, burglary, and child sexual abuse. In addition, many foreign countries decline to prosecute crimes committed within their nation, particularly those involving another U.S. person as a victim or U.S. property. Furthermore, military members who commit crimes while overseas, but whose crimes are not discovered or fully investigated prior to their discharge from the Armed Forces are no longer subject to court-martial jurisdiction. These circumstances result in jurisdictional gaps in the U.S. criminal justice system and crimes go unpunished.

**The Solution:**

On November 22, 2000, the Military Extraterritorial Jurisdiction Act of 2000 (Act) was signed into law to close these jurisdictional gaps by extending Federal criminal jurisdiction to overseas civilians and former military members. The Act directs that the Secretary of Defense, in conjunction with the Attorney General and Secretary of State, create implementing regulations which shall be submitted to Senate and House Judiciary Committee review before taking effect. A Working Group comprised of a cross-section of Service representatives (legal, law enforcement, investigations, corrections, and civilian personnel) is currently working with the other Federal agency representatives to develop these regulations.

**Jurisdiction:**

The Act's jurisdiction is limited to U.S. felony-level offenses (offenses punishable by imprisonment for more than 1 year) and must be committed overseas. The conduct does not also have to be a crime in the overseas host nation. Jurisdiction is also limited to those civilians employed by or accompanying the Armed Forces overseas, when such persons are present or residing outside the U.S. in connection with such employment.

Through specific definitions, the Act applies to DoD civilian employees, DoD contractors (including subcontractors at any tier), and DoD contractor employees (including subcontractor employees at any tier). As civilians accompanying the Armed Forces overseas, the dependents of military members, civilian employees, contractors, and contractor employees are also covered. However, civilians who are a national or ordinary resident of the host nation where the conduct occurred are excluded from the Act's coverage.

The Act also provides for Federal jurisdiction over former military members who commit such crimes while a member of the Armed Forces overseas, but who cease to be subject to Uniform Code of Military Justice (UCMJ) court-martial jurisdiction (e.g., discharged from the Service) before military authorities initiate criminal prosecution. Federal prosecution may not be commenced against a military member unless the member is no longer subject to UCMJ jurisdiction, or the member is charged with committing an offense with someone who is not subject to the UCMJ. The Act recognizes the primary interest of UCMJ jurisdiction over military members.

The juvenile dependents of military members and civilian employees are also covered by the Act, but Federal jurisdiction is subject to the limitations of the Federal Juvenile Delinquency Act (18 U.S.C. §§ 5031-5042). Juvenile delinquency is an adjudication of status, not a crime. In limited cases, juveniles over 13 may be tried as an adult. Federal prosecutions against juveniles require the Attorney General to certify to the U.S. District Court that a State court does not have jurisdiction (e.g. overseas offense) and that the offense is a crime of violence or violates Controlled Substance Act. In addition, the Attorney General is required to determine that there is a substantial Federal interest in the case or the offense to warrant Federal jurisdiction.

The Act's jurisdiction is further limited by operation of any Status of Forces Agreements or international agreements between the U.S. and the host nation. Absent approval by the Attorney General or Deputy Attorney General, Federal prosecution is prohibited under this Act if a foreign government, in accordance with jurisdiction recognized by the United States, has prosecuted or is prosecuting the person for that offense.

All prosecutions under this Act will be conducted in U.S. Federal district courts and in accordance with the Federal venue statute (18 U.S.C. § 3238), and Federal Rules of Evidence and Criminal Procedure.

