

December 19, 2025

Hon. Susan Collins  
Chair  
Senate Committee on Appropriations

Hon. Patty Murray  
Vice Chair  
Senate Committee on Appropriations

Hon. Bill Hagerty  
Chair  
Senate Committee on Appropriations  
Subcommittee on Financial Services  
and General Government

Hon. Jack Reed  
Ranking Member  
Senate Committee on Appropriations  
Subcommittee on Financial Services  
and General Government

Hon. Tom Cole  
Chair  
House Committee on Appropriations

Hon. Rosa DeLauro  
Ranking Member  
House Committee on Appropriations

Hon. David Joyce  
Chair  
House Committee on Appropriations  
Subcommittee on Financial Services  
and General Government

Hon. Steny Hoyer  
Ranking Member  
House Committee on Appropriations  
Subcommittee on Financial Services  
and General Government

**Re: Defender Services budget**

Dear Chair Collins, Vice Chair Murray, Chair Hagerty, Ranking Member Reed, Chair Cole, Ranking Member DeLauro, Chair Joyce and Ranking Member Hoyer:

The undersigned organizations are deeply concerned about the destructive impact of insufficient funding allocated for the federal public defense system. This system is already in crisis due to prior decisions to underfund and cut its budget. To avoid even greater harms to the entire federal criminal justice system, we are asking that you ensure that the Defenders Services Office receives full funding at \$1.76 billion for FY 2026.

In March 2025, Congress approved a FY25 spending bill that froze judicial branch funding at 2024 levels. This caused a substantial funding shortfall for federal public defense, resulting in two major harms:

- (1) Perpetuating hiring freezes for Federal Defender Offices; and
- (2) Running out of funding to pay CJA Panel attorneys for work they had already done.

For nearly two years federal public defender offices have been unable to replace departing staff members, leaving their offices severely understaffed. Further undermining the system, on July 3, nearly 3 months before the rest of the federal

government shut down, funds allocated for the CJA panel attorney budget were exhausted. For more than a third of a year, thousands of court-appointed lawyers, investigators, paralegals, and other support professionals remained unpaid for their work. These individuals, who are overwhelmingly solo practitioners or employed in small firms, struggled, and sometimes failed, to stay afloat.<sup>1</sup> As a result cases were delayed, leaving victims, defendants, and the community in limbo.

While the November 12 continuing resolution included an anomaly for Defender Services so they could pay the panel members funds owed for their 2025 work, it did not forestall the dire consequences facing the system as a result of another shortfall in FY26. The House of Representatives' committee-passed FSGG budget for FY26 would fund Defender Services at a level of \$1.56 billion.<sup>2</sup> If this version passes, next year will bring even greater difficulties, with CJA panel funding projected to be depleted sooner than it was in 2025 (likely sometime in the Spring) and defender offices potentially having to engage in significant layoffs.

The resulting chaos will be magnified by the Department of Justice's ongoing decisions to shift greater resources to investigation and prosecution of federal cases, with prosecutors receiving clear directives to "pursue the most serious, readily provable offense,"<sup>3</sup> including increasing use of the death penalty.<sup>4</sup> With most Americans lacking sufficient savings and resources to hire counsel for these complex and serious cases, nearly 90% of individuals charged with federal crimes rely on court-appointed lawyers. Defendants sentenced for federal offenses are disproportionately people of color compared with the larger U.S. population.<sup>5</sup> In 2024 nearly 50% of defendants were Hispanic, over 24% were Black and 21% were white.<sup>6</sup> The continual funneling of additional resources, staffing, and focus on federal arrests and criminal prosecutions, while simultaneously flatlining the defense budget, as the House has proposed to do, will widen the already substantial gap between prosecution and defense resources and ultimately push the system over the brink.

Defender offices, already operating with the lowest staffing since tracking began, will be forced to turn down cases. CJA panel attorneys, having already endured months without pay, will be unable to continue, let alone expand their federal caseloads. The

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<sup>1</sup> National Association of Criminal Defense Lawyers, [The Impact of Criminal Justice Act Payment Delays](#) (Oct. 2025).

