

118TH CONGRESS
2D SESSION

H. R. 8980

To authorize the Attorney General to provide grants to States, units of local government, and organizations to support the recruitment, training, and development of staff and infrastructure needed to support the due process rights of individuals facing deportation.

IN THE HOUSE OF REPRESENTATIVES

JULY 10, 2024

Mr. ROBERT GARCIA of California (for himself, Mrs. RAMIREZ, Mrs. TORRES of California, Ms. BARRAGÁN, Mr. THANEDAR, Ms. TLAIB, Ms. VELÁZQUEZ, Mr. GOLDMAN of New York, Mr. VARGAS, Ms. LEE of Pennsylvania, Ms. SALINAS, Mr. CARSON, Mr. MCGOVERN, Ms. JACKSON LEE, Ms. OMAR, Ms. OCASIO-CORTEZ, Mr. FROST, and Mr. CASAR) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To authorize the Attorney General to provide grants to States, units of local government, and organizations to support the recruitment, training, and development of staff and infrastructure needed to support the due process rights of individuals facing deportation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Securing Help for Im-
3 migrants through Education and Legal Development Act”
4 or the “SHIELD Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) SERVICE AREA.—The term “service area”
8 means the jurisdiction or geographical area in which
9 an entity carries out activities using funds awarded
10 under this Act.

11 (2) STATE.—The term “State” means each of
12 the several States, the District of Columbia, the
13 Commonwealth of Puerto Rico, the United States
14 Virgin Islands, Guam, American Samoa, and the
15 Commonwealth of the Northern Mariana Islands.

16 (3) UNIT OF LOCAL GOVERNMENT.—The term
17 “unit of local government” has the meaning given
18 such term in section 901(a)(3) of the Omnibus
19 Crime Control and Safe Streets Act of 1968 (34
20 U.S.C. 10251(a)(3)).

21 (4) INDIVIDUAL FACING DEPORTATION.—the
22 term “individual facing deportation” means an indi-
23 vidual in a proceeding under section 212(d)(5)(A),
24 235(b)(1)(B), 236, 238, 240, or 241 of the Immi-
25 gration and Nationality Act.

1 **SEC. 3. SENSE OF CONGRESS ON ACCESS TO LEGAL COUN-**
2 **SEL.**

3 It is the sense of Congress that—

4 (1) unlike in the criminal legal system, there is
5 no right to government-funded legal representation
6 for people facing the devastating consequences of de-
7 tention and deportation who cannot afford a lawyer,
8 even children are not entitled to an attorney in these
9 complex proceedings;

10 (2) as a result, most people in removal pro-
11 ceedings, including an estimated 80 percent of indi-
12 viduals held in immigration detention during depor-
13 tation cases initiated in the past 20 years, are un-
14 represented and are forced to navigate the complex-
15 ities of immigration law against trained government
16 prosecutors alone;

17 (3) the consequences of detention or deporta-
18 tion are devastating, and can include the loss of lib-
19 erty, the denial of lawful immigration status or
20 United States citizenship, loss of livelihood, separa-
21 tion from and inability to support family, and life-
22 threatening danger in the country of origin;

23 (4) legal representation has been proven to sig-
24 nificantly increase the likelihood of someone being
25 released from detention on bond and establishing a
26 right to remain in the United States;

1 (5) studies show that detained immigrants with
2 attorneys are 3.5 times more likely to be granted
3 bond and people in detention with representation are
4 up to 10.5 times more likely to obtain relief from de-
5 portation than those without representation, control-
6 ling for other factors;

7 (6) for nondetained people, 60 percent of indi-
8 viduals with lawyers win their cases compared to 17
9 percent of those without a lawyer;

10 (7) the detention and deportation system dis-
11 proportionately impacts Black immigrants and rein-
12 forces systemic racism, and ensuring that immi-
13 grants have access to a lawyer reduces the harms of
14 the racial inequities in the immigration system;

15 (8) since 2013, local and State governments
16 have led the charge on providing public funding for
17 deportation defense for their residents facing depor-
18 tation, with over 55 local and State governments, in-
19 cluding 10 States, funding these programs;

20 (9) the success of local and State publicly fund-
21 ed deportation defense programs demonstrate the
22 positive impact that publicly funded universal rep-
23 resentation programs have on improving individual
24 outcomes, keeping families and communities to-

1 gether, and avoiding the resulting social, economic,
2 and public health costs of deportation;