#### **Pretrial Procedures:**

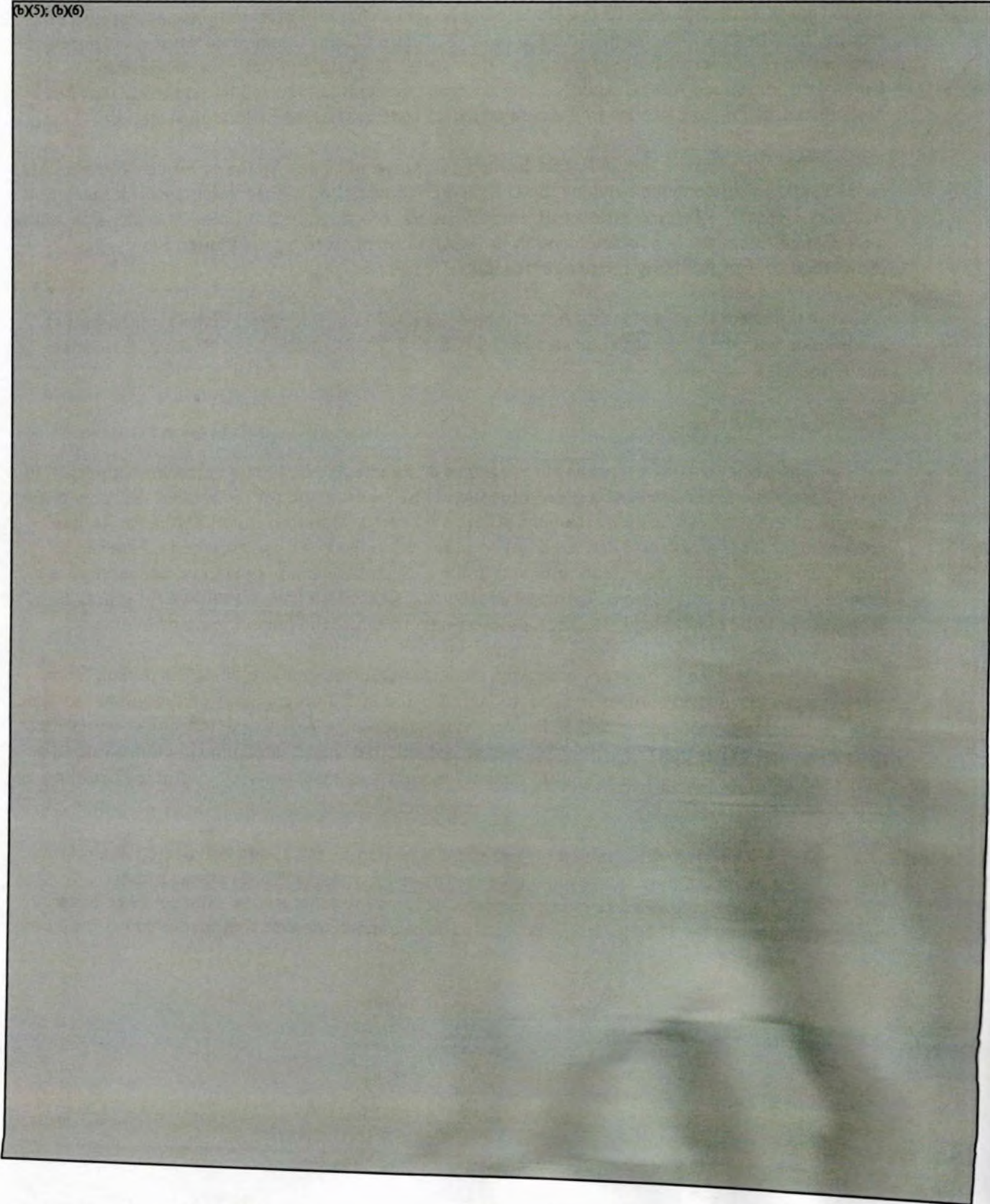
The Secretary of Defense is authorized to designate any DoD law enforcement person to make a probable cause arrest of a person for such U.S. felonies and for the prompt delivery to the custody of U.S. civilian law enforcement officials for removal to the United States for judicial proceedings. The person arrested shall not be removed to the U.S., except when a Federal magistrate judge orders the person removed to the U.S. or the person's personal appearance is required by the Federal Rules of Criminal Procedure. Otherwise, the Act allows for initial proceedings to be conducted by teleconference methods while the person remains overseas.

When required by military necessity, military authorities may relocate the person from one overseas location to another in order to facilitate the initial proceedings contemplated by the Act. At the initial proceeding a U.S. Federal Magistrate Judge will also determine whether there is probable cause exists that the crime was committed and that the arrested person committed it, as well as any conditions of release should the government's counsel not seek continued pretrial detention.

Military counsel who are determined to be qualified by the Judge Advocate General of the Service concerned, may be appointed for the limited purpose of the overseas initial appearance proceedings. Before being appointed for this limited purpose, counsel have to be made available and the U.S. Federal Magistrate Judge must determine that the person is indigent.

LEASE OF 49 ACRES AT SOLDIERS' AND AIRMEN'S HOME

(b)(5); (b)(6)



(b)(5); (b)(6)

