

State Criminal Alien Assistance Program (SCAAP) Supporting Statement for Paperwork Reduction Act

A. JUSTIFICATION

1. Necessity of Information: In response to the Violent Crime Control and Law Enforcement Act of 1994 Section 130002(b) as amended in 1996, the Office of Justice Programs' (OJP) Bureau of Justice Assistance (BJA) administers the State Criminal Alien Assistance Program (SCAAP) with the U.S. Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security (DHS). SCAAP provides federal payments to states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the designated reporting period.

SCAAP is governed by Section 242 of the Immigration and Nationality Act, 8 U.S.C. § 1231(i), as amended, and Title II, Subtitle C, Section 20301, Violent Crime Control and Law Enforcement Act of 1994, Public Law 103-322.

This is a continuous annual collection.

2. Purpose for Use: This application form will be completed and submitted by each eligible state, local, or tribal agency that has authority over correctional facilities and incurred costs related to detaining certain categories of undocumented criminal aliens and the costs associated with the housing said aliens covered by the SCAAP law. BJA will use the information to calculate payment information to reimburse agencies based on eligibility.

The Department of Justice Reauthorization Act of 2005 (Public Law 109-162, Title XI) included the following requirement regarding the use of SCAAP funds:
"Amounts appropriated pursuant to the authorization of appropriations in paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for the following correctional purposes:

- Salaries for corrections officers
- Overtime costs
- Corrections work force recruitment and retention
- Construction of corrections facilities
- Training/education for offenders
- Training for corrections officers related to offender population management
- Consultants involved with offender population
- Medical and mental health services
- Vehicle rental/purchase for transport of offenders
- Prison Industries
- Pre-release/reentry programs

Technology involving offender management/interagency information sharing
Disaster preparedness continuity of operations for corrections facility

3. Use of Information Technology: The application process is managed using OJP's secure online application system: the [Grants Management System \(GMS\)](#). Prospective applicants apply using this electronic paperless system available at <https://grants.ojp.usdoj.gov/>

4. Identification of Duplication: The information collected is specific to SCAAP as administered by BJA.

5. Impact on Small Businesses or Other Entities: This information is to be collected only from states and localities that incurred correctional officer salary costs for incarcerating undocumented criminal aliens with at least one felony or two misdemeanor convictions for violations of state or local law, and who are incarcerated for at least 4 consecutive days during the designated reporting period.

There is no impact on small businesses or other entities as they are not eligible to apply.

6. Consequences if Collection is not Conducted: If information is not collected, BJA will not be able work with DHS to determine eligibility, document applications, show disbursement of funds, demonstrate how appropriated funds were spent, nor demonstrate compliance with the imposed Act.

7. Special Circumstances: There are no special circumstances that would require the applicant to provide information under any of the described methods.

8. Federal Register Publication and Consultation: OJP has solicited public comments on the data collection per OMB specifications. The 60-day and 30-day Federal Register notices were published to inform and solicit comments from the public. OJP received no comments. If comment(s) are pertinent, they will be incorporated into the online application.

9. Payment to Respondents: There are no payments or gifts provided to the respondents.

10. Assurance of Confidentiality: OJP does not disclose any information which may compromise law enforcement activities nor investigation or is otherwise required by law to be kept confidential. OJP is compliant with 28 C.F.R. 22, which protects confidentiality of identifiable and statistical information and is committed to keeping a system of records that is consistent with the regulations of the Privacy Act.

11. Questions of a Sensitive Nature: No sensitive questions are asked of the respondents.

12. Estimates of the Hour Burden: On average there are 800 respondents responding to the questions. The application process takes approximately 90 minutes to gather all the required information and 30 minutes to complete the form. Actual preparation time is dependent on size of the jurisdiction, the number of correctional officers, and the number of inmate records.

$$800 \times 120 \text{ minutes} = 96,000/60 = 1,600 \text{ burden hours}$$

13. Estimate of the Total Annual Cost Burden: There is no cost to the respondents.

14. Estimates of Annualized Cost to the Federal Government: The estimated annualized cost of the federal government for a GS-0303-13 to review, compile, and process the 800 forms at 60 minutes per form is projected as follows:

$$800 \text{ responses} \times 60 \text{ minutes} = 48,000 \text{ minutes}/60 \text{ minutes per hour} = 800 \text{ hours}$$

$$800 \times \$63.73 \text{ (Average hourly wage of 47.21 plus 35\% fringe benefit rate)}$$

15. Program Changes or Adjustments: This is a revision of a previously approved information collection. The number of eligible applicants applying for payments has increased.

16. Publishing Information: There are no plans to publish a report of this information.

17. Approval for not Displaying OMB Approval: No approval is requested.

18. Certification Statement for Paperwork Reduction Act Submission: See attached Certification Statement.

B. STATISTICAL METHODS

Statistical methods will not be used in this information collection.