

111TH CONGRESS
1ST SESSION

S. 718

To amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 26, 2009

Mr. HARKIN (for himself, Mr. KENNEDY, Mr. LEAHY, Mr. CARDIN, Ms. MIKULSKI, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. MERKLEY, Mrs. McCASKILL, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

APRIL 1, 2009

Committee discharged; referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Legal Services Corporation Act to meet special needs of eligible clients, provide for technology grants, improve corporate practices of the Legal Services Corporation, and for other purposes.

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 “Civil Access to Justice
5 Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) It is crucial to provide equal access to the
4 system of justice in the United States for all individ-
5 uals, regardless of economic status.

6 (2) The Legal Services Corporation provides
7 high quality civil legal assistance for persons who
8 would otherwise be unable to afford legal assistance,
9 and there is a need to continue the present vital
10 legal services program.

11 (3) The amount of Federal resources made
12 available to the Legal Services Corporation has been
13 inadequate to provide individuals with the legal as-
14 sistance that they need. Nearly half of all people
15 who have applied for assistance from local programs
16 funded through the Legal Services Corporation have
17 been turned away in recent years. In many States,
18 over 80 percent of individuals who need legal assist-
19 ance do not receive the help they need.

20 (4) Congress must adequately fund Legal Serv-
21 ices Corporation programs to preserve the strength
22 of the programs.

23 (5) Providing legal assistance to those who face
24 an economic barrier to adequate legal counsel serves
25 justice and assists in improving opportunities for
26 low-income persons.

1 (6) The availability of legal services has re-
2 affirmed the faith of many people of the United
3 States in a government of laws.

4 (7) To preserve its strength, the legal services
5 program must be kept free from the influence of po-
6 litical pressures or use by the program of political
7 interests.

8 (8) Attorneys providing legal assistance must
9 have full freedom to protect the best interests of
10 their clients in keeping with the applicable rules of
11 professional responsibility and the high standards of
12 the legal profession.

13 **SEC. 3. AMENDMENTS TO STATEMENT OF FINDINGS AND**
14 **DECLARATION OF PURPOSE.**

15 Section 1001 of the Legal Services Corporation Act
16 (42 U.S.C. 2996) is amended—

17 (1) by striking “1001.” and inserting
18 “1001.(a)”;

19 (2) in paragraph (3), by striking “Act” and in-
20 sserting “title”;

21 (3) in paragraph (6), by striking “Code of Pro-
22 fessional Responsibility, the Canons of Ethics,” and
23 inserting “applicable rules of professional responsi-
24 bility”; and

25 (4) by inserting at the end the following:

1 “(b) Congress finds the following:

2 “(1) Participation of private lawyers in pro-
3 viding legal assistance to those unable to afford such
4 assistance significantly enhances the overall system
5 for providing legal services to the poor, and the
6 Legal Services Corporation should continue to pro-
7 mote and support pro bono services and other forms
8 of private bar involvement through its policies and
9 regulations.

10 “(2) The highest court of each State and Terri-
11 tory should encourage pro bono service by lawyers
12 by adopting aspirational guidelines, such as the
13 American Bar Association Model Rule of Profes-
14 sional Conduct 6.1, ‘Voluntary Pro Bono Publico
15 Services’, and by adopting mandatory reporting of
16 voluntary pro bono service.”.

17 **SEC. 4. DEFINITIONS.**

18 Section 1002 of the Legal Services Corporation Act
19 (42 U.S.C. 2996a) is amended—

20 (1) by striking paragraph (7) and inserting the
21 following:

22 “(7) ‘staff attorney’ means an attorney who—
23 “(A) is employed by a recipient organized
24 in whole or in part for the provision of legal as-
25 sistance to eligible clients under this title; or

1 “(B) receives more than one-half of the at-
2 torney’s annual professional salary from the
3 proceeds of a grant, contract, or other financial
4 assistance from the Corporation to such recipi-
5 ent;”;

6 (2) in paragraph (8), by striking “the Trust
7 Territory of the Pacific Islands, and any other terri-
8 tory or possession of the United States” and insert-
9 ing “the Commonwealth of the Northern Mariana
10 Islands, the Republic of the Marshall Islands, the
11 Federated States of Micronesia, and the Republic of
12 Palau;”; and

13 (3) by adding at the end the following:

14 “(9) ‘individual in poverty’ means an individual
15 who is a member of a family (of 1 or more mem-
16 bers) with an income at or below the poverty line;
17 and

18 “(10) ‘poverty line’ means the poverty line (as
19 defined by the Office of Management and Budget,
20 and revised annually in accordance with section
21 673(2) of the Community Services Block Grant Act
22 (42 U.S.C. 9902(2)), applicable to a family of the
23 size involved.”.

