

Fees and  
Expenses  
of  
Witnesses

FY 2014  
President's  
Budget  
Submission

**FY 2014 OMB Budget Request**  
**Fees and Expenses of Witnesses**

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## **I. Overview for Fees and Expenses of Witnesses**

For the Fees and Expenses of Witnesses (FEW) appropriation, the Department requests a total funding level of \$270,000,000 for FY 2014 to remain available until expended. This resource level is the same request as the FY 2012 Enacted level and the FY 2013 President's Request. The FEW is a mandatory appropriation and is under Strategic Goal III to ensure the Fair and Efficient Administration of Justice. Electronic copies of the Department of Justice's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address:  
<http://www.justice.gov/02organizations/bpp.htm>.

The Fees and Expenses of Witnesses activity provides funding for all fees and expenses associated with the provision of testimony on behalf of the Federal Government. Specifically, there are two types of witnesses that are compensated under the provisions of this activity. Fact witnesses testify as to events or facts about which they have personal knowledge. These witnesses are paid a statutorily established rate of \$40 per day plus reasonable amounts for travel and certain other costs associated with their appearance. Expert witnesses provide technical or scientific testimony and are compensated based on negotiations with the respective Federal Government attorney. Funding allocated to this activity is also used to pay the fees of physicians and psychiatrists who examine defendants upon order of the court to determine their fitness to stand trial.

The Emergency Witness Assistance Program allows the Government to aid witnesses who might not otherwise testify because of perceived threats surrounding the litigation. This program started in 1997 and is limited to a participation period not to exceed 30 days. The services provided include transportation needs, temporary housing, temporary subsistence, emergency telephone calls, and child/elder care.

The Protection of Witnesses activity provides funding 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. Typical expenses include, but are not limited to, subsistence, housing, medical and dental care, travel, documentation, identity changes, one-time relocation, costs associated with obtaining employment, and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safesite facilities to house protected witnesses before and during trial; the purchase and maintenance of armored vehicles; and the maintenance of a secured network.

The Victim Compensation Fund was established by Section 1208 of the Comprehensive Crime Control Act (Title II of P.L. 98-473). The Fund is used by the Attorney General to "pay restitution to, or in the case of death, compensation for the death of any victim of a crime that causes or threatens death or serious bodily injury and that is committed by any person during a period in which that person is provided protection under this chapter." In the case of death, an amount not to exceed \$50,000 may be paid to the victim's estate. Moreover, the act authorizes payment of an amount not to exceed \$25,000 to the estate of any individual whose death was caused by a protected witness before the enactment of this law.

The Private Counsel activity was established under 28 C.F.R. 50.15 and 50.16, whereby, the Civil Division is authorized to retain private counsel to represent government officers and

employees who are sued, charged or subpoenaed for actions taken while performing their official duties. Further, funding allotted to this activity is used to pay private legal representation expenses associated with the provision of testimony before Congressional committees in instances wherein government counsel is precluded from representing Federal Government employees, or in instances wherein private counsel is otherwise appropriate.

The District of Columbia Superior Court Informant Program (SCIP) was established upon passage of the 1991 Dire Emergency Supplemental Appropriations Act. Unlike the Witness Security program, which provides permanent relocations and identity changes, the SCIP provides temporary relocation and limited protective services to witnesses who provide prosecution testimony in District of Columbia Superior Court cases.

The Alternative Dispute Resolution activity funds the expenses of hiring third party neutrals and witnesses in resolution proceedings.

The Foreign Counsel activity was established under 28 C.F.R. § 0.46, whereby, the Civil Division is authorized to all other civil litigation including claims by or against the United States, its agencies or officers, in domestic or foreign courts, special proceedings, and similar civil matters not otherwise assigned, and shall employ foreign counsel to represent before foreign criminal courts, commissions or administrative agencies of the Department of Justice and all other law enforcement officers of the United States who are charged with violations of foreign law as a result of acts which they performed in the course and scope of Government services.