<sup>2</sup> The continuing resolution signed into law on November 12, 2025, funded Defender Services at a rate of \$1.56 billion through January 30, 2026. See H. R. 5731, The Continuing Appropriations, Agriculture, Legislative Branch, Military Construction, and Veterans Affairs, and Extensions Act, 2026, at Sec. 144.

<sup>3</sup> Attorney General Pam Bondi, "General Policy Regarding Charging, Plea Negotiations, and Sentencing," Feb. 5, 2025.

<sup>4</sup> Exec. Order 14164, *Restoring the Death Penalty and Protecting Public Safety* (Jan. 20, 2025).

<sup>5</sup> Angelica Menchaca, Bev Pratt, Eric Jensen & Nicholas Jones, *Examining the Racial and Ethnic Diversity of Adults and Children*, U.S. Census Bureau (May 22, 2023), <https://www.census.gov/newsroom/blogs/random-samplings/2023/05/racial-ethnic-diversity-adults-children.html>.

<sup>6</sup> See [2024 U.S. Sentencing Commission Sourcebook of Federal Sentencing Statistics](#), *Race of Sentenced Individuals by Type of Crime Fiscal Year 2024* (Table 5).

resulting shortage of available defense lawyers and professional staff will result in extensive case delays, creating financial, administrative, and personal harms.

Our federal criminal legal system cannot be sustained unless all components – prosecution, judiciary, and defense – receive adequate and stable funding. As members of both parties have recognized, ensuring full funding of federal public defense is not discretionary – it is a foundational obligation that safeguards fairness, strengthens trust in our justice system, and upholds the rule of law for every American.<sup>7</sup>

We urge you to work with your colleagues to provide full funding for our federal public defense system at \$1.76 billion.

Sincerely,

National Association of Criminal  
Defense Lawyers

American Civil Liberties Union

Americans for Prosperity

Due Process Institute

Drug Policy Alliance

FAMM

Gideon's Promise

The Innocence Project

Justice Action Network

NAACP Legal Defense and Educational  
Fund, Inc. (LDF)

National Association for Public Defense

National Legal Aid and Defender  
Association

Organization of Exonerees

Responsible Business Initiative for  
Justice

The Sentencing Project

Tzedek Association

Unify.US

### **State Organizations**

#### **Alaska**

Alaska Association of Criminal Defense  
Lawyers

#### **Arizona**

Arizona Justice Project

#### **California**

California Attorneys for Criminal Justice  
Loyola Project for the Innocent

#### **Colorado**

Colorado Criminal Defense Bar

#### **Florida**

Florida Association of Criminal Defense  
Lawyers

#### **Georgia**

Georgia Association of Criminal Defense  
Lawyers

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<sup>7</sup> Indeed, during the House markup, two Republicans voted in favor of an amendment to provide full funding for Defender Services. See also [American Legislative Exchange Council, Resolution in Support of Public Defense](#) (2019).

**Illinois**

Illinois Association of Criminal Defense  
Lawyers  
Center on Wrongful Convictions

**Indiana**

Exoneration Justice Clinic

**Maine**

Maine Association of Criminal Defense  
Lawyers

**Maryland**

Maryland Criminal Defense Attorneys'  
Association

**Massachusetts**

New England Innocence Project

**Michigan**

Criminal Defense Attorneys of Michigan  
Cooley Innocence Project

**Missouri**

Midwest Innocence Project

**Montana**

Montana Innocence Project

**New York**

New York State Association of Criminal  
Defense Lawyers

**North Carolina**

North Carolina Advocates for Justice  
Innocence & Justice Clinic, Wake Forest  
University

**Oregon**

Oregon Criminal Defense Lawyers  
Association

**Pennsylvania**

Pennsylvania Association of Criminal  
Defense Lawyers

**Tennessee**

Tennessee Association of Criminal  
Defense Lawyers

**Texas**

Texas Criminal Defense Lawyers  
Association

**Vermont**

Vermont Association of Criminal  
Defense Attorneys

**Virginia**

Virginia Association of Criminal Defense  
Lawyers

**Washington**

Washington Association of Criminal  
Defense Lawyers  
Washington Innocence Project