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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

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

Mr. ROBERT GARCIA of California introduced the following bill; which was referred to the Committee on _____

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,*

3 **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) SERVICE AREA.—The term “service area”
4 means the jurisdiction or geographical area in which
5 an entity carries out activities using funds awarded
6 under this Act.

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

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

17 (4) INDIVIDUAL FACING DEPORTATION.—the
18 term “individual facing deportation” means an indi-
19 vidual in a proceeding under section 212(d)(5)(A),
20 235(b)(1)(B), 236, 238, 240, or 241 of the Immi-
21 gration and Nationality Act.

22 **SEC. 3. SENSE OF CONGRESS ON ACCESS TO LEGAL COUN-**
23 **SEL.**

24 It is the sense of Congress that—

25 (1) unlike in the criminal legal system, there is
26 no right to government-funded legal representation

1 for people facing the devastating consequences of de-
2 tention and deportation who cannot afford a lawyer,
3 even children are not entitled to an attorney in these
4 complex proceedings;

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

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

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

22 (5) studies show that detained immigrants with
23 attorneys are 3.5 times more likely to be granted
24 bond and people in detention with representation are
25 up to 10.5 times more likely to obtain relief from de-

1 portation than those without representation, control-
2 ling for other factors;

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

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

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

16 (9) the success of local and State publicly fund-
17 ed deportation defense programs demonstrate the
18 positive impact that publicly funded universal rep-
19 resentation programs have on improving individual
20 outcomes, keeping families and communities to-
21 gether, and avoiding the resulting social, economic,
22 and public health costs of deportation;

23 (10) while these local and State programs have
24 made a significant impact, they are insufficient to
25 meet the need for representation and the Federal

1 Government must act to address the significant
2 unmet need for legal defense in the Federal immi-
3 gration system by passing the Fairness to Freedom
4 Act of 2023, which establishes a universal right to
5 federally funded representation for anyone facing de-
6 portation, regardless of the individual's ability to
7 pay;

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

15 (12) infrastructure must be built to maintain a
16 highly skilled and sustainable legal defense work-
17 force equipped with the tools to implement high-
18 quality, independent legal representation regardless
19 of the individual's ability to pay, prior contact with
20 the criminal legal system, or the nature or perceived
21 strength of their legal defense; and

22 (13) in its 2023 Report "Access to Justice in
23 Federal Administrative Proceedings", the Legal Aid
24 Interagency Roundtable outlines the harms that un-
25 represented individuals face in Federal administra-

1 tive proceedings, including immigration court, and
2 their core strategy of increasing representation and
3 assistance by lawyers and nonlawyers for people in
4 administrative proceedings.

5 **SEC. 4. IMMIGRATION LEGAL SERVICES STAFF AND INFRA-**
6 **STRUCTURE DEVELOPMENT PROGRAM.**

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

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

17 (1) State or unit of local government that has
18 allocated public funds towards the provision of immi-
19 gration-related legal services, including legal rep-
20 resentation, legal assistance, community navigation,
21 and related services, to individuals facing deporta-
22 tion;

23 (2) a community-based organization, nonprofit
24 organization, or educational institution that provides

1 or coordinates immigration-related legal services to
2 individuals facing deportation; or

3 (3) a community-based organization, nonprofit
4 organization, or educational institution that recruits,
5 trains, or mentors individuals who provide or will
6 provide immigration-related legal services to individ-
7 uals facing deportation.

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

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

20 (1) workforce recruitment and training pro-
21 grams, such as educational, fellowship, clinical, job
22 recruitment, and job training services aimed at in-
23 creasing the number of lawyers, accredited rep-
24 resentatives, social workers, and community naviga-
25 tors entering the immigration legal services field;

1 (2) technical assistance services, such as—

2 (A) substantive and technical skills-based
3 trainings to improve the quality of representa-
4 tion provided to individuals facing deportation;

5 (B) language training to ensure legal staff
6 are equipped to provide linguistically appro-
7 priate services;

8 (C) specialized legal support to support
9 representation in complex defense cases, includ-
10 ing representation in Federal court and State
11 court; and

