



Legislative Fiscal Bureau

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July 24, 2023

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Paper for the Committee's July 25, 2023, Meeting Under S. 13.10

Attached is a memorandum from Anne Sappenfield, Director of the Legislative Council, regarding a proposed plan of settlement for cases submitted to the Committee by the Department of Justice.

The meeting will be held on Tuesday, July 25, in Room 412 East, State Capitol, beginning at 9:00 a.m.

BL/lb
Attachment

Wisconsin Legislative Council



Anne Sappenfield
Director

TO: MEMBERS, JOINT COMMITTEE ON FINANCE

FROM: Anne Sappenfield, Director

RE: Department of Justice Proposed Plan of Settlement

DATE: July 25, 2023

This memorandum summarizes a proposed plan of settlement that the Department of Justice (DOJ) submitted to the Joint Committee on Finance (JCF) pursuant to s. 165.08 (1), Stats., in a letter dated July 18, 2023. DOJ seeks approval of the following proposed plan of settlement.

CALIFORNIA V. BIDEN—AGENDA ITEM I

DOJ is seeking to file a motion for voluntary dismissal of *California v. Biden*, along with several other states. The dismissal involves a number of cases that were commenced in 2019 and 2020, relating to federal funds that were diverted to construct physical barriers along the southern border of the United States. These funds had been appropriated to state National Guard units, military construction projects, and law enforcement, including counterdrug activities. Included in the moneys diverted was \$8 million appropriated to the Wisconsin National Guard to construct a small arms range near Truax Field.

The diversion of funds was found to be unlawful by a federal district court, affirmed by the U.S. Court of Appeals for the Ninth Circuit. However, enforcement of an injunction was stayed by the U.S. Supreme Court, pending appeal.

In 2021, President Biden issued an executive order directing the relevant federal agencies to halt construction of physical barriers using funding that was at issue in the cases. The Supreme Court granted a motion by the federal government to vacate the judgment and remand the cases for further proceedings before the district court.

Among other items in the settlement for voluntary dismissal, the funding for the Wisconsin National Guard to construct a small arms range is restored.

Please let me know if I can provide any further assistance.

AS:ksm