

# United States Senate

WASHINGTON, DC 20510

May 9, 2024

The Honorable Chris Van Hollen  
Chair  
Subcommittee on Financial Services and  
General Government  
Senate Committee on Appropriations  
Washington, DC 20510

The Honorable Bill Hagerty  
Ranking Member  
Subcommittee on Financial Services and  
General Government  
Senate Committee on Appropriations  
Washington, DC 20510

Dear Chair Van Hollen and Ranking Member Hagerty:

As you consider the Fiscal Year 2025 Financial Services and General Government Appropriations bill, we write respectfully to request full funding for Defender Services.

The Federal Defender Services program ensures access to counsel and other necessary defense services for those who cannot afford counsel. The Sixth Amendment to the U.S. Constitution guarantees the right to an attorney in criminal proceedings, and the Criminal Justice Act provides that courts appoint counsel from Federal public and community defender organizations or from a panel of private attorneys established by the court.

Underfunded federal defender offices jeopardize indigent defendants' constitutional right to effective assistance of counsel. According to the Ad Hoc Committee to Review the Criminal Justice Act, 90 percent of defendants in federal court cannot afford to hire their own attorney.

The Federal Defender Services program ensures the successful operation of the constitutionally-based adversarial system of justice by which Federal criminal laws and federally guaranteed rights are enforced. To maintain public confidence in our Nation's commitment to equal justice under the law, we must continue to invest in the Federal Defender Services program.

In FY24, Defender Services was appropriated \$1.45 billion, and in FY25, the Judiciary is requesting \$1.69 billion. This essential funding supports the 4,420 attorneys, investigators, paralegals, and support personnel throughout the 82 federal defender organizations serving 92 of 94 judicial districts, as well as the Criminal Justice Act (CJA) contracted panel attorneys who represent indigent individuals when federal defenders are unable to do so due to conflicts of interest or other reasons. The proposed increase will address inflationary costs, long-deferred necessary upgrades in IT and infrastructure, and additional federal public defenders to account for rising caseloads.

Funding for Federal Defender Services is both critical to ensure access to counsel and cost effective. An overwhelming majority of federal defender budgets are dedicated to personnel and space, leaving limited funds available for other case essentials.

The program also saves money. Given the constitutional right to counsel regardless of ability to pay, courts who do not have federal defenders must employ private CJA attorneys, often at a higher cost to the taxpayer.

During the FY24 budget cycle, Defender Services narrowly avoided a funding shortfall that would have caused public defender layoffs and deferred payments to CJA panel attorneys. Thankfully, Congress acted to provide sufficient funds to avoid layoffs and end a hiring freeze that had caused a significant number of positions to go unfilled. For FY25, the Judiciary has submitted an appropriate request that should be fully funded this budget cycle.

We thank you for your past support of strong funding for the Defender Services program, and we urge you to include full funding for federal defenders in the FY25 Financial Services and General Government Appropriations bill. Thank you for your attention to this matter.

Sincerely,



Peter Welch  
United States Senator



Jon Ossoff  
United States Senator



Richard J. Durbin  
United States Senator



Kevin Cramer  
United States Senator



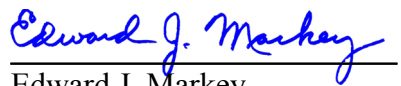
Raphael Warnock  
United States Senator



Robert P. Casey, Jr.  
United States Senator



Tim Kaine  
United States Senator

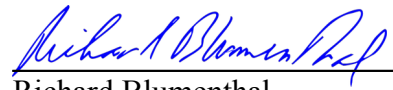


Edward J. Markey  
United States Senator



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Cory A. Booker  
United States Senator



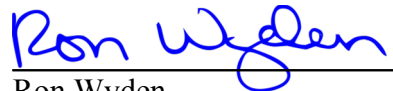
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Richard Blumenthal  
United States Senator



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Tammy Duckworth  
United States Senator



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Ron Wyden  
United States Senator



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Christopher A. Coons  
United States Senator



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Benjamin L. Cardin  
United States Senator



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Mazie K. Hirono  
United States Senator



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Alex Padilla  
United States Senator



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Sheldon Whitehouse  
United States Senator



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Tammy Baldwin  
United States Senator



Bernard Sanders  
United States Senator



Tina Smith  
United States Senator



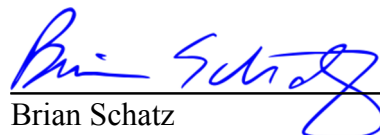
Martin Heinrich  
United States Senator



Amy Klobuchar  
United States Senator



Sherrod Brown  
United States Senator



Brian Schatz  
United States Senator



Michael F. Bennet  
United States Senator



Raphael Warnock  
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Elizabeth Warren  
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