## **II. Summary of Program Changes**

*In FY 2014, the Fees and Expenses of Witnesses Appropriation request is \$270 million, which includes a program increase for a USMS Alternative Safe Site and Orientation Center funded with existing funds. A one-time increase of \$6 million in spending authority for construction of buildings in the protection of witnesses allotment is requested as an appropriations language change in order to fund the center construction in FY 2014.*

## **III. Appropriations Language and Analysis of Appropriations Language**

### **Appropriations Language**

*For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$10,000,000 [~~\$16,000,000~~] is for construction of buildings for protected witness safesites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$11,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses.*

### **Analysis of Appropriations Language**

Increase is requested as part of program change to allow for construction of the USMS ASOC.

## **IV. Decision Unit Justification**

### **A. Fees and Expenses of Witnesses**

<i>Fees and Expenses of Witnesses</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			214,622
2013 Enacted			214,622
2014 Current Services			214,622
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			214,622
<b>Total Change 2013-2014</b>			<b>0</b>

#### **Base Program Description:**

This program provides for payment of fees and expenses of expert witnesses who appear on behalf of the Federal Government when scientific or technical expertise is required in the prosecution or defense of a case. The pursuit of complex litigation by the Department would not be possible without qualified experts to testify and to refute the non-legal particulars of individual cases. The testimony of expert witnesses is essential to the successful outcome of such litigation. While a wide array of specialized disciplines are involved in the Department's litigation, experts from certain disciplines are used extensively. For example, approximately seventy percent of expert witnesses used by the Department in 2010 were physicians, psychiatrists, appraisers, engineers, or economists. Also, the testimony of fact witnesses is used in court proceedings by the Department's legal divisions and the United States Attorneys. Fact witnesses are needed in a wide range of court proceedings, as well as pre-trial conferences. Daily attendance fees and other expenses paid to fact witnesses are intended to defray the costs of appearing to testify. The attendance fee is set by law. Courts often order the Federal Government to pay the costs associated with mental competency examinations conducted by physicians or psychiatrists. These examinations are performed in an attempt to determine whether an accused person is mentally competent to stand trial and/or was mentally competent at the time of the offense.

#### **Planned Base Initiatives:**

- To provide adequate funding for payment 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 right of accused persons to a fair and impartial trial by ensuring that the accused is mentally competent to stand trial and that the court has testimony regarding the mental competency of the accused at the time of the alleged offense.
- To provide reasonable compensation for expert witnesses, who testify on behalf of the United States, at rates established by the Attorney General or the Assistant Attorney General for Administration, pursuant to 28 U.S.C. § 524.

- To provide adequate resources to compensate fact witnesses who testify on behalf of the Federal Government for the expenses associated with the attendance at legal proceedings. The court-attendance fee paid to fact witnesses is 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 regulations governing official travel by federal employees and promulgated by the Administrator of the General Services Administration.
- To provide adequate 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.
- To provide payment for the fees and expenses of psychiatrists who perform court-ordered evaluations to determine the mental competency of defendants, pursuant to 18 U.S.C. § 4241, § 4242, and § 4248.

**B. Protection of Witnesses**

<i>Protection of Witnesses</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			43,661
2013 Enacted			43,661
2014 Current Services			43,661
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			43,661
<b>Total Change 2013-2014</b>			<b>0</b>

Base Program Description:

The procedure for designating a person as a protected witness is set forth in Department of Justice OBD Order 2110.2 "Witness Protection and Maintenance Policy and Procedures." This order places within the United States Marshals Service the responsibility for the security of these witnesses and their families. This program provides for their financial maintenance including the following: subsistence expenses; housing; medical and dental expenses; travel; documentation expenses for identity changes; one-time relocation; costs for obtaining employment; and other miscellaneous expenses. This activity also provides for construction and maintenance of strategically located safesite facilities to house protected witnesses before and during trial. Therefore, the Witness Protection Program provides the funding for the protective services offered to the District of Columbia Superior Court Witnesses for subsistence expenses; travel; temporary relocation and other miscellaneous expenses.