1 **SEC. 5. GOVERNING BODY.**

2 Section 1004 of the Legal Services Corporation Act
3 (42 U.S.C. 2996c) is amended—

4 (1) in subsection (a), in the third sentence—

5 (A) by striking “Effective with respect to
6 appointments made after the date of enactment
7 of the Legal Services Corporation Act Amend-
8 ments of 1977 but not later than July 31,
9 1978, the” and inserting “The”;

10 (B) by striking “and” after “shall be ap-
11 pointed so as to include eligible clients,”; and

12 (C) by inserting “, and to include at least
13 1 individual with financial or audit experience”
14 before the period;

15 (2) in subsection (b)—

16 (A) by striking “, except that five of the
17 members first appointed, as designated by the
18 President at the time of appointment, shall
19 serve for a term of two years”; and

20 (B) by striking the third and fourth sen-
21 tences;

22 (3) in subsection (d), by striking “President
23 shall select from among the voting members of the
24 board a chairman, who shall serve for a term of
25 three years. Thereafter the”;

26 (4) by striking subsection (f);

1 (5) by redesignating subsections (g) and (h) as
2 (f) and (g), respectively; and

3 (6) in subsection (f), as redesignated by this
4 section, by striking “, of any executive committee of
5 the Board, and of any advisory council established in
6 connection with this title” and inserting “or of any
7 committee of the Board”.

8 **SEC. 6. OFFICERS AND EMPLOYEES.**

9 Section 1005(b)(1) of the Legal Services Corporation
10 Act (42 U.S.C. 2996d(b)(1)) is amended by striking “as
11 he” and inserting “as the president of the Corporation”.

12 **SEC. 7. IMPROVEMENTS OF LEGAL SERVICES CORPORA-**
13 **TION CORPORATE GOVERNANCE AND INTER-**
14 **NAL PRACTICES.**

15 Section 1006 of the Legal Services Corporation Act
16 (42 U.S.C. 2996e) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2), by inserting “, sub-
19 ject to subsection (g)” before the semicolon;
20 and

21 (B) in paragraph (3)(A), by striking “ex-
22 cept that broad general legal or policy research
23 unrelated to representation of eligible clients
24 may not be undertaken by grant or contract,”;

25 (2) in subsection (b)—

1 (A) in paragraph (3), by striking “as es-
2 tablished in the Canons of Ethics and the Code
3 of Professional Responsibility of the American
4 Bar Association” and inserting “as established
5 in the applicable rules of professional responsi-
6 bility or other laws of the State or other juris-
7 diction where the attorney practices law”; and

8 (B) in paragraph (5), by striking the last
9 sentence; and

10 (3) by adding at the end the following:

11 “(g)(1) The Corporation shall establish a protocol for
12 the receipt of donations under subsection (a)(2).

13 “(2) In order for the Corporation to use any Federal
14 funds for representational activities of the Corporation,
15 not including non-representational activities that primarily
16 involve Corporation staff, the appropriations Act through
17 which the funds are made available shall specifically per-
18 mit the use of the funds for such activities. Any solicita-
19 tion of a donation of funds for expenses for which Federal
20 funds may not be used under this title shall be approved
21 in advance by the Board. In addition, a budget for the
22 use of such donated funds shall be approved by the Board,
23 before the Corporation incurs such an expense.

1 “(3) The Corporation may not advance Federal
2 funds, in anticipation of receiving a donation under sub-
3 section (a)(2), to pay for an expense.

4 “(h)(1) The Board shall establish and maintain an
5 audit committee, a finance committee, and a governance
6 and performance review committee.

7 “(2) The Corporation shall establish and implement
8 a continuity of operations plan, to prepare for disasters
9 and emergencies.

10 “(3) The Corporation shall—

11 “(A) establish an adequate internal control
12 structure and procedures for financial reporting; and

13 “(B) not later than 1 year after the date of en-
14 actment of the Civil Access to Justice Act of 2009,
15 and annually thereafter, conduct an assessment of
16 the effectiveness of the internal control structure
17 and procedures.

