

**National Conference of State Legislatures
The U.S. Conference of Mayors
National Association of Counties
National League of Cities**

February 10, 2015

The Honorable John Boehner
Speaker
U.S. House of Representatives
H-232 The Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
H-204 The Capitol
Washington, DC 20510

RE: Immigration Enforcement Legislation

Dear Speaker Boehner and Minority Leader Pelosi:

As the national associations representing state and local government elected officials, we urge you to refrain from introducing immigration enforcement legislation that improperly places the responsibility for civil immigration law enforcement on state and local police. In the 113th Congress, the above organizations opposed H.R. 2278, the “Strengthen and Fortify Enforcement Act” (SAFE Act). The legislation wrongly relieved the federal government of its mandate to enforce civil immigration laws and shifted both the responsibility and the cost of civil immigration enforcement to state and local governments. Our organizations maintain that if legislation similar to H.R. 2278 becomes law, it will burden states and localities with excessive costs, place new federal responsibilities on the shoulders of state and local law enforcement without the benefit of adequate training, and preempt state and local law.

Strengthening enforcement of our nation’s borders should be a key component of legislation to comprehensively reform national immigration policy. Enforcement must be clear, balanced, predictable, non-discriminatory, fully funded and consistent. It must rely on an appropriate division of responsibilities based on historical enforcement activities and workloads.

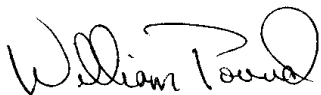
Shifting the federal responsibility of enforcing civil immigration law to state and local governments, for which the previous legislation called, would divert critical resources from state and local law enforcement agencies and would compromise public safety. This shift would hinder state and local law enforcement efforts to work with immigrant communities in preventing and solving crimes. Because of the complexities of immigration law, this legislation would also increase complaints of racial profiling, and exposed governments to increased liability from the very communities that they serve.

We have experienced the adverse impact of woefully underfunded federal criminal justice support aimed at assisting state and local governments, such as with the State Criminal Alien Assistance Program (SCAAP). H.R. 2278 contained no clear appropriation for SCAAP. States and localities already are only reimbursed at the anemic rate of 18 cents for every dollar spent incarcerating criminal aliens. It is anticipated that if states must also incarcerate aliens for violations of federal civil immigration laws, that cost will rise even higher. While the previous legislation contemplated that the Department of Homeland Security would provide grants to states and localities to offset the costs of enforcing federal immigration laws, in this era of dwindling federal, this seems unrealistic. Our associations are therefore appropriately concerned that legislation similar to H.R. 2278 will not provide sufficient funds to implement new responsibilities given the current budget climate.

Enforcement of federal immigration laws is a federal responsibility and should remain so with the exception of the Memorandum of Understanding (MOU) process, which gives states and localities the option to enter into a voluntary formal agreement with the U.S. Department of Homeland Security. When training under the MOU process is fully funded by the federal government, we view this as a viable way to give communities the choice of whether local enforcement of federal immigration laws is appropriate for them.

We recognize the challenges facing our country in matters relating to immigration. It is critical that we address both the security and economic needs of states and communities while acknowledging our history as a nation of immigrants. We believe that immigration reform must be comprehensive in nature and requires an intergovernmental partnership because state and local governments share the burden of a broken immigration system. We welcome the opportunity to continue working with you to achieve comprehensive immigration reform.

Sincerely,



William T. Pound
Executive Director
National Conference of State Legislatures (NCSL)



Tom Cochran
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