Planned Base Initiatives:

- To increase the effectiveness of the Department's efforts to combat criminal activity in such areas as organized crime, drugs or narcotics, and murder or conspiracy to commit murder, by ensuring the safety of endangered or threatened witnesses.
- To protect witnesses and their families when the testimony of the witnesses may jeopardize their personal security.
- To compensate witnesses for subsistence costs such as housing, food, relocation, and incidental expenses as provided by the Witnesses Security Reform Act of 1984.
- To provide orientation, documentation, and family-oriented services to new WITSEC Program entrants. In FY 2010 a realignment of the current program structure was proposed by eliminating the Superior Court Informant Program (SCIP) and moving the funds previously allotted for the SCIP in the amount of (\$1.0 million) to the Protection of Witnesses decision unit. A formal notification of the proposed decision unit realignment will be transmitted once the FY 2010 President's request is enacted.
- To increase the effectiveness of Federal prosecutions in the District of Columbia by providing funding to temporarily relocate District of Columbia Superior witnesses who face potential danger as a result of their participation in Superior Court prosecutions.
- To provide funding to temporarily protect Superior Court witnesses and their families when the testimony of the witnesses may jeopardize their personal security.
- To compensate Superior Court witnesses for subsistence costs such as food, temporary relocation, and other expenses incidental to their protection.

**C. Victim Compensation Fund**

<i>Victim Compensation Fund</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			0
2013 Enacted			0
2014 Current Services			0
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			0
<b>Total Change 2013-2014</b>			0

Base Program Description:

This program 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).

Restitution will not exceed \$50,000 for those victimized since the establishment of the Fund. Restitution not to exceed \$25,000 shall be paid to the estate of victims killed as a result of crimes committed by persons who have been enrolled in the Witness Security Program if such crimes were committed prior to enactment of P.L. 98-473. The Department paid \$22,500 from this program in FY 2006 and 2007. No costs are anticipated for this program in FY 2011 and FY 2012.

Planned Base Initiative:

- To provide compensation to those individuals, or, in the case of death, to the individual's estate, who are victimized by a protected witness.

**D. Private Counsel**

<i>Private Counsel</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			7,000
2013 Enacted			7,000
2014 Current Services			7,000
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			7,000
<b>Total Change 2013-2014</b>			<b>0</b>

Base Program Description:

This activity provides funding to allow the Department to retain outside private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties. As provided for under 28 C.F.R. 50.15 and 50.16, the Civil Division is delegated the authority to retain such counsel and further provided that payments for such services will be payable from the Department of Justice appropriations.

Planned Base Initiatives:

- To continue to defend Federal employees personally sued for carrying out official duties. To retain private counsel to represent Government officers and employees who are sued for actions taken while performing their official duties.

### **E. Superior Court Informant Program**

<i>Superior Court Informant Program</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			0
2013 Enacted			0
2014 Current Services			0
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			0
<b>Total Change 2013-2014</b>			0

#### **Base Program Description:**

This program provides for funding for the protective services offered to the District of Columbia Superior Court witnesses. Specifically, funding is provided for subsistence expenses; travel; temporary relocation and other miscellaneous expenses. Funding in 1996 was provided from available balances. All participants have already converted to the Witness Security Program (WSP). No one has entered this short term program in four years. Due to the lack of activity in this program, previously available funding has been moved into the allotment for Protection of Witnesses where SCIP funding originated.

### **F. Alternative Dispute Resolution**

<i>Alternative Dispute Resolution</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			1,300
2013 Enacted			1,300
2014 Current Services			1,300
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			1,300
<b>Total Change 2013-2014</b>			0

#### **Base Program Description:**

Alternative Dispute Resolution (ADR) encompasses a wide range of problem-solving and conflict management techniques including mediation, early neutral evaluation, arbitration and mini-trials. ADR processes offer the opportunity to settle pending civil litigation in ways that can be more efficient than unassisted negotiations, and on terms that can be more advantageous to the parties. According to the National Performance Review, ADR can enhance the public's access to justice by reducing delays and costs associated with government litigation. ADR can provide quick solutions in government disputes which, in turn, produce savings in interest payments on outstanding debts that the government owes in cases in litigation. ADR can provide quick solutions in government disputes which, in turn, produce savings in interest payments on outstanding debts that the government owes in cases in litigation. ADR can provide flexibility,

creativity, and control that lawyers and clients do not enjoy in litigation. Moreover, ADR often produces better, more comprehensive long-term solutions to problems.

