



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

July 2, 2007

S. 456

Gang Abatement and Prevention Act of 2007

As ordered reported by the Senate Committee on the Judiciary on June 14, 2007

SUMMARY

S. 456 would authorize the appropriation of \$849 million over the 2008-2012 period, nearly \$170 million annually, for Department of Justice (DOJ) programs to investigate and prosecute criminal street gangs and to prevent gang activity. In addition, CBO estimates that the bill would authorize the appropriation of about \$550 million over the 2008-2012 period for programs to protect witnesses of crimes and for other crime-prevention activities. The bill also would establish new federal offenses and increase penalties for criminal activities committed by street gangs.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 456 would cost \$1.1 billion over the 2008-2012 period. The bill could affect direct spending and revenues, but CBO estimates that any such effects would not be significant.

S. 456 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). State and local governments would benefit from the authorization of funds for certain programs to reduce participation in criminal street gangs; any costs to those governments would be incurred voluntarily.

S. 456 would impose a private-sector mandate, as defined in UMRA, on certain persons who have been convicted in any court of a misdemeanor gang-related offense or have been found to be in contempt of a gang injunction order within the last five years. The bill would make it unlawful for such persons to ship, transport, possess, or receive a firearm or ammunition. CBO expects that the direct cost of complying with the mandate would fall well below the annual threshold established by UMRA (\$131 million for private-sector mandates in 2007, adjusted annually for inflation).

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 456 is shown in the following table. The costs of this legislation fall within budget functions 750 (administration of justice) and 800 (general government).

	By Fiscal Year, in Millions of Dollars					
	2007	2008	2009	2010	2011	2012
SPENDING SUBJECT TO APPROPRIATION^a						
Spending Under Current Law for Programs Authorized by S. 456						
Budget Authority ^b	267	0	0	0	0	0
Estimated Outlays	239	133	62	27	0	0
Proposed Changes:						
DOJ Gang Programs						
Authorization Level	0	170	170	170	170	170
Estimated Outlays	0	71	124	152	161	170
Short-Term Witness Protection						
Estimated Authorization Level	0	45	46	48	50	51
Estimated Outlays	0	32	39	35	49	50
Witness Protection Grants						
Authorization Level	0	90	90	90	0	0
Estimated Outlays	0	20	47	65	59	43
Other Programs						
Estimated Authorization Level	0	32	3	3	2	2
Estimated Outlays	0	8	12	10	6	5
Total Changes						
Estimated Authorization Level	0	337	309	311	222	223
Estimated Outlays	0	109	206	260	267	267
Spending Under S. 456						
Estimated Authorization Level	267	337	309	311	222	223
Estimated Outlays	239	242	268	287	267	267

a. In addition to the amounts shown above, enacting S. 456 also could affect revenues and direct spending, but CBO estimates that any such effects would not be significant in any year.

b. The 2007 level is the amount appropriated for that year for the programs authorized by S. 456.

BASIS OF ESTIMATE

For this estimate, CBO assumes that the bill will be enacted near the beginning of fiscal year 2008. CBO estimates that implementing S. 456 would cost \$1.1 billion over the 2008-2012 period, assuming appropriation of the necessary funds. We also estimate that enacting the bill could increase both direct spending and revenues, but any such effects would not be significant in any year.

Spending Subject to Appropriation

For this estimate, CBO assumes that the necessary amounts will be appropriated for each fiscal year and that spending will follow the historical spending patterns for these or similar activities.