18 “(i)(1) The Corporation shall adopt comprehensive
19 training standards and develop appropriate training mate-
20 rials to ensure that recipients are able to provide com-
21 prehensive and appropriate training for executive direc-
22 tors, supervisors, and attorneys employed by recipients
23 and board members of recipients. Such training standards
24 and materials shall address training concerning—

1 “(A) restrictions applicable to the activities of
2 attorneys employed by the recipient involved; and

3 “(B) appropriate use of Federal funds.

4 “(2) In developing training standards and materials
5 for the training described in paragraph (1), the Corpora-
6 tion—

7 “(A) is encouraged to address training con-
8 cerning the representation of victims of domestic vio-
9 lence; and

10 “(B) may coordinate activities with the Amer-
11 ican Bar Association Commission on Domestic Vio-
12 lence.

13 “(3) The Corporation shall provide financial assist-
14 ance, in such amounts as the Corporation may determine
15 to be appropriate, to recipients, to enable the recipients
16 to provide the training described in paragraph (1).”.

17 **SEC. 8. PILOT LOAN REPAYMENT ASSISTANCE PROGRAM.**

18 Section 1006 of the Legal Services Corporation Act,
19 as amended by section 7, is further amended by adding
20 at the end the following:

21 “(j)(1) The Corporation shall promote recruitment
22 and retention of highly qualified staff members for all re-
23 cipients, through the Pilot Loan Repayment Assistance
24 Program established by the Corporation in 2005 or other

1 programs, as the Corporation determines to be appro-
2 priate.

3 “(2) If funds are appropriated for any such staff re-
4 cruitment and retention program for each of the 5 full
5 fiscal years following the date of enactment of the Civil
6 Access to Justice Act of 2009, in the fifth year, the Cor-
7 poration shall submit to Congress a report on the impact
8 of such program on the recruitment and retention of high-
9 ly qualified staff for recipients.

10 “(3) Nothing in paragraph (2) prevents the Corpora-
11 tion from continuing such recruitment and retention pro-
12 grams for longer than 5 years, if such program is effective
13 in the recruitment and retention of highly qualified staff
14 and funds are appropriated for such program.”.

15 **SEC. 9. PROHIBITED USE OF FUNDS.**

16 Section 1006 of the Legal Services Corporation Act,
17 as amended by section 8, is further amended by adding
18 at the end the following:

19 “(k)(1)(A) No prohibited purposes provision shall be
20 considered to cover recipient funds from any source other
21 than the Corporation, except as provided in paragraph (3).

22 “(B) No prohibited purposes provision shall be con-
23 sidered to cover Federal funds awarded under this title,
24 except as provided in this title.

1 “(2)(A) In this subsection, the term ‘prohibited pur-
2 poses provision’ means a provision of this title, or any
3 other Federal law, that contains text stating that funds
4 of a recipient may not be expended for a purpose prohib-
5 ited by this title or another Federal law.

6 “(B) The term includes any Federal law that incor-
7 porates by reference a provision that contains text de-
8 scribed in subparagraph (A) and is a provision of—

9 “(i) the Departments of Commerce, Justice,
10 and State, the Judiciary, and Related Agencies Ap-
11 propriations Act, 1998;

12 “(ii) the Departments of Commerce, Justice,
13 and State, the Judiciary, and Related Agencies Ap-
14 propriations Act, 1996; or

15 “(iii) another Federal law.

16 “(3) No non-Federal funds may be used by a recipi-
17 ent to participate in any litigation with respect to abor-
18 tion.”.

19 **SEC. 10. CONSTRUCTION.**

20 Section 1006 of the Legal Services Corporation Act,
21 as amended by section 9, is further amended by adding
22 at the end the following:

23 “(1) No provision of law, other than an amendment
24 to this title, shall be considered to supersede or modify

1 this title unless the provision refers specifically to this sub-
 2 section.”.

3 **SEC. 11. LIMITED CLASS ACTION SUITS.**

4 Section 1006(d)(5) of the Legal Services Corporation
 5 Act (42 U.S.C. 2996e(d)(5)) is amended by adding at the
 6 end the following: “Notwithstanding any other provision
 7 of law, other than this paragraph or a provision that spe-
 8 cifically refers to this paragraph, a recipient may initiate
 9 or participate in a class action suit only if the suit arises
 10 under established State or Federal statutory law or estab-
 11 lished judicial case law.”.

