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, and Mrs. McCASKILL) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Civil Access to Justice Act of 2009”.

SEC. 2. FINDINGS.

Congress finds the following:
(1) It is crucial to provide equal access to the system of justice in the United States for all individuals, regardless of economic status.

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

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

(4) Congress must adequately fund Legal Services Corporation programs to preserve the strength of the programs.

(5) Providing legal assistance to those who face an economic barrier to adequate legal counsel serves justice and assists in improving opportunities for low-income persons.
(6) The availability of legal services has re-
affirmed the faith of many people of the United
States in a government of laws.

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

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

SEC. 3. AMENDMENTS TO STATEMENT OF FINDINGS AND
DECLARATION OF PURPOSE.
Section 1001 of the Legal Services Corporation Act
(42 U.S.C. 2996) is amended—

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

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

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

(4) by inserting at the end the following:
“(b) Congress finds the following:

“(1) Participation of private lawyers in providing legal assistance to those unable to afford such assistance significantly enhances the overall system for providing legal services to the poor, and the Legal Services Corporation should continue to promote and support pro bono services and other forms of private bar involvement through its policies and regulations.

“(2) The highest court of each State and Territory should encourage pro bono service by lawyers by adopting aspirational guidelines, such as the American Bar Association Model Rule of Professional Conduct 6.1, ‘Voluntary Pro Bono Publico Services’, and by adopting mandatory reporting of voluntary pro bono service.”.

**SEC. 4. DEFINITIONS.**

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

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

“(7) ‘staff attorney’ means an attorney who—

“(A) is employed by a recipient organized in whole or in part for the provision of legal assistance to eligible clients under this title; or
“(B) receives more than one-half of the attorney’s annual professional salary from the proceeds of a grant, contract, or other financial assistance from the Corporation to such recipient;”;

(2) in paragraph (8), by striking “the Trust Territory of the Pacific Islands, and any other territory or possession of the United States” and inserting “the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau;”; and

(3) by adding at the end the following:

“(9) ‘individual in poverty’ means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line; and

“(10) ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), applicable to a family of the size involved.”.”
SEC. 5. GOVERNING BODY.

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

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

(A) by striking “Effective with respect to appointments made after the date of enactment of the Legal Services Corporation Act Amendments of 1977 but not later than July 31, 1978, the” and inserting “The”;

(B) by striking “and” after “shall be appointed so as to include eligible clients,”; and

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

(2) in subsection (b)—

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

(B) by striking the third and fourth sentences;

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

(4) by striking subsection (f);
(5) by redesignating subsections (g) and (h) as (f) and (g), respectively; and

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

SEC. 6. OFFICERS AND EMPLOYEES.

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

SEC. 7. IMPROVEMENTS OF LEGAL SERVICES CORPORATION CORPORATE GOVERNANCE AND INTERNAL PRACTICES.

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

(1) in subsection (a)—

(A) in paragraph (2), by inserting “, subject to subsection (g)” before the semicolon;

and

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

(2) in subsection (b)—
(A) in paragraph (3), by striking “as established in the Canons of Ethics and the Code of Professional Responsibility of the American Bar Association” and inserting “as established in the applicable rules of professional responsibility or other laws of the State or other jurisdiction where the attorney practices law”; and

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

(3) by adding at the end the following:

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

“(2) In order for the Corporation to use any Federal funds for representational activities of the Corporation, not including non-representational activities that primarily involve Corporation staff, the appropriations Act through which the funds are made available shall specifically permit the use of the funds for such activities. Any solicitation of a donation of funds for expenses for which Federal funds may not be used under this title shall be approved in advance by the Board. In addition, a budget for the use of such donated funds shall be approved by the Board, before the Corporation incurs such an expense.
“(3) The Corporation may not advance Federal funds, in anticipation of receiving a donation under subsection (a)(2), to pay for an expense.

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

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

“(3) The Corporation shall—

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

“(B) not later than 1 year after the date of enactment of the Civil Access to Justice Act of 2009, and annually thereafter, conduct an assessment of the effectiveness of the internal control structure and procedures.

“(i)(1) The Corporation shall adopt comprehensive training standards and develop appropriate training materials to ensure that recipients are able to provide comprehensive and appropriate training for executive directors, supervisors, and attorneys employed by recipients and board members of recipients. Such training standards and materials shall address training concerning—
“(A) restrictions applicable to the activities of
attorneys employed by the recipient involved; and
“(B) appropriate use of Federal funds.
“(2) In developing training standards and materials
for the training described in paragraph (1), the Corpora-
tion—
“(A) is encouraged to address training con-
cerning the representation of victims of domestic vio-

lence; and
“(B) may coordinate activities with the Amer-
ican Bar Association Commission on Domestic Vio-

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

SEC. 8. PILOT LOAN REPAYMENT ASSISTANCE PROGRAM.

