



Fees and Expenses of Witnesses (FEW)

FY 2021 Budget Request At A Glance

FY 2020 Enacted:	\$254.1 million
Current Services Adjustments:	+\$15.9 million
Program Changes:	+\$0
FY 2021 Budget Request:	\$270.0 million
Change From FY 2020 Enacted:	+\$15.9 million (+6.3%)

Mission:

The mission of the Fees and Expenses of Witnesses (FEW) appropriation is to provide funding for the fees and expenses associated with the provision of testimony on behalf of the Federal Government. Funding is also provided to pay for private and foreign counsel.

Organization:

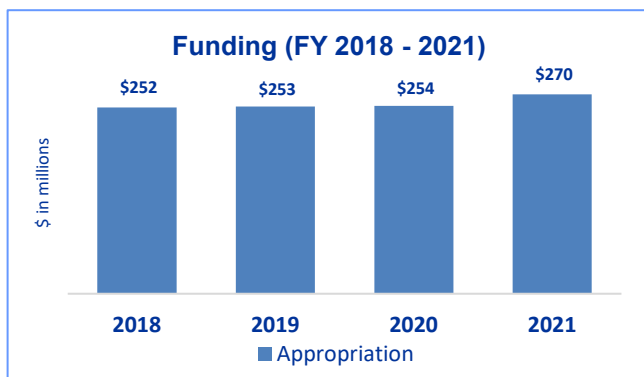
The FEW appropriation is centrally managed by the Justice Management Division's Budget Staff, and funds are predominantly allocated to the General Legal Activities and the Executive Office for U.S. Attorneys for expert witnesses that provide technical or scientific testimony. Also, funds are provided for fact witnesses who testify to events or facts of personal knowledge. Fact witnesses are paid statutorily a rate of \$40 per day, plus travel and other costs associated with their appearance. Additionally, funds are provided for the Protection of Witnesses for the security of government witnesses or potential government witnesses, and their families when their testimony may jeopardize their personal security.

Resources:

The FY 2021 budget request for FEW totals \$270.0 million, which is a 6.3 percent increase over the FY 2020 Enacted.

Personnel:

There are no authorized positions associated with this appropriation.



FY 2021 Strategy:

The FEW appropriation provides adequate funding of fees and related expenses incurred by individuals who provide factual, technical or scientific testimony on behalf of the United States or court-designated indigent individuals, as provided by law. Funds provided for this activity also guarantee the rights of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the courts have testimony regarding the mental competency of the accused at the time of the alleged offense.

FEW also provides the court-attendance fee paid to fact witnesses set by law (28 U.S.C. §1821). As a result of Public Law 96-346 (September 10, 1980), the amounts authorized for travel, per diem and mileage are set by regulation governing official travel by federal employees.

The procedure for designation of a person as a protected witness is set forth in Department of Justice Offices, Boards and Divisions Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This Order places with the United States Marshals Service the responsibility for the security of these witnesses and their families.

The Private Counsel activity provides funding to retain outside counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. Per 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel.

The Foreign Counsel activity provides funding to allow the Department to retain outside counsel to represent Government officers and employees who are sued in a foreign country while performing their official duties. As provided under 28 C.F.R. §0.46, the Civil Division is delegated the authority to retain such counsel.

The Alternative Dispute Resolution activity encompasses a wide range of problem-solving and conflict management techniques including mediation, early neutral evaluation, arbitration and mini-trials.

The Victim Compensation Fund provides resources to compensate individuals who are victimized by protected witnesses. The Fund was initially funded by the 1985 Supplemental Appropriations Act (P. L. 99-88).

FY 2021 Program Changes:

Rescission - FEW: -\$150.0 million and 0 positions

This one-time reduction will reduce FEW unobligated balances.

Fees and Expenses of Witnesses

(Dollars in Thousands)

	Fees and Expenses of Witnesses		
	Pos	FTE	Amount
2019 Appropriation	0	0	270,000
2019 Sequester Cut	0	0	-16,740
2019 Enacted with Rescissions	0	0	253,260
2020 Enacted	0	0	270,000
2020 Sequester Cut	0	0	-15,930
2020 Enacted with Rescissions	0	0	254,070
2021 Request	0	0	270,000
Change 2021 from 2020 Enacted	0	0	15,930
Technical Adjustments			
FY2020 Sequester Cut Available in FY2021	0	0	15,930
Total Technical Adjustments	0	0	15,930
Base Adjustments			
Total Base Adjustments	0	0	0
2021 Current Services	0	0	270,000
Program Changes			
Increases:			
Subtotal, Program Increases	0	0	0
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	0
2021 Request	0	0	270,000
Rescission - FEW	0	0	-150,000
2021 Request with Rescission	0	0	120,000
Change 2021 from 2020 Enacted with Rescissions	0	0	-134,070

Fees and Expenses of Witnesses

(Dollars in Thousands)

Comparison by activity and program	2020 Enacted			2021 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	37,520	0	0	40,000
Fees and Expenses of Witnesses	0	0	200,604	0	0	213,000
Private Counsel	0	0	5,628	0	0	6,000
Foreign Counsel	0	0	9,380	0	0	10,000
Alternative Dispute Resolution	0	0	938	0	0	1,000
Total	0	0	254,070	0	0	270,000
Total Direct and Reimbursable	0	0	254,070	0	0	270,000

Comparison by activity and program	2021 Total Program Changes			2021 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	0	0	0	40,000
Fees and Expenses of Witnesses	0	0	0	0	0	213,000
Private Counsel	0	0	0	0	0	6,000
Foreign Counsel	0	0	0	0	0	10,000
Alternative Dispute Resolution	0	0	0	0	0	1,000
Total	0	0	0	0	0	270,000
Balance Rescission			-150,000			-150,000
Total Direct and Reimbursable	0	0	-150,000	0	0	120,000