12 **SEC. 12. GRANTS AND CONTRACTS.**

13 Section 1007 of the Legal Services Corporation Act
 14 (42 U.S.C. 2996f) is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2)—

17 (i) in subparagraph (A), by striking
 18 “and with the Governors of the several
 19 States”;

20 (ii) in subparagraph (B)—

21 (I) in clause (i), by striking “liq-
 22 uid”; and

23 (II) in clause (iv), by striking “,
 24 which may include evidence of a prior
 25 determination that such individual’s

1 lack of income results from refusal or
2 unwillingness, without good cause, to
3 seek or accept an employment situa-
4 tion; and” and inserting a semicolon;
5 and

6 (iii) by striking subparagraph (C) and
7 inserting the following:

8 “(C) ensure that—

9 “(i) recipients, consistent with the goals
10 established by the Corporation, adopt proce-
11 dures for determining and implementing prior-
12 ities for the provision of legal assistance (and
13 outreach, training, and support services, as may
14 be necessary), and particularly for addressing
15 the needs for services described in this clause
16 on the part of the significant populations of eli-
17 gible clients with special difficulties in accessing
18 such services or with special legal needs, includ-
19 ing—

20 “(I) elderly individuals;

21 “(II) individuals with disabilities;

22 “(III) victims of domestic violence;

23 “(IV) veterans;

24 “(V) members of the Armed Forces
25 and their family members;

1 “(VI) persons displaced by a major
2 disaster or emergency; and

3 “(VII) persons seeking assistance with
4 matters relating to home foreclosure or
5 mortgage default or delinquency, including
6 matters concerning tenants or subtenants
7 in homes that are in foreclosure or mort-
8 gage default or delinquency, as well as
9 matters related to predatory lending prac-
10 tices; and

11 “(ii) recipients provide appropriate train-
12 ing, as described in section 1006(i)(1), and sup-
13 port services to recipient staff to enable such
14 staff to provide legal assistance to eligible cli-
15 ents described in clause (i);”;

16 (B) by striking paragraphs (8) and (9);

17 (C) by redesignating paragraphs (10) and
18 (11) as (9) and (10), respectively;

19 (D) by inserting after paragraph (7) the
20 following:

21 “(8) ensure that funds appropriated under this
22 title for basic field programs shall be distributed on
23 the basis of a system of competitive bidding, in ac-
24 cordance with Legal Services Corporation regula-
25 tions, and shall be allocated so as to provide—

1 “(A) except as provided in subparagraphs
2 (B) and (C), an equal figure per individual in
3 poverty for all geographic areas, as determined
4 on the basis of the most recent decennial census
5 of population conducted pursuant to section
6 141 of title 13, United States Code (or, in the
7 case of the Republic of Palau, the Federated
8 States of Micronesia, the Republic of the Mar-
9 shall Islands, the Commonwealth of the North-
10 ern Mariana Islands, Alaska, Hawaii, and the
11 United States Virgin Islands, on the basis of
12 the adjusted population counts historically used
13 as the basis for such determinations);

14 “(B) an additional amount for Native
15 American communities that received assistance
16 under the Legal Services Corporation Act for
17 fiscal year 2009, so that the proportion of the
18 funds appropriated to the Legal Services Cor-
19 poration for basic field programs for fiscal year
20 2010 that is received by the Native American
21 communities shall be not less than the propor-
22 tion of such funds appropriated for fiscal year
23 2009 that was received by the Native American
24 communities; and

1 “(C) an amount for representation of mi-
2 grant and seasonal farm workers.”; and

3 (E) in paragraph (9), as redesignated by
4 this subsection, by striking “the Canons of Eth-
5 ics and Code of Professional Responsibility of
6 the American Bar Association” and inserting
7 “applicable rules of professional responsibility”;
8 (2) in subsection (b)—

9 (A) by striking paragraph (8) and insert-
10 ing the following:

11 “(8) to participate in any litigation with respect
12 to abortion;”;

13 (B) in paragraph (10), by striking “or”
14 after the semicolon;

15 (C) in paragraph (11), by striking the pe-
16 riod at the end and inserting a semicolon; and

17 (D) by adding at the end the following:

18 “(12) to provide legal assistance with respect to
19 litigation relating to prison conditions on behalf of
20 any individual who is incarcerated in a Federal,
21 State, or local prison, except that nothing in this
22 paragraph prohibits the use of funds made available
23 by the Corporation for litigation related to an incar-
24 cerated individual’s ability to reenter society success-
25 fully;