Planned Base Initiatives:

- To attempt resolution of civil disputes and litigation by using professional services of a mediator, arbitrator or other alternative dispute resolution provider.
- To provide funding to pay the Government’s share of the costs incurred during ADR proceedings.

**G: Foreign Counsel**

<i>Foreign Counsel</i>	<b>Perm. Pos.</b>	<b>FTE</b>	<b>Amount</b>
2012 Enacted			3,417
2013 Enacted			3,417
2014 Current Services			3,417
2014 Program Increases			0
2014 Program Offsets			0
2014 Request			3,417
<b>Total Change 2013-2014</b>			<b>0</b>

Base Program Description:

This activity provides funding to allow the Department to retain outside foreign 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 of Justice appropriations.

Planned Base Initiatives:

- To continue to defend Federal employees personally sued for carrying out official duties. To retain foreign counsel to represent Government officers and employees who are sued for actions taken while performing their official duties in a foreign country.

## **V. Program Increases by Item**

**A. Item Name:** **Alternate Safe Site and Orientation Center**

Budget Decision Unit(s): Not Applicable

Strategic Goal(s) & Objective(s): 1.1 Prevent, disrupt and defeat terrorist operations before they occur  
1.2 Prosecute those involved in terrorist acts  
2.4 Combat corruption, economic crimes, and international organized crime  
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

Organizational Program: Witness Security Program

Component Ranking of Item: Not Applicable

Program Increase: Positions 0 Agt/Atty 0 FTE 0 Dollars \$20,000,000

### **Description of Item**

The USMS requests \$20,000,000 from the Fees and Expenses of Witnesses (FEW) account to fund site preparation, design, and construction of an Alternate Safe Site and Orientation Center (ASSOC) to process new witnesses into the Witness Security Program.

### **Justification**

In July 2006, the USMS identified and highlighted operational security risks relating to the integrity, security, and location identity of the Witness Security Program's (WSP) sole orientation center. The original Safe Site and Orientation Center (SSOC) has been heavily trafficked because it has been processing witness security cases in the same region for over twenty years since its construction in the 1980s. Subsequently, a working group was formed to evaluate the operational and administrative requirements for the development and construction of an Alternate Safe Site and Orientation Center (ASSOC). This group identified that building an alternate site would allow the USMS to change the location of witness in-processing to ensure the continuity of security within the Witness Security Program. Further, a new site would provide much needed modern technological updates and more space for record storage. The government estimated cost for design and construction of a 15,000 square foot facility is estimated at \$20,000,000 which includes: \$2,000,000 for site design; \$4,000,000 for site preparation and road relocation; and \$14,000,000 for turnkey construction to include all furnishings and security. The estimated annual recurring costs are: \$780,000 for security, \$540,000 for cleaning and maintenance, and \$475,000 for rent and utilities.

The USMS proposes the construction of a new ASSOC for the witness protection program by using current funding and anticipated recoveries within the appropriation via a phased building approach over multiple fiscal years and requiring only one year of appropriations language change for the \$10 million construction cap as outlined below:

- **FY 2013: Building Design, site preparation, and road relocation.** Appropriations construction cap remains \$10 million as submitted in the President's Budget. An increased allocation of funds to address other areas of witness protection is estimated to be \$5 million above the FY 2012 allocation of \$38.8 million (current services of \$43.8 million) in order to fund the initial round of construction needs as well as all other areas of the Witness Security Program.
- **FY 2014: Construction of Building.** Appropriations language change of an additional \$6 million for construction (total of \$16 million) proposed to fully fund building the facility. Allocation of an additional \$12 million above the FY 2012 allocation of \$38.8 million is estimated as needing to fund construction and other needs for the program.
- **FY 2015: Build Out complete and security.** Appropriations language construction cap reverts to \$10 million. Estimated need of an additional \$3 million above the FY 2012 allocation of \$38.8 million will be required to fund this phase and other needs of the program.

The USMS will work directly with DOJ Budget Staff in this project construction to ensure the continuity, security, and financial solvency of the witness security program remains intact. The new facility will improve security of the witness protection program, be funded through existing resources, and include needed technological updates and additional space for record storage as part of witness protection.

