

Congress of the United States
Washington, DC 20515

May 15, 2009

The Honorable Alan Mollohan
Chairman
Subcommittee on Commerce, Justice, Science
Committee on Appropriations
H-309 Capitol

The Honorable Frank Wolf
Ranking Member
Subcommittee on Commerce, Justice, Science
Committee on Appropriations
1016 Longworth HOB

Dear Chairman Mollohan and Ranking Member Wolf:

We are writing to ask for your strong support for the State Criminal Alien Assistance Program (SCAAP) and respectfully request that you restore full funding for SCAAP in Fiscal Year 2010. We are extremely concerned over the elimination of SCAAP in the President's Fiscal Year 2010 budget request.

As you know, SCAAP is a program which reimburses states for the costs of incarcerating undocumented criminal aliens. Under the law that created SCAAP, the federal government is required to take all criminal aliens into federal custody. If that is not possible, which has been the case since the program was created, the law calls for compensation of state and local government incarceration costs.

The Government Accountability Office has determined that states spend more than \$1.7 billion each year to incarcerate criminal aliens, and Congress has only reimbursed about 20 percent of these local expenditures over the years. As you know, in the Fiscal Year 2009 Omnibus Appropriations Act, SCAAP was funded at the level of \$400 million.

The difference between actual expenditures and the SCAAP reimbursement level is particularly dramatic for California, which has the largest number of incarcerated undocumented criminal aliens of any state in the nation. The cost to California alone is estimated at nearly \$1 billion. At a time when California is experiencing unprecedented budget challenges, California taxpayers should not be burdened with funding the incarceration of these criminal aliens who, by law, are the responsibility of the federal government.

We cannot afford to eliminate vital funding that already falls far short of what states and local governments spend to incarcerate undocumented criminal aliens. Without such funding, the burden will result in cuts to many of our local law enforcement agencies including sheriffs, police officers, anti-gang violence units, and district attorney offices.

In his justification for proposing no funding for SCAAP, the President has instead suggested a comprehensive border enforcement strategy that supports resources for a more robust approach to enforcement along our nation's borders. This proposal, which includes an increase in funding for Border Patrol agents, Immigration and Customs Enforcement programs, and resources for the Department of Homeland Security on the Southwest Border, may be well meaning, but it is not a

solution for the ongoing funding problems caused by the cost of incarcerating criminal aliens who are already in our state's jail systems.

By law, it is the responsibility of the federal government to provide funding for SCAAP. We are committed to funding this program, and we therefore urge you to restore full funding for SCAAP in Fiscal Year 2010. Thank you for your continued efforts with regard to SCAAP funding and we look forward to working with you to restore this funding.

Sincerely,

Michael McCord Ch Schiff Jerry Lewis

Lois Capps Joretta Parker Ed Royce

Howard P. Buckle Lynn Woolsey Ben Blum

Joe Bon Har. A. Waxman GEORGE MILLER

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