1 “(13) to provide legal assistance with respect to
2 the defense of an individual in a proceeding to evict
3 such individual from a public housing project if—

4 “(A) the individual has been charged in a
5 criminal proceeding with the illegal sale or dis-
6 tribution of a controlled substance, unless such
7 charges have been dropped or the individual has
8 been acquitted of the charges; and

9 “(B) the eviction proceeding is brought by
10 a public housing agency because the illegal drug
11 activity of the individual threatens the health
12 and safety of another tenant residing in the
13 public housing project or an employee of the
14 public housing agency; or

15 “(14) to provide legal assistance for, or on be-
16 half of an alien, unless the alien—

17 “(A) is present in the United States and
18 the alien—

19 “(i) is described in subparagraph (A),
20 (B), (C), (D), (E), or (F) of section
21 504(a)(11) of the Departments of Com-
22 merce, Justice, and State, the Judiciary,
23 and Related Agencies Appropriations Act,
24 1996, as enacted by section 101 of the
25 Omnibus Consolidated Rescissions and Ap-

1 propriations Act of 1996 (Public Law 104–
2 134; 110 Stat. 1321–54);

3 “(ii)(I) has been battered or subjected
4 to extreme cruelty or was a victim of sex-
5 ual assault or trafficking in the United
6 States; or

7 “(II) qualifies for nonimmigrant sta-
8 tus described in section 101(a)(15)(U) of
9 the Immigration and Nationality Act (8
10 U.S.C. 1101(a)(15)(U));

11 “(iii) has a child present in the
12 United States who, without the active par-
13 ticipation of the alien—

14 “(I) has been battered or sub-
15 jected to extreme cruelty or was a vic-
16 tim of sexual assault or trafficking in
17 the United States; or

18 “(II) qualifies for nonimmigrant
19 status described in section
20 101(a)(15)(U) of the Immigration and
21 Nationality Act;

22 “(iv) has been a victim of trafficking
23 or is a family member of such a victim and
24 is eligible for protection and assistance
25 under section 107 of the Trafficking Vic-

1 tims Protection Act of 2000 (22 U.S.C.
2 7105);

3 “(v) is an evacuee from, or victim of,
4 a major disaster or an emergency des-
5 ignated by the President pursuant to the
6 Robert T. Stafford Disaster Relief and
7 Emergency Assistance Act (42 U.S.C.
8 5121 et seq.) or by an appropriate State or
9 local official, and the alien’s need for legal
10 assistance from the Corporation is related
11 to the alien’s status as such an evacuee or
12 victim;

13 “(vi)(I) has been declared dependent
14 on a juvenile court located in a State or
15 has been legally committed to, or placed
16 under the custody of, an agency or depart-
17 ment of a State by such a court; and

18 “(II) has been deemed eligible by such
19 a court for long-term foster care due to
20 abuse, neglect, or abandonment;

21 “(vii) is under 18 years of age, is un-
22 accompanied by a parent or legal guardian,
23 and is in the custody of the Secretary of
24 Homeland Security; or

1 “(viii) is authorized to work in the
2 United States or is otherwise lawfully
3 present in the United States;

4 “(B) is a member of a cross-border Indian
5 Tribe who is—

6 “(i) an American Indian born in Can-
7 ada referred to in section 289 of the Immi-
8 gration and Nationality Act (8 U.S.C.
9 1359); or

10 “(ii) a member of the Texas Band of
11 Kickapoo Indians referred to in the Texas
12 Band of Kickapoo Act (25 U.S.C. 1300b-
13 11 et seq.);

14 “(C) is—

15 “(i) indigent; and

16 “(ii) seeking relief under the Conven-
17 tion on the Civil Aspects of International
18 Child Abduction, done at The Hague on
19 October 25, 1980, pursuant to the Inter-
20 national Child Abduction Remedies Act
21 (42 U.S.C. 11601 et seq.); or

22 “(D) is a citizen of—

23 “(i) the Commonwealth of the North-
24 ern Mariana Islands;

1 “(ii) the Federated States of Micro-
2 nesia;

3 “(iii) the Republic of the Marshall Is-
4 lands; or

5 “(iv) the Republic of Palau.”;

6 (3) by striking subsection (c) and inserting the
7 following:

8 “(c) In making grants or entering into contracts for
9 legal assistance, the Corporation—