**Impact on Performance (Relationship of Increase to Strategic Goals and Priority)**

This initiative supports the FY 2012-2016 DOJ Strategic Goal and Objectives under Goal 1: Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law. Within Goal 1 it supports objective (1.1) Prevent, disrupt and defeat terrorist operations before they occur and Objective (1.2) Prosecute those involved in terrorist acts. The initiative also supports Goal 2: Prevent Crime, Protect the Rights of the American People, and Enforce federal Law and Objective (2.4) Combat corruption, economic crimes, and international organized crime. Finally, the initiative supports Goal 3: Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and international Levels and Objective (3.2) Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.

The USMS supports these objectives through the administration of the federal Witness Security Program and the DOJ prosecution of criminal organizations involved in organized crime, international and national terrorism. Building an additional processing facility will ensure greater protection of witnesses entering the Witness Security Program with multiply locations available, making it difficult for outside sources to target specific clients and cases when there is more than one option for processing. A high security processing facility will enhance the DOJ ability to prosecute high threat terrorist, organized crime and international organized crime.

## Funding

### Base Funding

FY 2012 Enacted				FY 2013 President's Budget Request				FY 2014 Current Services			
Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)	Pos	Agt	FTE	\$(000)
0	0	0	\$38,805	0	0	0	\$38,805	0	0	0	\$38,805

### Personnel Increase Cost Summary

Type of Position	Modular Cost per Position (\$000)	Number of Positions Requested	FY 2014 Request (\$000)	FY 2015 Net Annualization (change from 2014) (\$000)	FY 2016 Net Annualization (change from 2015) (\$000)
Total Personnel	\$0	0	\$0	\$0	\$0

### Non-Personnel Increase Cost Summary

Non-Personnel Item	Unit Cost	Quantity	FY 2014 Request (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Design of Site	\$2,000	1	\$2,000	(\$2,000)	\$0
Site Prep/Road Relocation	\$4,000	1	\$4,000	(\$4,000)	\$0
Construction	\$14,000	1	\$14,000	(\$14,000)	\$0
Recurring - Security				\$780	\$0
Recurring - Maintenance				\$540	\$0
Recurring - Rent				\$475	\$0
Total Non-Personnel			\$20,000	(\$18,205)	\$0

### Total Request for this Item

	Pos	Agt	FTE	Personnel (\$000)	Non-Personnel (\$000)	Total (\$000)	FY 2015 Net Annualization (Change from 2014) (\$000)	FY 2016 Net Annualization (Change from 2015) (\$000)
Current Services	0	0	0	\$0	\$38,805	\$38,805	\$0	\$0
Increases	0	0	0	\$0	\$20,000	\$20,000	(\$18,205)	\$0
Grand Total	0	0	0	\$0	\$58,805	\$58,805	(\$18,205)	\$0

## VII. EXHIBITS

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**B. Summary of Requirements**

**Summary of Requirements**  
 Fees and Expenses of Witnesses  
 Salaries and Expenses  
 (Dollars in Thousands)

	FY 2014 Request		
	Direct Pos.	Estimate FTE	Amount
<b>2012 Enacted</b>	0	0	270,000
<b>Total 2012 Enacted (with Balance Rescission)</b>	0	0	270,000
<b>2013 Continuing Resolution</b>	0	0	270,000
<b>Total Technical and Base Adjustments</b>	0	0	0
<b>2014 Current Services</b>	0	0	270,000
<b>Program Changes</b>			
Increases:			
USMS Alternative Site Orientation Center	0	0	[6,000]
Subtotal, Increases	0	0	[6,000]
<b>Total Program Changes</b>	0	0	[6,000]
<b>2014 Total Request (with Balance Rescission)</b>	0	0	270,000
2012 - 2014 Total Change	0	0	0

Note: There are no FTE associated with the FEW appropriation.

