



Fees and Expenses of Witnesses (FEW)

| FY 2017 Budget Request At A Glance | |
|------------------------------------|--------------------------|
| FY 2016 Enacted: | \$251.6 million |
| Current Services Adjustments: | + \$18.4 million |
| Program Changes: | + \$0 |
| FY 2017 Budget Request: | \$270.0 million |
| Change From FY 2016 Enacted: | + \$18.4 million (+7.3%) |

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. 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 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 may jeopardize their personal security.

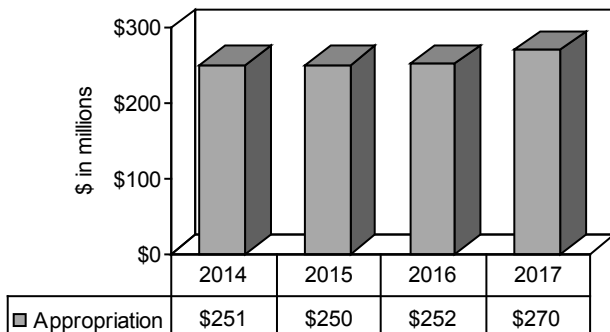
Resources:

The FY 2017 budget request for FEW totals \$270.0 million, which is a 7.3% increase over the FY 2016 Enacted.

Personnel:

There are no authorized positions associated with this appropriation.

Funding (FY 2014 - 2017)



FY 2017 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 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. Payment for such services will be made from the Department's appropriations.

FY 2017 Program Changes:

The budget proposal includes funds for current services for FEW. No program changes are requested.

Fees and Expenses of Witnesses

(Dollars in Thousands)

| | Fees and Expenses of Witnesses | | |
|--------------------------------------|--------------------------------|----------|----------------|
| | Pos. | FTE | Amount |
| 2015 Appropriation | 0 | 0 | 270,000 |
| 2015 Sequester Cut | 0 | 0 | -19,710 |
| 2015 Enacted with Rescissions | 0 | 0 | 250,290 |
| 2016 Enacted | 0 | 0 | 270,000 |
| 2016 Sequester Cut | 0 | 0 | -18,360 |
| 2016 Enacted with Rescissions | 0 | 0 | 251,640 |
| 2017 Request | 0 | 0 | 270,000 |
| Change 2017 from 2016 Enacted | 0 | 0 | 18,360 |
| Technical Adjustments | | | |
| Restoration of 2016 Sequester | 0 | 0 | 18,360 |
| Total Technical Adjustments | 0 | 0 | 18,360 |
| Base Adjustments | | | |
| Total Base Adjustments | 0 | 0 | 0 |
| 2017 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 |
| 2017 Request | 0 | 0 | 270,000 |

Fees and Expenses of Witnesses

(Dollars in Thousands)

| Comparison by activity and program | 2016 Enacted w/Sequester | | | 2017 Current Services | | |
|------------------------------------|--------------------------|-----|---------|-----------------------|-----|---------|
| | Pos. | FTE | Amount | Pos. | FTE | Amount |
| Protection of Witnesses | 0 | 0 | 40,692 | 0 | 0 | 43,661 |
| Fees and Expenses of Witnesses | 0 | 0 | 200,028 | 0 | 0 | 214,622 |
| Private Counsel | 0 | 0 | 6,524 | 0 | 0 | 7,000 |
| Foreign Counsel | 0 | 0 | 3,184 | 0 | 0 | 3,417 |
| Alternative Dispute Resolution | 0 | 0 | 1,212 | 0 | 0 | 1,300 |
| Total | 0 | 0 | 251,640 | 0 | 0 | 270,000 |
| Reimbursable FTE | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Total | 0 | 0 | 251,640 | 0 | 0 | 270,000 |

| Comparison by activity and program | 2017 Total Program Changes | | | 2017 Request | | |
|------------------------------------|----------------------------|-----|--------|--------------|-----|---------|
| | Pos. | FTE | Amount | Pos. | FTE | Amount |
| Protection of Witnesses | 0 | 0 | 0 | 0 | 0 | 43,661 |
| Fees and Expenses of Witnesses | 0 | 0 | 0 | 0 | 0 | 214,622 |
| Private Counsel | 0 | 0 | 0 | 0 | 0 | 7,000 |
| Foreign Counsel | 0 | 0 | 0 | 0 | 0 | 3,417 |
| Alternative Dispute Resolution | 0 | 0 | 0 | 0 | 0 | 1,300 |
| Total | 0 | 0 | 0 | 0 | 0 | 270,000 |
| Reimbursable FTE | 0 | 0 | 0 | 0 | 0 | 0 |
| Grand Total | 0 | 0 | 0 | 0 | 0 | 270,000 |