10 “(1) shall ensure that any recipient organized
11 solely for the purpose of providing legal assistance to
12 eligible clients is governed by a body (referred to in
13 this subsection as a ‘board’) at least 50 percent of
14 which consists of attorneys who are members of the
15 bar of a State in which the legal assistance is to be
16 provided (except that the Corporation may grant,
17 pursuant to regulations issued by the Corporation, a
18 waiver of such requirement for recipients which, be-
19 cause of the population the recipients serve, are un-
20 able to comply with such requirement);

21 “(2) shall ensure that any attorney, while serv-
22 ing on such board, shall not receive compensation
23 from a recipient for such service;

24 “(3) shall ensure that at least one-third of a re-
25 cipient’s governing body consists of individuals who

1 are, when selected, eligible clients who also may be
2 representatives of associations or organizations of el-
3 igible clients; and

4 “(4) shall ensure that at least 1 board member
5 is designated as a liaison to the bar association of
6 the State described in paragraph (1) for pro bono
7 promotion and coordination.”;

8 (4) in subsection (d), by adding at the end the
9 following: “The Corporation shall ensure that the
10 monitoring and evaluation activities described in this
11 subsection are carried out in a manner that is con-
12 sistent with the applicable rules of professional re-
13 sponsibility for the jurisdiction in which the recipient
14 is being monitored, and shall take reasonable steps
15 to avoid imposing undue burden or expense on the
16 recipient.”;

17 (5) by striking subsections (g) and (h); and

18 (6) by adding at the end the following:

19 “(h) The Corporation shall require all attorneys and
20 paralegals employed by a recipient to maintain records of
21 time spent on each case or matter supported in whole or
22 in part with funds provided under this title.”.

1 **SEC. 13. TECHNOLOGY GRANTS.**

2 Section 1007 of the Legal Services Corporation Act
3 (42 U.S.C. 2996f), as amended by section 12, is further
4 amended—

5 (1) by redesignating subsections (e) through (f)
6 as subsections (d) through (g), respectively; and

7 (2) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) In making a grant or entering into a contract
10 under this section, the Corporation may provide that a
11 portion of the funds provided under the grant or contract
12 may be used to acquire and develop information tech-
13 nology to promote full access to high-quality, efficient legal
14 representation and materials for self-representation.”.

15 **SEC. 14. REPORTING OF ATTORNEY'S FEES.**

16 Section 1007 of the Legal Services Corporation Act
17 (42 U.S.C. 2996f), as amended by sections 12 and 13,
18 is further amended—

19 (1) in subsection (b)(1)—

20 (A) by inserting “or in cases in which the
21 recipient serves as co-counsel with a private at-
22 torney” after “private representation is not
23 available”; and

24 (B) by inserting before the semicolon the
25 following: “, unless the attorney involved sub-

1 mits a report in accordance with subsection
2 (i)”; and

3 (2) by adding at the end the following:

4 “(i) The Corporation shall require any attorney em-
5 ployed by a recipient, and providing legal assistance under
6 this title for which the attorney is awarded attorney’s fees
7 during a fiscal year, to submit a report to the Corporation.
8 The report shall describe the representation for which the
9 attorney’s fees were awarded and the amount of the fees.”.

10 **SEC. 15. AUDITS.**

11 Section 1009 of the Legal Services Corporation Act
12 (42 U.S.C. 2996h) is amended—

13 (1) by striking subsection (c) and inserting the
14 following:

15 “(c) The Corporation shall require an audit of each
16 recipient in accordance with generally accepted auditing
17 standards and shall require that the recipient prepare a
18 report that includes—

19 “(1) the financial statements of the recipient,
20 including an unbiased presentation of the recipient’s
21 financial position and the results of the recipient’s
22 financial operations, in accordance with generally ac-
23 cepted accounting principles; and

24 “(2) a description of internal control systems of
25 the recipient that provide reasonable assurance that

1 the recipient is managing funds, from all sources, in
2 compliance with Federal law.”; and

3 (2) in subsection (d), by striking all that follows
4 the comma and adding “the Corporation, the Comp-
5 troller General of the United States, and the Cor-
6 poration’s Inspector General shall not have access to
7 any information in documents, reports, or records
8 that is confidential under the applicable rules of pro-
9 fessional responsibility or that is subject to the at-
10 torney-client privilege.”.