12 (D) leadership development, including
13 management training and establishing appro-
14 priate supervisory systems;

15 (3) local or regional coordination services to en-
16 sure a coordinated and efficient delivery of legal
17 services to individuals facing deportation;

18 (4) retention improvement strategies to ensure
19 sustainable growth of the immigration-related legal
20 services field, including strategies to address case-
21 load management, burnout, and organizational sys-
22 tems;

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

1 (6) growing legal services infrastructure and
2 representational capacity in locations with a signifi-
3 cant unmet need for legal representation and with
4 significantly less immigration-related legal services
5 capacity in their service area than national averages;
6 and

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

10 (e) CONTRACTS AND SUBAWARDS.—A recipient of a
11 grant under this section may, for purposes authorized
12 under subsection (d), use all or a portion of that grant
13 to contract with or make one or more subawards to one
14 or more—

15 (1) community-based organization, nonprofit or-
16 ganization, private organization, or educational insti-
17 tution; or

18 (2) units of local government.

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

21 (1) submit to the Attorney General a certifi-
22 cation that the proposed uses of grant funds by the
23 entity—

24 (A) are consistent with this section; and

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

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

8 (A) the types of services being provided
9 under the grant;

10 (B) the service area;

11 (C) the number of individuals recruited or
12 retained through services funded under the
13 grant;

14 (D) the impact that staffing recruitment
15 and retention has had on organizational capac-
16 ity to represent more individuals within the
17 service area;

18 (E) the actual expenditures made in con-
19 nection with the grant, including personnel and
20 staffing structure and indirect costs;

21 (F) the outcomes of services; and

22 (G) a description of the continuing unmet
23 representation needs of individuals facing de-
24 portation in the service area and recommenda-

1 tions of supports and resources needed to meet
2 them.

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

5 (h) SUPPLEMENT OF NON-FEDERAL FUNDS.—Any
6 Federal funds received under this section shall be used
7 to supplement, not supplant, Federal or non-Federal
8 funds that would otherwise be available for activities fund-
9 ed under this section.

10 **SEC. 5. AUTHORITY AND DUTIES OF THE ADMINISTERING**
11 **AGENCY.**

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

17 (1) Establishing competitive grantmaking pro-
18 cedures to identify grant recipients.

19 (2) Targeting grants in a manner that best ac-
20 complishes the following objectives and priorities:

21 (A) Advancing a legal services workforce
22 trained and equipped to implement an inde-
23 pendent legal defense for individuals facing de-
24 portation that ensures high-quality, independent
25 legal representation, regardless of ability to pay,

1 prior contact with the criminal legal system, or
2 the nature or perceived strength of their legal
3 defense.

4 (B) A national legal services infrastructure
5 scaled to meet the representation needs of all
6 individuals facing deportation.

7 (C) Long-term growth of organizational or
8 programmatic capacity to provide high-quality,
9 holistic, and linguistically appropriate legal
10 services to individuals facing deportation.

11 (D) Providing support to State and local
12 governments that have taken leadership and de-
13 veloped expertise in providing public funding for
14 the legal defense of individuals facing deporta-
15 tion.

16 (E) Addressing the crisis of lack of rep-
17 resentation in parts of the country where such
18 publicly funded programs have not been estab-
19 lished.

20 (b) INDEPENDENT IMPLEMENTATION.—Except as
21 otherwise provided in this Act, the Attorney General, act-
22 ing through the Director, shall exercise the authority
23 under this Act in an independent manner in order to ad-
24 vance the primary objective of increasing access to rep-
25 resentation for individuals facing deportation, and without

1 regard to other priorities of the Federal Government re-
2 lated to immigration enforcement.

3 **SEC. 6. REPORTS AND ACCOUNTABILITY.**

4 (a) **REPORTS AND EVALUATIONS** .—For each fiscal
5 year, each grantee under this section during that fiscal
6 year shall submit to the Attorney General a report on the
7 effectiveness of activities carried out using such grant.
8 Each report shall include an evaluation in such form and
9 containing such information as the Attorney General may
10 reasonably require. The Attorney General shall specify the
11 dates on which such reports shall be submitted.

