



Fees and Expenses of Witnesses (FEW)

FY 2010 Budget Request At A Glance	
FY 2009 Enacted:	\$168.3 million (0 positions; 0 attorneys)
Current Services Adjustments:	+\$168.3 million (0% above FY 2009 Enacted)
Program Changes:	+\$0
FY 2010 Budget Request:	\$168.3 million (0 positions; 0 attorneys)
Change from FY 2009 Enacted:	+\$0 (+0%) (+0 positions; +0 attorneys)

Mission:

The mission of the FEW is to provide funding for all fees and expenses associated with the provision of testimony on behalf of the Federal Government.

Resources:

The budget request for FY 2010 totals \$168.3 million, for mandatory expenses, which is the same level as the FY 2009 enacted level.

Organization:

The FEW Appropriation is centrally managed with the Justice Management Division's Budget Office Staff, and funds are allocated to the General Legal Activities and the Executive Office for U.S. Attorneys for administration of expert witnesses that provide technical or scientific testimony and are compensated based on negotiations with the respective federal government attorney. Also, funds are provided for fact witnesses who testify to events or facts of personal knowledge, and 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, concerning organized criminal activity may jeopardize their personal security.

Personnel:

The FEW appropriation does not fund positions.

Funding (FY 2001 - 2010)



FY 2010 Strategy:

The FEW appropriation continues to provide 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 designed 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 has testimony regarding the mental competency of the accused at the time of the alleged offense.

The FEW appropriation provides reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates negotiated by federal attorneys.

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 milage are set by regulation governing official travel by federal employees.

In addition, the FEW provides resources to compensate fact witnesses used by those defendants designated as indigent by the courts. Expenses are paid to those witnesses who appear in criminal proceedings in Federal Court for the indigent defendants, and to provide fees and expenses of psychiatrists who perform court-ordered evaluations to determine mental competency of defendants, pursuant to 18 U. S. C §4241, §4242 and §4248.

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 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).

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 Superior Court activity provides funding for the protective services offered to the District of Columbia Superior Court witnesses.

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 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 and further provided that payment for such services will be payable from the Department's appropriations.

FY 2010 Program Changes:

The FY 2010 Budget does not propose any program changes for FEW.

Financial Snapshot 2008

Clean Opinion on Financial Statements	Yes
Timely Financial Reporting	Yes
Material Weaknesses	None

FEES AND EXPENSES OF WITNESSES

(Dollars in Thousands)

	SALARIES AND EXPENSES		
	Pos.	FTE	Amount
2008 Enacted	0	0	\$168,300
2009 Enacted	0	0	168,300
2010 Request	0	0	168,300
Change 2010 from 2009 Enacted	0	0	0
2010 Current Services	0	0	168,300
2010 Request	0	0	168,300
Change 2010 from 2009 Enacted	0	0	0

FEES AND EXPENSES FOR WITNESSES

SALARIES AND EXPENSES

(Dollars in thousands)

Comparison by activity and program	2009 Enacted			2010 Current Services		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Fees and Expenses for Witnesses	0	0	\$168,300	0	0	\$168,300
Total	0	0	\$168,300	0	0	\$168,300

Comparison by activity and program	Total Program Changes			2010 Request		
	Perm Pos.	FTE	Amount	Perm Pos.	FTE	Amount
1. Fees and Expenses for Witnesses	0	0	\$0	0	0	\$168,300
Total	0	0	\$0	0	0	\$168,300