

Congresswoman Linda T. Sánchez
Opening Statement
Markup up of H.R. 1512,
***The SCAAP Reimbursement Protection Act of
2007***

Thank you, Mr. Chairman.

It is the Federal government's responsibility to pay the costs related to incarcerating undocumented criminals. Recognizing this responsibility, Congress has passed various versions of reimbursement programs to help pay for the costs of incarcerating criminal aliens. One of the first programs was created in the Immigration Reform and Control Act of 1986. Congress passed the current form of the State Criminal Alien Assistance Program (SCAAP) in 1994, explicitly allowing localities to be reimbursed.

The purpose of the program was to reimburse states and localities for the arrest, incarceration, and transportation costs associated with criminal aliens. Without SCAAP, state and local budgets would be overwhelmed by costs that are the federal government's responsibility.

In 2003, the Department of Justice (DOJ) reinterpreted the SCAAP statute in a way that caused a drastic drop in every state's reimbursement. Now states no longer receive reimbursement unless 1) the criminal alien is convicted of a felony or two misdemeanors; and 2) the arrest and conviction occurred in the same fiscal year.

This reinterpretation resulted in a *severe* cut in the reimbursement received for incarcerating and processing criminal aliens!

This funding cut has had a devastating effect on public safety. Every dollar reduction in SCAAP reimbursement means a dollar less to spend on essential public safety services. For example, following SCAAP funding cuts in 2003, the LA County Sheriff's Department implemented a new "early release" policy for inmates convicted of misdemeanors. This means the neighborhoods I represent are at risk. It is far better for criminals serve their full sentences.

Facing limited resources, local governments may choose to scale back or cut other programs altogether simply to afford to keep criminal aliens incarcerated. These programs include anti-gang activities, homicide investigations, anti-terrorism activities and even basic police patrols. Some counties have even been faced with having to cut services like libraries, flood prevention, and social service programs for abused children and women.

H.R. 1512 would amend the SCAAP statute so that states and localities can be reimbursed for the cost of incarcerating aliens who are either “charged with or convicted” of a felony or two misdemeanors - - just like it was before the DOJ’s reinterpretation in 2003.

This bill would return the SCAAP statute back to the original congressional intent which – to quote from the Judiciary Committee report of August 1, 1994 – “was clearly established during the debate... as both chambers considered IRCA...[to] provide for Federal reimbursement to States for the costs of incarcerating criminal aliens.”¹

¹ House Report 103-645 (August 1, 1994).

This bill is all the more important because SCAAP is already being drastically under-funded. For the last six years the President has zeroed out SCAAP in his budget proposal. Fortunately, Congress has fought – in a bi-partisan manner – to at least partially fund this program. However, states and localities are still only getting pennies back on every dollar they spend.

I am the first to recognize that there may be only a few things that my colleagues on the other side of the aisle and I agree about regarding immigration policy. However, I believe that helping our state and local law enforcement is one of them. I know we all came here to help, not hurt, our communities. And this bill gives us a chance to work together to achieve a victory for our local governments back home.

Until the Federal government can come up with an effective immigration policy, every effort should be made to ensure that state and local governments do not continue to unfairly shoulder the burden of paying for costs associated with our failure to secure our borders.

For all of these reasons, this bi-partisan bill has been endorsed by the National Sheriffs' Association, California State Association of Counties (CSAC), the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs' Association, the Los Angeles County Sheriff Lee Baca, and the Sheriffs' Association of Texas. Mr. Chairman, I respectfully request that their letters of support be submitted for the record.

I urge my colleagues to consider the purpose of this program – to help give our state and local law enforcement agencies the tools necessary to keep our communities safe.

Thank you, I yield back the remainder of my
time.