

Restriction on use of SCAAP payment; associated records

As a matter of federal law, a "State" or "unit of local government" that receives a payment under the FY 2017 program must use the payment "only for correctional purposes." See 8 U.S.C. § 1231(i)(6).

"Correctional purposes." With respect to a "State" or "[unit of local government](#)," use of a SCAAP payment for "correctional purposes" means—

- Use of the funds to pay any cost reasonably attributable to that government's operation of a "[correctional facility](#)" for its own use, such as—
 - Salaries and wages paid to employees who work primarily and directly in the "correctional facility" (*regardless* of whether those employees are "[correctional officers](#)")
 - Costs of employment benefits provided to (or on behalf of) employees who work directly in and for the "correctional facility"
 - The reasonably allocable portion of the salaries, wages, and benefits paid to employees who, although not primarily and directly working in and for the "correctional facility," provide necessary services either to the correctional facility (e.g., administrative support) or to the individuals "incarcerated" in the correctional facility (e.g., medical care, transportation)
 - Repair, maintenance, and "overhead" (e.g., utilities) costs reasonably attributable to operation of the "correctional facility."
- Use of the funds for payments to a "[contract correctional facility](#)" that are reasonably attributable to "[incarceration](#)" of individuals in such a facility on behalf of (pursuant to the legal authority of) the pertinent "State" or "unit of local government."
- Use of the funds for costs directly associated with (and attributable to) the "[incarceration](#)" (under the legal authority of the pertinent "State" or "unit of local government") of aliens who are or may be "[undocumented](#)," such as the reasonable costs of activities (e.g., development of policies and appropriate staff training on those policies) designed to ensure that the "State" or "unit of local government" complies with 8 U.S.C. § 1373, gives DHS agents access to "[correctional facilities](#)" in order to interview individuals believed to be aliens, and honors formal requests from DHS for advance notice of the scheduled release date and time for particular aliens being held in custody.

Maintenance of records. An applicant government that receives a payment under the FY 2017 program must, for not less than three years after the date it draws down that payment from OJP, maintain records sufficient to demonstrate that the payment was used solely for "correctional purposes," and must make those records available to DOJ (including OJP) upon request.