**B. Summary of Requirements**

**Summary of Requirements**  
 Fees and Expenses of Witnesses  
 Salaries and Expenses  
 (Dollars in Thousands)

Program Activity	2012 Appropriation Enacted			2013 Continuing Resolution *			2014 Technical and Base Adjustments			2014 Current Services		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Fees and Expenses for Witnesses	0	0	214,622	0	0	214,622	0	0	0	0	0	214,622
Protection of Witnesses	0	0	43,661	0	0	43,661	0	0	0	0	0	43,661
Victim Compensation	0	0	0	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	7,000	0	0	7,000	0	0	0	0	0	7,000
Superior Court Informant	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	1,300	0	0	1,300	0	0	0	0	0	1,300
Foreign Counsel	0	0	3,417	0	0	3,417	0	0	0	0	0	3,417
<b>Total Direct</b>	<b>0</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
Balance Rescission			0			0			0			0
Total Direct with Rescission			270,000			270,000			0			270,000
Reimbursable FTE		0			0			0			0	
Total Direct and Reimb. FTE		0			0			0			0	
Other FTE:												
LEAP		0			0			0			0	
Overtime		0			0			0			0	
Grand Total, FTE		0			0			0			0	

Program Activity	2014 Increases			2014 Offsets			2014 Request		
	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount	Direct Pos.	Est. FTE	Amount
Fees and Expenses for Witnesses	0	0	0	0	0	0	0	0	214,622
Protection of Witnesses	0	0	[6,000]	0	0	0	0	0	43,661
Victim Compensation	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	0	0	0	0	0	0	7,000
Superior Court Informant	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	0	0	0	0	0	0	1,300
Foreign Counsel	0	0	0	0	0	0	0	0	3,417
<b>Total Direct</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
Balance Rescission			0			0			0
Total Direct with Rescission			0			0			270,000
Reimbursable FTE		0			0			0	
Total Direct and Reimb. FTE		0			0			0	
Other FTE:									
LEAP		0			0			0	
Overtime		0			0			0	
Grand Total, FTE		0			0			0	

\*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101(c)).

C. Program Changes by Decision Unit

**FY 2014 Program Increases/Offsets by Decision Unit**

Fees and Expenses of Witnesses

Salaries and Expenses

(Dollars in Thousands)

Program Increases	Location of Description by Program Activity	Protection of Witnesses				Total Increases			
		Direct Pos.	Agt./ Atty.	Est. FTE	Amount	Direct Pos.	Agt./ Atty.	Est. FTE	Amount
USMS Alternative Orientation Site		0	0	0	[6,000]	0	0	0	[6,000]
<b>Total Program Increases</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>[6,000]</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>[6,000]</b>

D. Resources by DOJ Strategic Goal and Strategic Objective

Resources by Department of Justice Strategic Goal/Objective

Fees and Expenses of Witnesses

Salaries and Expenses

(Dollars in Thousands)

Strategic Goal and Strategic Objective	2012 Appropriation Enacted		2013 Continuing Resolution *		2014 Current Services		2014 Increases		2014 Offsets		2014 Total Request	
	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount	Direct/ Reimb FTE	Direct Amount
<b>Goal 1 Prevent Terrorism and Promote the Nation's Security Consistent with the Rule of Law</b>												
1.1 Prevent, disrupt, and defeat terrorist operations before they occur.	0	0	0	0	0	0	0	0	0	0	0	0
1.2 Prosecute those involved in terrorist acts.	0	0	0	0	0	0	0	0	0	0	0	0
1.3 Combat espionage against the United States.	0	0	0	0	0	0	0	0	0	0	0	0
<b>Subtotal, Goal 1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Goal 2 Prevent Crime, Protect the Rights of the American People, and enforce Federal Law</b>												
2.1 Combat the threat, incidence, and prevalence of violent crime.	0	0	0	0	0	0	0	0	0	0	0	0
2.2 Prevent and intervene in crimes against vulnerable of violent crim	0	0	0	0	0	0	0	0	0	0	0	0
2.3 Combat the threat, trafficking, and use of illegal drugs and the div	0	0	0	0	0	0	0	0	0	0	0	0
2.4 Combat corruption, economic crimes, and international organized crime.	0	0	0	0	0	0	0	0	0	0	0	0
2.5 Promote and protect Americans' civil rights.	0	0	0	0	0	0	0	0	0	0	0	0
2.6 Protect the federal fisc and defend the interests of the United Sta	0	0	0	0	0	0	0	0	0	0	0	0
<b>Subtotal, Goal 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Goal 3 Ensure and Support the Fair, Impartial, Efficient, and Transparent Administration of Justice at the Federal, State, Local, Tribal and International Levels.</b>												
3.1 Promote and Strengthen relationship and strategies for the administration of justice with state, local, tribal and international law enforcement.	0	0	0	0	0	0	0	0	0	0	0	0
3.2 Protect judges, witnesses, and other participants in federal proceedings; apprehend fugitives; and ensure the appearance of criminal defendants for judicial proceedings or confinement.	0	270,000	0	270,000	0	270,000	0	[6,000]	0	0	0	270,000
3.3 Provide for the safe, secure, humane, and cost-effective confinement of detainees awaiting trial and/or sentencing, and those of the custody of the Federal Prison System.	0	0	0	0	0	0	0	0	0	0	0	0
3.4 Adjudicate all immigration cases promptly and impartially in accordance with due process.	0	0	0	0	0	0	0	0	0	0	0	0
<b>Subtotal, Goal 3</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>[6,000]</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
<b>TOTAL</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>[6,000]</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>270,000</b>

