



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

February 23, 2016

The Honorable John A. Culberson  
Chairman  
Subcommittee on Commerce, Justice,  
Science and Related Agencies  
Committee on Appropriations  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Culberson:

Thank you for your letter dated February 1, 2016, regarding the allocation of resources in the enforcement of existing federal law, specifically regarding the grant application process for state and local law enforcement agencies.

Your letter correctly states that “[a] statutory requirement of the Byrne JAG program is for applicants to certify that they are in compliance with ‘applicable federal laws,’” and goes on to ask that we “apply the same standard to the Community Oriented Policing Services (COPS) program and the State Criminal Alien Assistance Program (SCAAP).” We can advise that all applicants for Byrne JAG, COPS, and SCAAP funds already are required to assure and certify that they are in compliance with all applicable federal laws, and will continue to be required to do so in FY2016 (and presumably thereafter). Where the Department of Justice (the Department) receives a credible allegation that an entity receiving funds under a Department grant or reimbursement program has, after assuring or certifying compliance with applicable federal laws, violated a specific applicable federal law, the Department can potentially seek criminal or civil enforcement options against the entity.

In addition, we are actively considering ways in which we may most effectively carry out our public safety mission as it regards enforcing the nation’s criminal and immigration laws. In an effort to ensure that criminal aliens are not improperly released onto American streets, we have implemented new procedures when federal inmates with Immigration and Customs Enforcement (ICE) detainees are released from Bureau of Prisons (BOP) custody. Now, BOP offers ICE, instead of the states and municipalities, the first opportunity to take into custody and remove an individual. ICE’s decision to exercise this right of first refusal is informed, in part, by the state or municipality’s willingness to cooperate with federal authorities on ICE detainees. Thus far, we are pleased with the way in which the new policy is being implemented and are happy to share further developments with you in the coming weeks and months. We are grateful for your and the Committee’s support for the Department in the pursuit of our shared goal of protecting and serving the American people.

The Honorable John A. Culberson  
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We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional information regarding this or any other matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "PK" followed by a horizontal line and the word "for".

Peter J. Kadzik  
Assistant Attorney General

cc: The Honorable Mike Honda  
Ranking Member