



Senate Approves Feinstein Bill to Reimburse States for  
Incarcerating Criminal Illegal Immigrants  
May 23, 2005

**Washington, DC** – The United States Senate today unanimously approved legislation sponsored by U.S. Senator Dianne Feinstein (D-Calif.) and Senator Jon Kyl (R-Arizona) to reauthorize the State Criminal Alien Assistance Program (SCAAP), which reimburses states and localities for the costs of incarcerating undocumented criminal aliens.

Cosponsors of this legislation include Charles Schumer (D-N.Y.), Kay Bailey Hutchison (R-Texas), Barbara Boxer (D-Calif.), Lamar Alexander (R-Tenn.), Dick Durbin (D-Ill.), Maria Cantwell (D-Wash.), Jeff Bingaman (D-N.M.), John McCain (R-Ariz.), John Cornyn (R-Texas), Frank Lautenberg (D-N.J.), George Allen (R-Va.), Larry Craig (R-Idaho), Mike Crapo (R-Idaho), Pete Domenici (R-N.M.), Bill Nelson (D-Fla.) and Arlen Specter (R-Penn.).

**“I am delighted that the Senate has passed this legislation to reimburse states for the costs they incur to incarcerate undocumented criminal aliens,”** Senator Feinstein said. **“Illegal immigration is the responsibility of the Federal government. States and localities have shouldered the burden of paying to incarcerate illegal alien criminals for too long. The passage of this legislation will help ensure that the Federal government fulfills its responsibility to pay for incarcerating these individuals.”**

Enacted as part of the Crime Act of 1994, SCAAP provided states between \$250 million and \$585 million in reimbursement funding annually from 1996 to 2005.

For the past four years, however, the Bush Administration has proposed no funding for SCAAP and Congress has only provided a fraction of the amount requested by states. In the past three years, Congress has approved the following amounts for SCAAP:

- \$250 million for 2003,
- \$296.8 million for 2004, and
- \$305 million for 2005.

It is estimated that states incur approximately \$13 billion in criminal justice costs each year for housing undocumented criminal aliens.

In addition, the Government Accountability Office released a report showing that California and three other states have been reimbursed less than 25 percent for SCAAP in recent years. The report shows that in FY 2003 California spent \$635 million and received only \$77 million from the Federal government, and in FY 2002 California spent \$510 million and received only \$66 million from the Federal government.

The SCAAP authorization expired in October 2004. Under this bipartisan legislation, the program would be restored and funding would be authorized at the following levels:

- \$750 million in Fiscal Year 2006
- \$850 million in Fiscal Year 2007
- \$950 million in Fiscal Years 2008 through 2011.

Earlier this year, the Senate also approved a nonbinding amendment to the FY 2006 budget resolution expressing the sense of the Senate that the budget resolution should accommodate an appropriation of \$750 million for SCAAP for fiscal year 2006 and reauthorize the program long-term.

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