



## Fees and Expenses of Witnesses (FEW)

FY 2019 Budget Request At A Glance	
FY 2018 Continuing Resolution:	\$252.2 million
Current Services Adjustments:	+\$17.8 million
Program Changes:	+\$0
FY 2019 Budget Request:	\$270.0 million
Change From FY 2018 Continuing Resolution:	+\$17.8 million (+7.1%)

### 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:

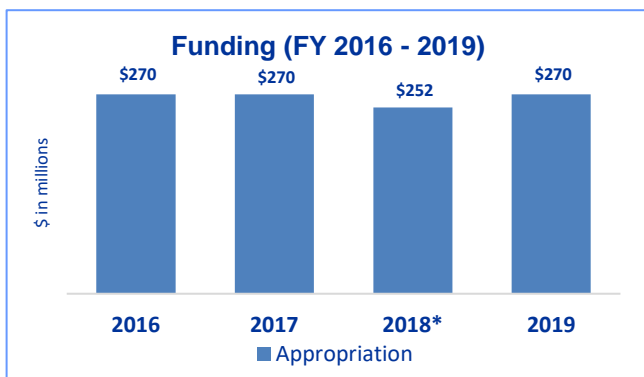
The FEW appropriation is centrally managed by the Justice Management Division's Budget Staff, and funds are predominantly allocated to the General Legal Activities and the Executive Office for U.S. Attorneys for expert witnesses that provide technical or scientific testimony. Also, funds are provided 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 2019 budget request for FEW totals \$270.0 million, which is a 7.1% increase over the FY 2018 Continuing Resolution. In addition, the Budget includes a \$100 million rescission of unobligated balances.

### Personnel:

There are no authorized positions associated with this appropriation.



\* FY 2018 annualized CR

## **FY 2019 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 2019 Program Changes:**

**2019 Cancellation of Unobligated Balances:** -\$100.0 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
<b>2017 Appropriation</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
2017 Sequester Cut	0	0	-18,630
<b>2017 Enacted w/ Sequester</b>	<b>0</b>	<b>0</b>	<b>251,370</b>
<b>2018 Continuing Resolution</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
2018 Sequester Cut	0	0	-17,820
<b>2018 Continuing Resolution w/ Sequester</b>	<b>0</b>	<b>0</b>	<b>252,180</b>
<b>2019 Request</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
<b>Change 2019 from 2018 Continuing Resolution</b>	<b>0</b>	<b>0</b>	<b>17,820</b>
<b>Technical Adjustments</b>			
Restoration of 2018 Sequester	0	0	17,820
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>17,820</b>
<b>Base Adjustments</b>			
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019 Current Services</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
<b>Program Changes</b>			
<b>Increases:</b>			
<b>Subtotal, Program Increases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Decreases:</b>			
<b>Subtotal, Program Decreases</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Program Changes</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2019 Request</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
2019 Cancellation of Unobligated Balances	0	0	-100,000
<b>2019 Request with Rescission</b>	<b>0</b>	<b>0</b>	<b>170,000</b>
<b>Change 2019 from 2018 Continuing Resolution with Rescissions</b>	<b>0</b>	<b>0</b>	<b>-82,180</b>

**Fees and Expenses of Witnesses**

(Dollars in Thousands)

Comparison by activity and program	2018 Continuing Resolution			2019 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	40,779	0	0	45,000
Fees and Expenses of Witnesses	0	0	200,457	0	0	210,000
Private Counsel	0	0	6,538	0	0	8,000
Foreign Counsel	0	0	3,191	0	0	5,000
Alternative Dispute Resolution	0	0	1,215	0	0	2,000
<b>Total</b>	0	0	252,180	0	0	270,000
<b>Grand Total</b>	0	0	252,180	0	0	270,000

Comparison by activity and program	2019 Total Program Changes			2019 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	0	0	0	45,000
Fees and Expenses of Witnesses	0	0	0	0	0	210,000
Private Counsel	0	0	0	0	0	8,000
Foreign Counsel	0	0	0	0	0	5,000
Alternative Dispute Resolution	0	0	0	0	0	2,000
<b>Total</b>	0	0	0	0	0	270,000
Balance Rescission	0	0	-100,000	0	0	-100,000
<b>Grand Total</b>	0	0	-100,000	0	0	170,000