11 **SEC. 16. FINANCING.**

12 Section 1010 of the Legal Services Corporation Act
13 (42 U.S.C. 2996i) is amended—

14 (1) in subsection (a), by striking the first 3 sen-
15 tences and inserting the following: “There are au-
16 thorized to be appropriated for the purpose of car-
17 rying out the activities of the Corporation
18 \$750,000,000 for each of fiscal years 2010 through
19 2015.”;

20 (2) in subsection (c)—

21 (A) by striking the semicolon after “dis-
22 tinct from Federal funds” and inserting a pe-
23 riod;

24 (B) by striking “but any funds so received
25 for the provision of legal assistance shall not be

1 “(1) ACCREDITED LAW SCHOOL.—The term
2 ‘accredited law school’ means a law school that is ac-
3 credited by a nationally recognized accrediting agen-
4 cy or association approved by the Secretary for this
5 purpose, including any combination or consortium of
6 such schools.

7 “(2) CLINICAL EXPERIENCE PROGRAM.—The
8 term ‘clinical experience program’ means a program
9 of an accredited law school in which students receive
10 clinical experience in the practice of law by providing
11 services to eligible clients, as defined in section 1002
12 of the Legal Services Corporation Act (42 U.S.C.
13 2996a) and as specified in related regulations issued
14 under that Act (42 U.S.C. 2996), who have dif-
15 ficulty in gaining access to legal representation. The
16 cases and situations handled may encompass any of
17 the following:

18 “(A) Judicial, administrative, executive, or
19 legislative proceedings, including the full range
20 of preparation for such proceedings.

21 “(B) Factual investigation, empirical re-
22 search, or legal analysis.

23 “(C) Transactional matters.

1 **“SEC. 786. PROGRAM AUTHORIZED.**

2 “(a) IN GENERAL.—The Secretary is authorized to
3 enter into grants or contracts with accredited law schools
4 located in the States for the purpose of paying not more
5 than 90 percent of the costs of expanding or establishing
6 clinical experience programs in such schools.

7 “(b) USE OF FUNDS.—The costs described in sub-
8 section (a) may include necessary expenditures incurred
9 for—

10 “(1) planning;

11 “(2) training of faculty members and salary for
12 additional faculty members;

13 “(3) travel and per diem for faculty and stu-
14 dents;

15 “(4) reasonable stipends for students for work
16 in the public service performed as part of any such
17 program at a time other than during the regular
18 academic year;

19 “(5) equipment and library resources;

20 “(6) involving practicing lawyers in the process
21 of training law students to perform as lawyers; and

22 “(7) such other items as are allowed pursuant
23 to regulations issued by the Secretary.

24 “(c) LIMITATION ON AMOUNTS.—No accredited law
25 school may receive an amount of more than \$250,000 in
26 any fiscal year pursuant to this part.

1 **“SEC. 787. APPLICATIONS.**

2 “(a) REQUIREMENTS.—A grant or contract author-
3 ized under this part may be made by the Secretary upon
4 application which—

5 “(1) is made at such time and contains such in-
6 formation as the Secretary may prescribe;

7 “(2) provides for such fiscal control and fund
8 accounting procedures as may be necessary to assure
9 proper disbursement of and accounting for Federal
10 funds paid to the applicant under this part; and

11 “(3) provides for—

12 “(A) making reports, in such form and
13 containing such information as the Secretary
14 may require to carry out functions under this
15 part; and

16 “(B) keeping records and affording access
17 to such records as the Secretary may find nec-
18 essary to assure the correctness and verification
19 of such reports.

20 “(b) PREFERENCE.—In awarding grants or contracts
21 under this part, the Secretary shall give preference to ac-
22 credited law schools that—

23 “(1) provide a clinical experience program that
24 is carried out in coordination with a recipient, as de-
25 fined in section 1002 of the Legal Services Corpora-

1 tion Act (42 U.S.C. 2996a), or a governmental enti-
2 ty; or

3 “(2) demonstrate a need for Federal funds to
4 carry out a clinical experience program.

5 **“SEC. 788. SUPPLEMENT NOT SUPPLANT.**

6 “A recipient of a grant or contract under this part
7 may use the funds provided only to supplement funds
8 made available from non-Federal sources to carry out the
9 activities supported by such grant or contract, and in no
10 case to supplant such funds from non-Federal sources.

11 **“SEC. 789. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated to carry out
13 this part \$20,000,000 for fiscal year 2010, and such sums
14 as may be necessary for each of the 5 succeeding fiscal
15 years.”.

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