3 (10) while these local and State programs have
4 made a significant impact, they are insufficient to
5 meet the need for representation and the Federal
6 Government must act to address the significant
7 unmet need for legal defense in the Federal immi-
8 gration system by passing the Fairness to Freedom
9 Act of 2023, which establishes a universal right to
10 federally funded representation for anyone facing de-
11 portation, regardless of the individual's ability to
12 pay;

13 (11) the growth of these local and State pro-
14 grams and the resulting staffing recruitment chal-
15 lenges have also further highlighted the acute need
16 to develop and grow a legal and social services staff-
17 ing and infrastructure to address the unmet rep-
18 resentational needs for immigrants facing deporta-
19 tion;

20 (12) infrastructure must be built to maintain a
21 highly skilled and sustainable legal defense work-
22 force equipped with the tools to implement high-
23 quality, independent legal representation regardless
24 of the individual's ability to pay, prior contact with

1 the criminal legal system, or the nature or perceived
2 strength of their legal defense; and

3 (13) in its 2023 Report “Access to Justice in
4 Federal Administrative Proceedings”, the Legal Aid
5 Interagency Roundtable outlines the harms that un-
6 represented individuals face in Federal administra-
7 tive proceedings, including immigration court, and
8 their core strategy of increasing representation and
9 assistance by lawyers and nonlawyers for people in
10 administrative proceedings.

11 **SEC. 4. IMMIGRATION LEGAL SERVICES STAFF AND INFRA-**
12 **STRUCTURE DEVELOPMENT PROGRAM.**

13 (a) IN GENERAL.—The Attorney General, acting
14 through the Director of the Office of Access to Justice,
15 shall award competitive workforce development and capac-
16 ity building grants to eligible entities that are seeking to
17 expand access to representation for individuals facing de-
18 portation by increasing the workforce and strengthening
19 the legal services infrastructure needed to provide such
20 representation.

21 (b) ELIGIBILITY CRITERIA.—An entity eligible to re-
22 ceive a grant under this section is a—

23 (1) State or unit of local government that has
24 allocated public funds towards the provision of immi-
25 gration-related legal services, including legal rep-

1 representation, legal assistance, community navigation,
2 and related services, to individuals facing deporta-
3 tion;

4 (2) a community-based organization, nonprofit
5 organization, or educational institution that provides
6 or coordinates immigration-related legal services to
7 individuals facing deportation; or

8 (3) a community-based organization, nonprofit
9 organization, or educational institution that recruits,
10 trains, or mentors individuals who provide or will
11 provide immigration-related legal services to individ-
12 uals facing deportation.

13 (c) APPLICATION.—An eligible entity seeking a grant
14 under this section shall submit to the Director of the Of-
15 fice of Access to Justice an application at such time, in
16 such manner, and containing such information as the Di-
17 rector may reasonably require.

18 (d) USE OF FUNDS.—Funds awarded under this sec-
19 tion shall be used to develop a workforce scaled to meet
20 the representation needs of all individuals facing deporta-
21 tion, grow the immigration-related legal services infra-
22 structure, and enhance long-term capacity to provide high-
23 quality, holistic, and linguistically appropriate legal serv-
24 ices, which may include—

1 (1) workforce recruitment and training pro-
2 grams, such as educational, fellowship, clinical, job
3 recruitment, and job training services aimed at in-
4 creasing the number of lawyers, accredited rep-
5 resentatives, social workers, and community naviga-
6 tors entering the immigration legal services field;

7 (2) technical assistance services, such as—

8 (A) substantive and technical skills-based
9 trainings to improve the quality of representa-
10 tion provided to individuals facing deportation;

11 (B) language training to ensure legal staff
12 are equipped to provide linguistically appro-
13 priate services;

14 (C) specialized legal support to support
15 representation in complex defense cases, includ-
16 ing representation in Federal court and State
17 court; and

18 (D) leadership development, including
19 management training and establishing appro-
20 priate supervisory systems;

21 (3) local or regional coordination services to en-
22 sure a coordinated and efficient delivery of legal
23 services to individuals facing deportation;

24 (4) retention improvement strategies to ensure
25 sustainable growth of the immigration-related legal

1 services field, including strategies to address case-
2 load management, burnout, and organizational sys-
3 tems;

4 (5) recruiting and retaining legal staff from
5 underrepresented backgrounds and promoting diver-
6 sity within the legal services field;

7 (6) growing legal services infrastructure and
8 representational capacity in locations with a signifi-
9 cant unmet need for legal representation and with
10 significantly less immigration-related legal services
11 capacity in their service area than national averages;
12 and

13 (7) physical, administrative, and technological
14 infrastructure resources in coordination with a use
15 of funds described in paragraphs (1) through (6).

