



## Fees and Expenses of Witnesses (FEW)

### FY 2011 Budget Request At A Glance

FY 2010 Enacted:	\$168.3 million (0 positions; 0 attorneys)
Current Services Adjustments:	+\$ 0.0 million (0% above FY 2010 Enacted)
Program Changes:	+\$101.7 million
FY 2011 Budget Request:	\$270.0 million (0 positions; 0 attorneys)
Change from FY 2010 Enacted:	+\$101.7 million (+60.4%) (+0 positions)

#### Mission:

The mission of the FEW appropriation 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 2011 totals \$270.0 million, for mandatory expenses. This is a 60.4 percent increase over the FY 2010 Enacted level.

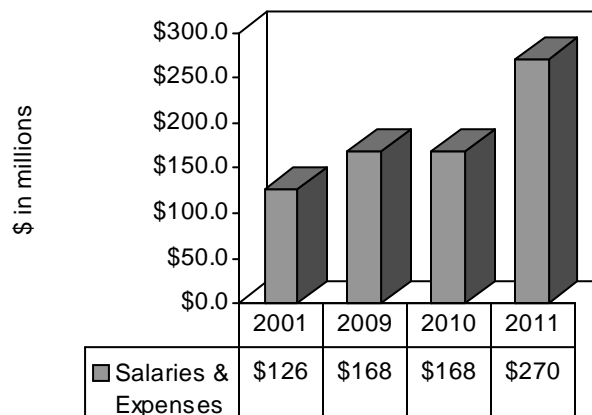
#### Organization:

The FEW Appropriation is centrally managed by the Justice Management Division's Budget 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 - 2011)



**FY 2011 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 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.

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.

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 2011 Program Changes:**

**Fees and Expenses of Witnesses Expert Witnesses:** \$92.0 million increase to respond to the increased needs for expert witnesses among the litigating divisions and the U.S. Attorney offices. For FY 2011, the proposed increases in this appropriation provides for expert witness needs and for the protection of witnesses previously funded through existing balances.

**Protection of Witnesses:** An additional \$9.7 million is sought to enable the FEW to fund the increase in the number of primary clients and family members enrolled in the Federal Witness Protection program which provides subsistence, housing, medical and other costs associated with permanently relocating federally protected witnesses.

**Financial Snapshot 2009**

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