DOJ Gang Prevention Programs. S. 456 would authorize the appropriation of \$169.8 million annually over the 2008-2012 period for gang-prevention programs, including:

- \$75 million annually for the Attorney General to establish teams of federal, state, and local law enforcement agents to investigate and prosecute criminal street gangs in selected areas considered to be “high-intensity gang activity areas” and for additional federal attorneys and staff to handle gang-related criminal cases;
- \$35 million annually for grants to state, local, and tribal governments and private-sector entities for gang-prevention programs;
- \$20 million annually for the Attorney General to expand the Project Safe Neighborhoods program, which directs United States Attorneys to investigate and prosecute criminal street gangs;
- \$10 million annually to expand the Safe Streets program of the Federal Bureau of Investigation to assist investigations of criminal street gangs;
- \$20 million annually for grants to state, local, and tribal prosecutors and law enforcement agencies to combat violent crime;
- \$4.8 million annually for grants to state, local, and tribal governments and nonprofit agencies for programs to combat juvenile delinquency; and
- \$5 million annually for grants to public and nonprofit agencies for innovative programs to reduce gang activity.

Short-Term Witness Protection. Section 308 would direct the U.S. Marshals Service to provide protection for witnesses in state and local trials involving homicide or other major violent crimes. CBO assumes that this program would be structured to provide short-term protection to such witnesses similar to the current state and local protection programs and that the program would be focused on witnesses from larger cities with violent crime rates above the national average. Based on information from DOJ, CBO estimates that implementing this provision would cost \$215 million over the 2008-2012 period, subject to appropriation of the necessary funds. The costs of this program may be higher or lower depending on the number of state and local governments that could participate and would choose to do so.

Witness Protection Grants. Section 308 would authorize the appropriation of \$90 million a year over the 2008-2010 period for DOJ to make grants to state and local governments to identify witnesses in need of protection and to provide such protection if necessary. Funding received from this program may also be used to reimburse U.S. Marshals if a state or local government chooses to have protection provided by the federal government. Based on the historical performance of other DOJ grant programs, CBO estimates that implementing this provision would cost \$234 million over the 2008-2012 period, subject to appropriation of the specified funds.

Other Programs. CBO estimates that S. 456 would authorize the appropriation of about \$40 million over the 2008-2012 period for other crime prevention programs. The bill would authorize the appropriation of \$18 million for grants to public and private entities for innovative crime- and delinquency-prevention programs, \$6.5 million for training state and local prosecutors at the National Advocacy Center, and \$5 million for a commission on public safety.

S. 456 also would expand the National Youth Anti-Drug Media Campaign. That program delivers anti-drug messages through mass communications to help prevent and reduce youth drug use. The bill would add the prevention of youth heroin use, including “cheese heroin” (a combination of heroin and certain over-the-counter cold medications) which is primarily aimed at grade school children. Based on information from the Office of National Drug Control Policy (ONDCP), CBO estimates that adding a specific and targeted youth heroin campaign would cost about \$2 million annually.

Direct Spending and Revenues

S. 456 would establish new and increased criminal penalties for various crimes involving criminal street gangs. Thus, the federal government might collect additional fines if the bill is enacted. Collections of criminal fines (recorded as revenues) are deposited in the Crime Victims Fund and later spent. CBO expects that any additional revenues and direct spending would not be significant.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

This bill contains no intergovernmental mandates as defined in UMRA. Assuming appropriation of the authorized amounts, state and local law enforcement and prosecutors could receive up to \$450 million in federal assistance over the next five years to combat gang activity; any costs to those governments would be incurred voluntarily. Those governments also would benefit from expanded programs of the Federal Bureau of Investigation and the United States Attorneys to identify and prosecute criminal street gangs.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

S. 456 would impose a private-sector mandate, as defined in UMRA, on certain persons who have been convicted in any court of a misdemeanor gang-related offense or have been found by any court to be in contempt of a gang injunction order within the last five years. The bill would make it unlawful for such persons to ship, transport, possess, or receive a firearm or ammunition in interstate or foreign commerce. A “misdemeanor gang-related offense” means an offense that has as an element the membership of the defendant in a criminal street gang. The term “gang injunction order” means a court order that names the defendant as a member of a criminal street gang and restrains the defendant from associating with other gang members. Based on information from government sources, CBO estimates that the direct cost of complying with the mandate would fall well below the annual threshold (\$131 million for private-sector mandates in 2007, adjusted annually for inflation).

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