16 (e) CONTRACTS AND SUBAWARDS.—A recipient of a
17 grant under this section may, for purposes authorized
18 under subsection (d), use all or a portion of that grant
19 to contract with or make one or more subawards to one
20 or more—

21 (1) community-based organization, nonprofit or-
22 ganization, private organization, or educational insti-
23 tution; or

24 (2) units of local government.

1 (f) CONDITIONS.—As a condition of receiving a grant
2 under this section, an eligible entity shall—

3 (1) submit to the Attorney General a certifi-
4 cation that the proposed uses of grant funds by the
5 entity—

6 (A) are consistent with this section; and

7 (B) meet the criteria determined by the
8 Attorney General, in consultation with the Di-
9 rector of the Office of Access to Justice; and

10 (2) not later than 90 days after the end of each
11 fiscal year for which an entity receives grant funds
12 under this section, submit to the Director of the Of-
13 fice of Access to Justice a report that describes—

14 (A) the types of services being provided
15 under the grant;

16 (B) the service area;

17 (C) the number of individuals recruited or
18 retained through services funded under the
19 grant;

20 (D) the impact that staffing recruitment
21 and retention has had on organizational capac-
22 ity to represent more individuals within the
23 service area;

1 (E) the actual expenditures made in con-
2 nection with the grant, including personnel and
3 staffing structure and indirect costs;

4 (F) the outcomes of services; and

5 (G) a description of the continuing unmet
6 representation needs of individuals facing de-
7 portation in the service area and recommenda-
8 tions of supports and resources needed to meet
9 them.

10 (g) GRANT TERM.—The term of a grant under this
11 section shall be 4 years, and such grant may be renewed.

12 (h) SUPPLEMENT OF NON-FEDERAL FUNDS.—Any
13 Federal funds received under this section shall be used
14 to supplement, not supplant, Federal or non-Federal
15 funds that would otherwise be available for activities fund-
16 ed under this section.

17 **SEC. 5. AUTHORITY AND DUTIES OF THE ADMINISTERING**
18 **AGENCY.**

19 (a) DUTIES OF THE DIRECTOR.—The Director of the
20 Office of Access to Justice may promulgate such rules,
21 policies, and procedures as may be necessary and appro-
22 priate to carry out the grant program under this Act, in-
23 cluding the following:

24 (1) Establishing competitive grantmaking pro-
25 cedures to identify grant recipients.

1 (2) Targeting grants in a manner that best ac-
2 omplishes the following objectives and priorities:

3 (A) Advancing a legal services workforce
4 trained and equipped to implement an inde-
5 pendent legal defense for individuals facing de-
6 portation that ensures high-quality, independent
7 legal representation, regardless of ability to pay,
8 prior contact with the criminal legal system, or
9 the nature or perceived strength of their legal
10 defense.

11 (B) A national legal services infrastructure
12 scaled to meet the representation needs of all
13 individuals facing deportation.

14 (C) Long-term growth of organizational or
15 programmatic capacity to provide high-quality,
16 holistic, and linguistically appropriate legal
17 services to individuals facing deportation.

18 (D) Providing support to State and local
19 governments that have taken leadership and de-
20 veloped expertise in providing public funding for
21 the legal defense of individuals facing deporta-
22 tion.

23 (E) Addressing the crisis of lack of rep-
24 resentation in parts of the country where such

1 publicly funded programs have not been estab-
2 lished.

3 (b) INDEPENDENT IMPLEMENTATION.—Except as
4 otherwise provided in this Act, the Attorney General, act-
5 ing through the Director, shall exercise the authority
6 under this Act in an independent manner in order to ad-
7 vance the primary objective of increasing access to rep-
8 resentation for individuals facing deportation, and without
9 regard to other priorities of the Federal Government re-
10 lated to immigration enforcement.

11 **SEC. 6. REPORTS AND ACCOUNTABILITY.**

12 (a) REPORTS AND EVALUATIONS .—For each fiscal
13 year, each grantee under this section during that fiscal
14 year shall submit to the Attorney General a report on the
15 effectiveness of activities carried out using such grant.
16 Each report shall include an evaluation in such form and
17 containing such information as the Attorney General may
18 reasonably require. The Attorney General shall specify the
19 dates on which such reports shall be submitted.