Section 1006 of the Legal Services Corporation Act,
as amended by section 7, is further amended by adding
at the end the following:
“(j)(1) The Corporation shall promote recruitment
and retention of highly qualified staff members for all re-
cipients, through the Pilot Loan Repayment Assistance
Program established by the Corporation in 2005 or other
programs, as the Corporation determines to be appropriate.

“(2) If funds are appropriated for any such staff recruitment and retention program for each of the 5 full fiscal years following the date of enactment of the Civil Access to Justice Act of 2009, in the fifth year, the Corporation shall submit to Congress a report on the impact of such program on the recruitment and retention of highly qualified staff for recipients.

“(3) Nothing in paragraph (2) prevents the Corporation from continuing such recruitment and retention programs for longer than 5 years, if such program is effective in the recruitment and retention of highly qualified staff and funds are appropriated for such program.”.

SEC. 9. PROHIBITED USE OF FUNDS.

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

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

“(B) No prohibited purposes provision shall be considered to cover Federal funds awarded under this title, except as provided in this title.
“(2)(A) In this subsection, the term ‘prohibited purposes provision’ means a provision of this title, or any other Federal law, that contains text stating that funds of a recipient may not be expended for a purpose prohibited by this title or another Federal law.

“(B) The term includes any Federal law that incorporates by reference a provision that contains text described in subparagraph (A) and is a provision of—

“(i) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998;

“(ii) the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996; or

“(iii) another Federal law.

“(3) No non-Federal funds may be used by a recipient to participate in any litigation with respect to abortion.”.

SEC. 10. CONSTRUCTION.

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

“(l) No provision of law, other than an amendment to this title, shall be considered to supersede or modify
this title unless the provision refers specifically to this sub-
section.”.

SEC. 11. LIMITED CLASS ACTION SUITS.

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

SEC. 12. GRANTS AND CONTRACTS.

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

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking

“and with the Governors of the several
States”;

(ii) in subparagraph (B)—

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

(II) in clause (iv), by striking “,
which may include evidence of a prior
determination that such individual’s
lack of income results from refusal or unwillingness, without good cause, to seek or accept an employment situation; and” and inserting a semicolon; and

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

“(C) ensure that—

“(i) recipients, consistent with the goals established by the Corporation, adopt procedures for determining and implementing priorities for the provision of legal assistance (and outreach, training, and support services, as may be necessary), and particularly for addressing the needs for services described in this clause on the part of the significant populations of eligible clients with special difficulties in accessing such services or with special legal needs, including—

“(I) elderly individuals;

“(II) individuals with disabilities;

“(III) victims of domestic violence;

“(IV) veterans;

“(V) members of the Armed Forces and their family members;
“(VI) persons displaced by a major disaster or emergency; and

“(VII) persons seeking assistance with matters relating to home foreclosure or mortgage default or delinquency, including matters concerning tenants or subtenants in homes that are in foreclosure or mortgage default or delinquency, as well as matters related to predatory lending practices; and

“(ii) recipients provide appropriate training, as described in section 1006(i)(1), and support services to recipient staff to enable such staff to provide legal assistance to eligible clients described in clause (i);”;

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

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

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

“(8) ensure that funds appropriated under this title for basic field programs shall be distributed on the basis of a system of competitive bidding, in accordance with Legal Services Corporation regulations, and shall be allocated so as to provide—
“(A) except as provided in subparagraphs
(B) and (C), an equal figure per individual in
poverty for all geographic areas, as determined
on the basis of the most recent decennial census
of population conducted pursuant to section
141 of title 13, United States Code (or, in the
case of the Republic of Palau, the Federated
States of Micronesia, the Republic of the Mar-
shall Islands, the Commonwealth of the North-
ern Mariana Islands, Alaska, Hawaii, and the
United States Virgin Islands, on the basis of
the adjusted population counts historically used
as the basis for such determinations);
“(B) an additional amount for Native
American communities that received assistance
under the Legal Services Corporation Act for
fiscal year 2009, so that the proportion of the
funds appropriated to the Legal Services Cor-
poration for basic field programs for fiscal year
2010 that is received by the Native American
communities shall be not less than the propor-
tion of such funds appropriated for fiscal year
2009 that was received by the Native American
communities; and
“(C) an amount for representation of migrant and seasonal farm workers.”; and

