



## Fees and Expenses of Witnesses (FEW)

FY 2023 Budget Request At A Glance	
FY 2022 President's Budget:	\$270.0 million
Current Services Adjustments:	+\$0
Program Changes:	+\$0
FY 2023 Budget Request:	\$270.0 million
Change From FY 2022 President's Budget:	+\$0

**Mission:**

The mission of the Department's Fees and Expenses of Witnesses (FEW) account 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:**

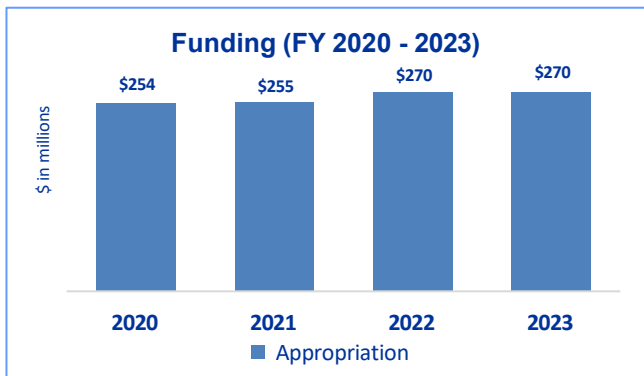
The FEW appropriation is centrally managed by the Justice Management Division's Budget Staff, and funds are predominantly allocated to the General Legal Activities components and the Executive Office for U.S. Attorneys for expert witnesses that provide technical or scientific testimony. Funds are also provided for fact witnesses who testify to events or facts of personal knowledge. Per statute, fact witnesses are paid a rate of \$40 per day, plus travel and other costs associated with their appearance. Additionally, funds are provided for the Protection of Witnesses program for the security of Federal Government witnesses or potential Federal Government witnesses, and their families when their testimony may jeopardize their personal security.

**Resources:**

The FY 2023 budget request for FEW totals \$270.0 million, which is the same as FY 2022 President's Budget and FY 2022 Enacted.

**Personnel:**

There are no authorized positions associated with this appropriation.



**FY 2023 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.

It 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 U.S. 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 2023 Program Changes:**

No program changes are requested.

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

	Fees and Expenses of Witnesses		
	Pos	FTE	Amount
<b>2021 Appropriation</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
2021 Sequester Cut	0	0	-15,390
<b>2021 Enacted with Rescissions</b>	<b>0</b>	<b>0</b>	<b>254,610</b>
<b>2022 President's Budget</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
<b>2023 Request</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
<b>Change 2023 from 2022 President's Budget</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Technical Adjustments</b>			
<b>Total Technical Adjustments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Base Adjustments</b>			
<b>Total Base Adjustments</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>2023 Current Services</b>	<b>0</b>	<b>0</b>	<b>270,000</b>
<b>Program Changes</b>			
Increases:	0	0	0
Subtotal, Program Increases	<b>0</b>	<b>0</b>	<b>0</b>
Decreases:	0	0	0
Subtotal, Program Decreases	<b>0</b>	<b>0</b>	<b>0</b>
Total Program Changes	<b>0</b>	<b>0</b>	<b>0</b>
<b>2023 Request</b>	<b>0</b>	<b>0</b>	<b>270,000</b>

**Fees and Expenses of Witnesses**

(Dollars in Thousands)

Comparison by activity and program	2022 President's Budget			2023 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	47,099	0	0	47,099
Fees and Expenses of Witnesses	0	0	205,351	0	0	205,351
Private Counsel	0	0	6,075	0	0	6,075
Foreign Counsel	0	0	8,833	0	0	8,883
Alternative Dispute Resolution	0	0	2,592	0	0	2,592
<b>Total</b>	0	0	270,000	0	0	270,000

Comparison by activity and program	2023 Total Program Changes			2023 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	0	0	0	47,099
Fees and Expenses of Witnesses	0	0	0	0	0	205,351
Private Counsel	0	0	0	0	0	6,075
Foreign Counsel	0	0	0	0	0	8,883
Alternative Dispute Resolution	0	0	0	0	0	2,592
<b>Total</b>	0	0	0	0	0	270,000