20 (b) ACCOUNTABILITY.— Grants awarded under this
21 Act shall be subject to the following accountability provi-
22 sions:

23 (1) AUDIT REQUIREMENT.—

24 (A) DEFINITION.—In this paragraph, the
25 term “unresolved audit finding” means a find-

1 ing in the final audit report of the Inspector
2 General of the Department of Justice under
3 subparagraph (C) that the audited grantee has
4 used grant funds for an unauthorized expendi-
5 ture or otherwise unallowable cost that is not
6 closed or resolved within 1 year after the date
7 on which 1 final audit report is issued.

8 (B) AUDITS.—Beginning in the first fiscal
9 year beginning after December 13, 2016, and
10 in each fiscal year thereafter, the Inspector
11 General of the Department of Justice shall con-
12 duct audits of grantees under this section to
13 prevent waste, fraud, and abuse of funds by
14 grantees. The Inspector General shall determine
15 the appropriate number of grantees to be au-
16 dited each year.

17 (C) FINAL AUDIT REPORT.—The Inspector
18 General of the Department of Justice shall sub-
19 mit to the Attorney General a final report on
20 each audit conducted under subparagraph (B).

21 (D) TECHNICAL ASSISTANCE.—A recipient
22 of a grant under this section that is found to
23 have an unresolved audit finding shall be eligi-
24 ble to receive prompt, individualized technical
25 assistance to resolve the audit finding and to

1 prevent future findings, for a period not to ex-
2 ceed the following 2 fiscal years.

3 (E) PRIORITY.—In making grants under
4 this section, the Attorney General shall give pri-
5 ority to applicants that did not have an unre-
6 solved audit finding during the 3 fiscal years
7 before submitting an application for a grant
8 under this section.

9 (2) NONPROFIT AGENCY REQUIREMENTS.—

10 (A) DEFINITION.—For purposes of this
11 paragraph and the grant program under this
12 section, the term “nonprofit agency” means an
13 organization that is described in section
14 501(c)(3) of the Internal Revenue Code of 1986
15 and is exempt from taxation under section
16 501(a) of the Internal Revenue Code of 1986.

17 (B) PROHIBITION.—The Attorney General
18 may not award a grant under this section to a
19 nonprofit agency that holds money in an off-
20 shore account for the purpose of avoiding pay-
21 ing the tax described in section 511(a) of the
22 Internal Revenue Code of 1986.

23 (C) DISCLOSURE.— Each nonprofit agency
24 that is awarded a grant under this section and
25 uses the procedures prescribed in regulations to

1 create a rebuttable presumption of reasonable-
2 ness for the compensation of its officers, direc-
3 tors, trustees, and key employees, shall disclose
4 to the Attorney General, in the application for
5 the grant, the process for determining such
6 compensation, including the independent per-
7 sons involved in reviewing and approving such
8 compensation, the comparability data used, and
9 contemporaneous substantiation of the delibera-
10 tion and decision. Upon request, the Attorney
11 General shall make the information disclosed
12 under this subparagraph available for public in-
13 spection.

14 (3) CONFERENCE EXPENDITURES.—

15 (A) LIMITATION.—Not more than
16 \$100,000 of the amounts made available to the
17 Department of Justice to carry out this section
18 may be used by the Attorney General, or by any
19 individual or entity awarded a grant under this
20 section to host, or make any expenditures relat-
21 ing to, a conference unless the Deputy Attorney
22 General provides prior written authorization
23 that the funds may be expended to host the
24 conference or make such expenditure.

1 (B) WRITTEN APPROVAL.—Written ap-
2 proval under subparagraph (A) shall include a
3 written estimate of all costs associated with the
4 conference, including the cost of all food, bev-
5 erages, audio-visual equipment, honoraria for
6 speakers, and entertainment.

7 (C) REPORT.—The Deputy Attorney Gen-
8 eral shall submit an annual report to the Com-
9 mittee on the Judiciary of the Senate and the
10 Committee on the Judiciary of the House of
11 Representatives on all conference expenditures
12 approved under this paragraph.

13 (4) ANNUAL CERTIFICATION.—Beginning in the
14 first fiscal year beginning after the date of enact-
15 ment of this Act, the Attorney General shall submit
16 to the Committee on the Judiciary and the Com-
17 mittee on Appropriations of the Senate and the
18 Committee on the Judiciary and the Committee on
19 Appropriations of the House of Representatives an
20 annual certification indicating whether all final audit
21 reports issued by the Office of the Inspector General
22 under paragraph (1) have been completed and re-
23 viewed by the appropriate Assistant Attorney Gen-
24 eral or Director.

1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$100,000,000 for each of fiscal years 2025
4 through 2026.

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