(E) in paragraph (9), as redesignated by this subsection, by striking “the Canons of Ethics and Code of Professional Responsibility of the American Bar Association” and inserting “applicable rules of professional responsibility”;

(2) in subsection (b)—

(A) by striking paragraph (8) and inserting the following:

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

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

(C) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(12) to provide legal assistance with respect to litigation relating to prison conditions on behalf of any individual who is incarcerated in a Federal, State, or local prison, except that nothing in this paragraph prohibits the use of funds made available by the Corporation for litigation related to an incarcerated individual’s ability to reenter society successfully;
“(13) to provide legal assistance with respect to the defense of an individual in a proceeding to evict such individual from a public housing project if—

“(A) the individual has been charged in a criminal proceeding with the illegal sale or distribution of a controlled substance, unless such charges have been dropped or the individual has been acquitted of the charges; and

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

“(14) to provide legal assistance for, or on behalf of an alien, unless the alien—

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

“(i) is described in subparagraph (A), (B), (C), (D), (E), or (F) of section 504(a)(11) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, as enacted by section 101 of the Omnibus Consolidated Rescissions and Ap-
propriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–54);

“(ii)(I) has been battered or subjected to extreme cruelty or was a victim of sexual assault or trafficking in the United States; or


“(iii) has a child present in the United States who, without the active participation of the alien—

“(I) has been battered or subjected to extreme cruelty or was a victim of sexual assault or trafficking in the United States; or

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

“(iv) has been a victim of trafficking or is a family member of such a victim and is eligible for protection and assistance under section 107 of the Trafficking Vic-
tims Protection Act of 2000 (22 U.S.C. 7105);

“(v) is an evacuee from, or victim of, a major disaster or an emergency designated by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or by an appropriate State or local official, and the alien’s need for legal assistance from the Corporation is related to the alien’s status as such an evacuee or victim;

“(vi)(I) has been declared dependent on a juvenile court located in a State or has been legally committed to, or placed under the custody of, an agency or department of a State by such a court; and

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

“(vii) is under 18 years of age, is unaccompanied by a parent or legal guardian, and is in the custody of the Secretary of Homeland Security; or
“(viii) is authorized to work in the United States or is otherwise lawfully present in the United States;

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

“(i) an American Indian born in Canada referred to in section 289 of the Immigration and Nationality Act (8 U.S.C. 1359); or

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

“(C) is—

“(i) indigent; and

“(ii) seeking relief under the Convention on the Civil Aspects of International Child Abduction, done at The Hague on October 25, 1980, pursuant to the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.); or

“(D) is a citizen of—

“(i) the Commonwealth of the Northern Mariana Islands;
“(ii) the Federated States of Micronesia;

“(iii) the Republic of the Marshall Islands; or

“(iv) the Republic of Palau.”;

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

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

“(1) shall ensure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body (referred to in this subsection as a ‘board’) at least 50 percent of which consists of attorneys who are members of the bar of a State in which the legal assistance is to be provided (except that the Corporation may grant, pursuant to regulations issued by the Corporation, a waiver of such requirement for recipients which, because of the population the recipients serve, are unable to comply with such requirement);

“(2) shall ensure that any attorney, while serving on such board, shall not receive compensation from a recipient for such service;

“(3) shall ensure that at least one-third of a recipient’s governing body consists of individuals who
are, when selected, eligible clients who also may be representatives of associations or organizations of eligible clients; and

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

(4) in subsection (d), by adding at the end the following: "The Corporation shall ensure that the monitoring and evaluation activities described in this subsection are carried out in a manner that is consistent with the applicable rules of professional responsibility for the jurisdiction in which the recipient is being monitored, and shall take reasonable steps to avoid imposing undue burden or expense on the recipient.”;

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

(6) by adding at the end the following:

“(h) The Corporation shall require all attorneys and paralegals employed by a recipient to maintain records of time spent on each case or matter supported in whole or in part with funds provided under this title.”.
SEC. 13. TECHNOLOGY GRANTS.

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

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following:

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

SEC. 14. REPORTING OF ATTORNEY’S FEES.

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

(1) in subsection (b)(1)—

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

(B) by inserting before the semicolon the following: “, unless the attorney involved sub-
mits a report in accordance with subsection (i’’); and

(2) by adding at the end the following:

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

SEC. 15. AUDITS.