**Note:** Excludes Balance Rescission and/or Supplemental Appropriations.

\*The 2013 Continuing Resolution includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).

F. Crosswalk of 2012 Availability

**Crosswalk of 2012 Availability**

Fees and Expenses of Witnesses  
Salaries and Expenses  
(Dollars in Thousands)

Program Activity	2012 Appropriation Enacted w/o Balance Rescission			Balance Rescission			Reprogramming/Transfers			Carryover	Recoveries/ Refunds	2012 Actual		
	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Direct Pos.	Actual FTE	Amount	Amount	Amount	Direct Pos.	Actual FTE	Amount
Fees and Expenses for Witnesses	0	0	214,622	0	0	0	0	0	0	63,540	26,796	0	0	304,958
Protection of Witnesses	0	0	43,661	0	0	0	0	0	0	26,344	11,110	0	0	81,115
Victim Compensation	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	7,000	0	0	0	0	0	0	2,454	1,035	0	0	10,489
Superior Court Informant	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	1,300	0	0	0	0	0	0	40	17	0	0	1,357
Foreign Counsel	0	0	3,417	0	0	0	0	0	0	0	0	0	0	3,417
<b>Total Direct</b>	<b>0</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>92,378</b>	<b>38,958</b>	<b>0</b>	<b>0</b>	<b>401,336</b>
Reimbursable FTE		0			0			0					0	
Total Direct and Reimb. FTE		0			0			0					0	
Other FTE:														
LEAP		0			0			0					0	
Overtime		0			0			0					0	
Grand Total, FTE		0			0			0					0	

**Carryover:**

The FEW appropriation had \$92,378,000 in carryover at the start of FY 2012. These funds will be available for obligation until expended.

**Recoveries/Refunds:**

FEW had \$38,958,000 in prior year recoveries. These funds will be made available in subsequent fiscal years until expended.

G. Crosswalk of 2013 Availability

**Crosswalk of 2013 Availability**  
 Fees and Expenses of Witnesses  
 Salaries and Expenses  
 (Dollars in Thousands)

Program Activity	FY 2012 Appropriation Enacted			2013 Supplemental Appropriation Amount	2013 Reprogramming/Transfers			2013 Carryover Amount	2013 Recoveries/Refunds Amount	2013 Availability		
	Direct Pos.	Estim. FTE	Amount		Direct Pos.	Estim. FTE	Amount			Direct Pos.	Estim. FTE	Amount
Fees and Expenses for Witnesses	0	0	214,622	0	0	0	0	122,126	5,467	0	0	342,215
Protection of Witnesses	0	0	43,661	0	0	0	0	50,635	2,267	0	0	96,563
Victim Compensation	0	0	0	0	0	0	0	0	0	0	0	0
Private Counsel	0	0	7,000	0	0	0	0	4,717	211	0	0	11,928
Superior Court Informant	0	0	0	0	0	0	0	0	0	0	0	0
Alternative Dispute Resolution	0	0	1,300	0	0	0	0	74	2	0	0	1,376
Foreign Counsel	0	0	3,417	0	0	0	0	4	1	0	0	3,422
<b>Total Direct</b>	<b>0</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>177,556</b>	<b>7,948</b>	<b>0</b>	<b>0</b>	<b>455,504</b>
Balance Rescission			0									0
Total Direct with Rescission			270,000									455,504
Reimbursable FTE		0				0		0			0	
Total Direct and Reimb. FTE		0				0		0			0	
Other FTE:												
LEAP		0				0		0			0	
Overtime		0				0		0			0	
Grand Total, FTE		0				0		0			0	

**Carryover:**

The FEW appropriation had a carryover of \$177,556,000 in FY 2013. This amount is inclusive of an increased appropriation in FY 2011 to \$270 million while obligation rates have not materialized as anticipated to meet this increase.

