



Fees and Expenses of Witnesses (FEW)

FY 2022 Budget Request At A Glance	
FY 2021 Enacted:	\$254.6 million
Current Services Adjustments:	+\$15.4 million
Program Changes:	+\$0
FY 2022 Budget Request:	\$270.0 million
Change From FY 2021 Enacted:	+\$15.4 million (+6.0%)

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:

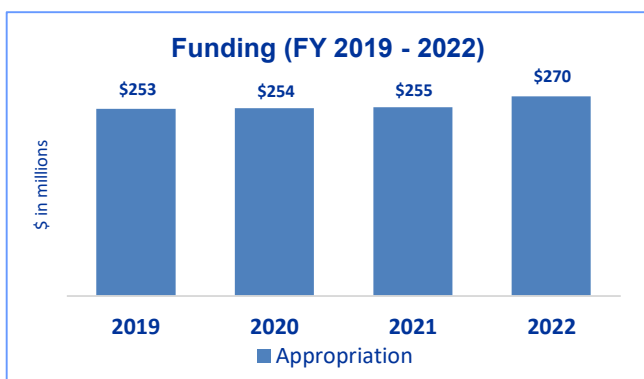
The FEW appropriation is centrally managed by the Justice Management Division's Budget Staff, and funds are predominantly allocated to the General Legal Activities components and the Executive Office for U.S. Attorneys for expert witnesses that provide technical or scientific testimony. Funds are also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

Resources:

The FY 2022 budget request for FEW totals \$270.0 million, which is a six percent increase over the FY 2021 Enacted.

Personnel:

There are no authorized positions associated with this appropriation.



FY 2022 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 2022 Program Changes:

No program changes are requested.

Fees and Expenses of Witnesses
(Dollars in Thousands)

	Fees and Expenses of Witnesses		
	Pos	FTE	Amount
2020 Appropriation	0	0	270,000
2020 Sequester Cut	0	0	-15,930
2020 Enacted with Rescissions	0	0	254,070
2021 Enacted	0	0	270,000
2021 Sequester Cut	0	0	-15,930
2021 Enacted with Rescissions	0	0	254,610
2022 Request	0	0	270,000
Change 2022 from 2021 Enacted	0	0	15,390
Technical Adjustments			
FY2021 Sequester Available in FY2022	0	0	15,390
Total Technical Adjustments	0	0	15,390
Base Adjustments			
Total Base Adjustments	0	0	0
2022 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
2022 Request	0	0	270,000

Fees and Expenses of Witnesses
(Dollars in Thousands)

Comparison by activity and program	2021 Enacted			2022 Current Services		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	38,643	0	0	39,117
Fees and Expenses of Witnesses	0	0	199,417	0	0	213,314
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	2022 Total Program Changes			2022 Request		
	Pos.	FTE	Amount	Pos.	FTE	Amount
Protection of Witnesses	0	0	0	0	0	39,117
Fees and Expenses of Witnesses	0	0	0	0	0	213,314
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	0	0	0	270,000