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

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

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

“(1) the financial statements of the recipient, including an unbiased presentation of the recipient’s financial position and the results of the recipient’s financial operations, in accordance with generally accepted accounting principles; and

“(2) a description of internal control systems of the recipient that provide reasonable assurance that
the recipient is managing funds, from all sources, in compliance with Federal law.”; and

(2) in subsection (d), by striking all that follows the comma and adding “the Corporation, the Comptroller General of the United States, and the Corporation’s Inspector General shall not have access to any information in documents, reports, or records that is confidential under the applicable rules of professional responsibility or that is subject to the attorney-client privilege.”.

SEC. 16. FINANCING.

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

(1) in subsection (a), by striking the first 3 sentences and inserting the following: “There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation $750,000,000 for each of fiscal years 2010 through 2015.”;

(2) in subsection (c)—

(A) by striking the semicolon after “distinct from Federal funds” and inserting a period;

(B) by striking “but any funds so received for the provision of legal assistance shall not be
expended by recipients for any purpose prohib-
ited by this title, except that this’’ and inserting
“This’’;
(C) by striking “or” after “to prevent re-
cipients from receiving other public funds” and
inserting “, private funds,”; and
(D) by inserting after “(including founda-
tion funds benefiting Indians or Indian tribes)”
the following: “, or any other funds received
from a source other than the Corporation”; and
(3) by adding at the end the following:
“(e) For purposes of other programs that have Fed-
eral funds matching requirements, funds received by a re-
cipient from the Corporation shall not be considered to
be Federal funds for the purpose of determining whether
those funds may be used as non-Federal matching funds.”

SEC. 17. LAW SCHOOL CLINICAL EXPERIENCE PROGRAMS.

Title VII of the Higher Education Act of 1965 (20
U.S.C. 1133 et seq.) is amended by adding at the end
the following:

“PART F—LAW SCHOOL CLINICAL EXPERIENCE
PROGRAMS

“SEC. 785. DEFINITIONS.

“In this part:
“(1) Accredited Law School.—The term ‘accredited law school’ means a law school that is accredited by a nationally recognized accrediting agency or association approved by the Secretary for this purpose, including any combination or consortium of such schools.

“(2) Clinical Experience Program.—The term ‘clinical experience program’ means a program of an accredited law school in which students receive clinical experience in the practice of law by providing services to eligible clients, as defined in section 1002 of the Legal Services Corporation Act (42 U.S.C. 2996a) and as specified in related regulations issued under that Act (42 U.S.C. 2996), who have difficulty in gaining access to legal representation. The cases and situations handled may encompass any of the following:

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

“(B) Factual investigation, empirical research, or legal analysis.

“(C) Transactional matters.
“SEC. 786. PROGRAM AUTHORIZED.

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

“(b) Use of Funds.—The costs described in subsection (a) may include necessary expenditures incurred for—

“(1) planning;

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

“(3) travel and per diem for faculty and students;

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

“(5) equipment and library resources;

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

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

“(c) Limitation on Amounts.—No accredited law school may receive an amount of more than $250,000 in any fiscal year pursuant to this part.
SEC. 787. APPLICATIONS.

(a) REQUIREMENTS.—A grant or contract authorized under this part may be made by the Secretary upon application which—

“(1) is made at such time and contains such information as the Secretary may prescribe;

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

“(3) provides for—

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

“(B) keeping records and affording access to such records as the Secretary may find necessary to assure the correctness and verification of such reports.

(b) PREFERENCE.—In awarding grants or contracts under this part, the Secretary shall give preference to accredited law schools that—

“(1) provide a clinical experience program that is carried out in coordination with a recipient, as defined in section 1002 of the Legal Services Corpora-
tion Act (42 U.S.C. 2996a), or a governmental enti-

ty; or

“(2) demonstrate a need for Federal funds to

carry out a clinical experience program.

“SEC. 788. SUPPLEMENT NOT SUPPLANT.

“A recipient of a grant or contract under this part

may use the funds provided only to supplement funds

made available from non-Federal sources to carry out the

activities supported by such grant or contract, and in no

case to supplant such funds from non-Federal sources.

“SEC. 789. AUTHORIZATION OF APPROPRIATIONS.

““There are authorized to be appropriated to carry out

this part $20,000,000 for fiscal year 2010, and such sums

as may be necessary for each of the 5 succeeding fiscal

years.”.”

○