



Fees and Expenses of Witnesses (FEW)

FY 2025 Budget Request At A Glance

FY 2024 Continuing Resolution:	\$254.6 million
Current Services Adjustments:	+\$15.4 million
Program Changes:	+\$50.0 million
FY 2025 Budget Request:	\$320.0 million
Change From FY 2024 Continuing Resolution:	+\$65.4 million (+25.7%)

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:

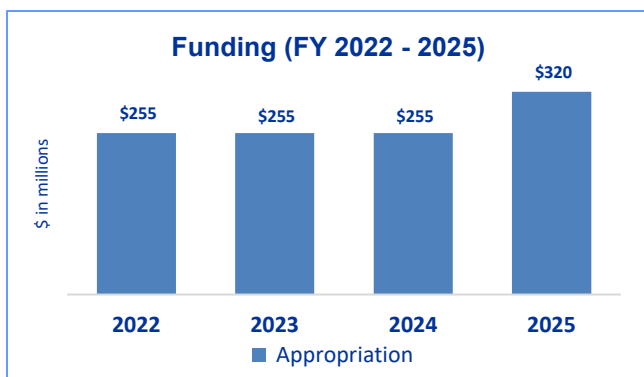
The FEW appropriation is centrally managed by the Justice Management Division's Budget Staff, and funds are predominantly allocated to the General Legal Activities components, the Executive Office for U.S. Attorneys, and the Antitrust Division for expert witnesses that provide technical or scientific 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. Funds are also used for expert witnesses who provide technical or scientific testimony, and to compensate physicians and psychiatrists. Additionally, funds are provided for the Protection of Witnesses program for the security of Government witnesses or potential Government witnesses, and their families when their testimony may jeopardize their personal security.

Resources:

The FY 2025 budget request for FEW totals \$320.0 million, which is a 25.7 percent increase over the FY 2024 Continuing Resolution.

Personnel:

There are no authorized positions associated with this appropriation.



FY 2025 Strategy:

The FEW appropriation provides 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 are used to guarantee the rights of accused persons to a fair and impartial trial to ensure that they are 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 for daily and travel expense (28 U.S.C. §1821). These authorized expenses are set by regulation governing official travel by Federal employees (Public Law 96-346 (September 10, 1980))

The Protection of Witnesses program provides funds to ensure the safety of government witnesses and their families. It covers a range of their daily needs, health care, moving costs, travel, and, if necessary, a change of identity. It also funds secure facilities for witnesses during trials. This Order places with the U.S. Marshals Service the responsibility for the security of these witnesses and their families (Department of Justice Offices, Boards and Divisions Order 2110.2 "Witness Protection and Maintenance Policy and Procedures").

The Private Counsel activity provides funding to retain outside counsel to represent Government officers and employees who are sued while performing their official duties. The Civil Division is delegated the authority to retain such counsel (Per 28 C.F.R. 50.15 and 50.16).

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 and to cover civil litigation by or against the United States and civil matters not otherwise assigned. The Civil Division is delegated the authority to retain such counsel (28 C.F.R. §0.46).

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 is used by the Attorney General to compensate individuals victimized by individuals under witness protection. The act also authorizes payment to the estate of any individual whose death was caused by a protected witness, if before the enactment of this law (Title II of P. L. 99-88).

FY 2025 Program Changes:

Expert Witness Program: \$50.0 million and 0 positions
The Department is requesting an increase for the FEW account for the expert witness program, due to an increase in the volume and complexity of casework. This program increase will allow the FEW account to continue to support a higher volume of expert witness needs and a growing number of high profile cases within the Department.

The United States Attorneys are one of the largest users of the FEW account. The United States Attorneys have seen an increase in the complexity of cases that directly correlates to the need for expert witnesses with an increased level of knowledge, experience, training, or education in their respective fields of expertise in providing testimony on behalf of the Federal Government.

The Antitrust Division (ATR) is litigating a historically large number of criminal and civil cases. In FY 2023, ATR conducted 154 grand jury investigations, the most in 30 years, and obtained 28 criminal convictions, including the first Section 2 criminal monopolization conviction in approximately 50 years. As a result of increased litigation, the Division's use of expert witnesses and consulting firms has also risen to ensure the Department has the expertise and analysis needed to successfully challenge certain anticompetitive conduct.

Lastly, the Civil Division (CIV) has several cases that have required a significant level of FEW resources, and will do so for the foreseeable future. The requirements of the Camp Lejeune Justice Act /PACT Act litigation and the Vaccine program will likely increase dramatically in coming years. Current services for the FEW program overall are \$270.0 million.

Fees and Expenses of Witnesses
(Dollars in Thousands)

	Fees and Expenses of Witnesses		
	Pos	FTE	Amount
2023 Appropriation	0	0	270,000
2023 Sequester Cut	0	0	-15,390
2023 Enacted with Rescissions	0	0	254,610
2024 Continuing Resolution	0	0	270,000
2024 Sequester Cut	0	0	-15,390
2024 Continuing Resolution with Rescissions	0	0	254,610
2025 Request	0	0	320,000
Change 2025 from 2024 Continuing Resolution	0	0	65,390
Technical Adjustments			
Restoration of Rescission	0	0	15,390
Total Technical Adjustments	0	0	15,390
Base Adjustments			
Total Base Adjustments	0	0	0
2025 Current Services	0	0	270,000
Program Changes			
Increases:			
Expert Witness Program	0	0	50,000
Subtotal, Program Increases	0	0	50,000
Decreases:			
Subtotal, Program Decreases	0	0	0
Total Program Changes	0	0	50,000
2025 Request	0	0	320,000

Fees and Expenses of Witnesses
(Dollars in Thousands)

Comparison by activity and program	2024 Continuing Resolution			2025 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	42,083	0	0	42,900
Fees and Expenses of Witnesses	0	0	195,977	0	0	209,531
Private Counsel	0	0	5,729	0	0	6,089
Foreign Counsel	0	0	8,377	0	0	8,979
Alternative Dispute Resolution	0	0	2,444	0	0	2,501
Total	0	0	254,610	0	0	270,000

Comparison by activity and program	2025 Total Program Changes			2025 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	0	0	0	42,900
Fees and Expenses of Witnesses	0	0	50,000	0	0	259,531
Private Counsel	0	0	0	0	0	6,089
Foreign Counsel	0	0	0	0	0	8,979
Alternative Dispute Resolution	0	0	0	0	0	2,501
Total	0	0	50,000	0	0	320,000