



CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

December 7, 2007

H.R. 1512

A bill to amend the Immigration and Nationality Act to provide for compensation to states incarcerating undocumented aliens charged with a felony or two or more misdemeanors

As ordered reported by the House Committee on the Judiciary on October 24, 2007

H.R. 1512 would direct the Government Accountability Office to prepare a report each year on the costs to states and localities to incarcerate undocumented aliens charged with certain offenses. CBO estimates that the report would cost less than \$1 million annually from appropriated funds. Enacting the bill would not affect direct spending or revenues. H.R. 1512 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

H.R. 1512 also would modify the State Criminal Alien Assistance Program (SCAAP), a grant program administered by the Department of Justice (DOJ). Under SCAAP, DOJ may reimburse states and localities for costs to incarcerate undocumented aliens who have been convicted of certain crimes. H.R. 1512 would allow jurisdictions to apply for reimbursement when such aliens have been charged with those offenses.

Current law authorizes the appropriation of \$950 million annually over the 2008-2011 period for SCAAP. For fiscal year 2007, the authorization level for the program was \$850 million, and the Congress appropriated about \$400 million. In 2007, however, states and localities applied to SCAAP for reimbursements totaling over \$950 million.

Because H.R. 1512 would not change the current authorization levels for SCAAP and would not affect DOJ's current reimbursement policy, CBO estimates that the proposed changes to that program would have no cost to the federal government. Implementing this legislation probably would increase total applications for reimbursement under the program. DOJ's current policy, however, is to approve reimbursements to states for the costs of persons who have been incarcerated for at least four consecutive days. We expect that few individuals who have not been convicted of crimes would be held for that long.

The CBO staff contact for this estimate is Mark Grabowicz. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.