**Recoveries/Refunds:**

In the first quarter of FY 2013, \$7,948,000 was recovered from prior year obligations. These funds will remain available for subsequent obligation until used.

L. Summary of Requirements by Object Class

Summary of Requirements by Object Class

Fees and Expenses of Witnesses

Salaries and Expenses

(Dollars in Thousands)

Object Class	2012 Actual		2013 Availability *		2014 Request		Increase/Decrease	
	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount	Direct FTE	Amount
11.1 Full-Time Permanent	0	0	0	0	0	0	0	0
11.3 Other than Full-Time Permanent	0	0	0	0	0	0	0	0
11.5 Other Personnel Compensation	0	0	0	0	0	0	0	0
<i>Overtime</i>	0	0	0	0	0	0	0	0
<i>Other Compensation</i>	0	0	0	0	0	0	0	0
11.8 Special Personal Services Payments	0	201,377	0	243,565	0	243,565	0	0
<b>Total</b>	<b>0</b>	<b>201,377</b>	<b>0</b>	<b>243,565</b>	<b>0</b>	<b>243,565</b>	<b>0</b>	<b>0</b>
<b>Other Object Classes</b>								
12.0 Personnel Benefits		14		15		15		0
13.0 Benefits for former personnel		0		0		0		0
21.0 Travel and Transportation of Persons		11,330		13,330		13,330		0
22.0 Transportation of Things		0		0		0		0
23.1 Rental Payments to GSA		0		0		0		0
23.2 Rental Payments to Others		0		0		0		0
23.3 Communications, Utilities, and Miscellaneous Charges		0		0		0		0
24.0 Printing and Reproduction		0		0		0		0
25.1 Advisory and Assistance Services		1,363		2,000		2,000		0
25.2 Other Services from Non-Federal Sources		0		0		0		0
25.3 Other Goods and Services from Federal Sources		2,317		3,000		3,000		0
25.4 Operation and Maintenance of Facilities		0		0		0		0
25.5 Research and Development Contracts		0		0		0		0
25.6 Medical Care		165		200		200		0
25.7 Operation and Maintenance of Equipment		26		40		40		0
25.8 Subsistence and Support of Persons		6,419		7,000		7,000		0
26.0 Supplies and Materials		550		600		600		0
31.0 Equipment		220		250		250		0
32.0 Land and Structures		0		0		0		0
41.0 Grants, Subsidies, and Contributions		0		0		0		0
42.0 Insurance Claims and Indemnities		0		0		0		0
<b>Total Obligations</b>		<b>223,781</b>		<b>270,000</b>		<b>270,000</b>		<b>0</b>
Subtract - Unobligated Balance, Start-of-Year		-92,378		-177,556		0		177,556
Subtract - Transfers/Reprogramming		0		0		0		0
Subtract - Recoveries/Refunds		-38,959		-7,948		0		7,948
Add - Unobligated End-of-Year, Available		177,556		280,358		0		-280,358
Add - Unobligated End-of-Year, Expiring		0		0		0		0
<b>Total Direct Requirements</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>364,854</b>	<b>0</b>	<b>270,000</b>	<b>0</b>	<b>-94,854</b>
<b>Reimbursable FTE</b>								
Full-Time Permanent	0		0		0		0	
23.1 Rental Payments to GSA (Reimbursable)		0		0		0		0
25.3 Other Goods and Services from Federal Sources - DHS Security (Reimbursable)		0		0		0		0

\*The 2013 Availability includes the 0.612% funding provided by the Continuing Appropriations Resolution, 2013 (P.L. 112-175, Section 101 (c)).