12 (b) **ACCOUNTABILITY**.— Grants awarded under this
13 Act shall be subject to the following accountability provi-
14 sions:

15 (1) **AUDIT REQUIREMENT**.—

16 (A) **DEFINITION**.—In this paragraph, the
17 term “unresolved audit finding” means a find-
18 ing in the final audit report of the Inspector
19 General of the Department of Justice under
20 subparagraph (C) that the audited grantee has
21 used grant funds for an unauthorized expendi-
22 ture or otherwise unallowable cost that is not
23 closed or resolved within 1 year after the date
24 on which 1 final audit report is issued.

1 (B) AUDITS.—Beginning in the first fiscal
2 year beginning after December 13, 2016, and
3 in each fiscal year thereafter, the Inspector
4 General of the Department of Justice shall con-
5 duct audits of grantees under this section to
6 prevent waste, fraud, and abuse of funds by
7 grantees. The Inspector General shall determine
8 the appropriate number of grantees to be au-
9 dited each year.

10 (C) FINAL AUDIT REPORT.—The Inspector
11 General of the Department of Justice shall sub-
12 mit to the Attorney General a final report on
13 each audit conducted under subparagraph (B).

14 (D) TECHNICAL ASSISTANCE.—A recipient
15 of a grant under this section that is found to
16 have an unresolved audit finding shall be eligi-
17 ble to receive prompt, individualized technical
18 assistance to resolve the audit finding and to
19 prevent future findings, for a period not to ex-
20 ceed the following 2 fiscal years.

21 (E) PRIORITY.—In making grants under
22 this section, the Attorney General shall give pri-
23 ority to applicants that did not have an unre-
24 solved audit finding during the 3 fiscal years

1 before submitting an application for a grant
2 under this section.

3 (2) NONPROFIT AGENCY REQUIREMENTS.—

4 (A) DEFINITION.—For purposes of this
5 paragraph and the grant program under this
6 section, the term “nonprofit agency” means an
7 organization that is described in section
8 501(c)(3) of the Internal Revenue Code of 1986
9 and is exempt from taxation under section
10 501(a) of the Internal Revenue Code of 1986.

11 (B) PROHIBITION.—The Attorney General
12 may not award a grant under this section to a
13 nonprofit agency that holds money in an off-
14 shore account for the purpose of avoiding pay-
15 ing the tax described in section 511(a) of the
16 Internal Revenue Code of 1986.

17 (C) DISCLOSURE.— Each nonprofit agency
18 that is awarded a grant under this section and
19 uses the procedures prescribed in regulations to
20 create a rebuttable presumption of reasonable-
21 ness for the compensation of its officers, direc-
22 tors, trustees, and key employees, shall disclose
23 to the Attorney General, in the application for
24 the grant, the process for determining such
25 compensation, including the independent per-

1 sons involved in reviewing and approving such
2 compensation, the comparability data used, and
3 contemporaneous substantiation of the delibera-
4 tion and decision. Upon request, the Attorney
5 General shall make the information disclosed
6 under this subparagraph available for public in-
7 spection.

8 (3) CONFERENCE EXPENDITURES.—

9 (A) LIMITATION.—Not more than
10 \$100,000 of the amounts made available to the
11 Department of Justice to carry out this section
12 may be used by the Attorney General, or by any
13 individual or entity awarded a grant under this
14 section to host, or make any expenditures relat-
15 ing to, a conference unless the Deputy Attorney
16 General provides prior written authorization
17 that the funds may be expended to host the
18 conference or make such expenditure.

19 (B) WRITTEN APPROVAL.—Written ap-
20 proval under subparagraph (A) shall include a
21 written estimate of all costs associated with the
22 conference, including the cost of all food, bev-
23 erages, audio-visual equipment, honoraria for
24 speakers, and entertainment.

1 (C) REPORT.—The Deputy Attorney Gen-
2 eral shall submit an annual report to the Com-
3 mittee on the Judiciary of the Senate and the
4 Committee on the Judiciary of the House of
5 Representatives on all conference expenditures
6 approved under this paragraph.

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

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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