

SHARMISTHA DAS

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SELECTED WORK EXPERIENCE

Office of U.S. Senator Kamala D. Harris – Senior Counsel *June 2019 – Present (Washington, DC)*

- Lead counsel for Homeland Security and Governmental Affairs Committee and counsel for Judiciary Committee.
- Apply strong political judgment to navigate competing stakeholder requests, divergent caucus positions, and complex Committee dynamics to develop policy, legal, and strategy recommendations that advance the Senator's priorities.
- Draft oversight letters, review and analyze oversight responses, and collaborate with related committees of jurisdiction.
- Serve as office point-person for DHS legislative affairs representatives, including sub-agencies and components.
- Staff and brief the Senator. Draft legislation, memos, vote recommendations, statements, and talking points.
- Prepare the Senator for hearings, including researching key topics, researching witnesses, and drafting hearing questions.
- Develop strategy on high-profile congressional investigations involving complex legal, procedural, and political issues.
- Conduct site visits of DHS facilities, including ICE detention facilities, Border Patrol stations, CBP ports of entry, immigration courts, and shelters for families released from DHS facilities.
- Track and analyze impact of pending litigation and new legal precedents on policy proposals and draft legislation, including litigation relating to DACA, the public charge rule, and family separation.
- Establish and leverage strong interpersonal relationships with other Senate offices to advance the Senator's priorities.
- Meet and liaise with immigration and homeland security stakeholders to build support for the Senator's agenda.
- Manage a core team of 3 in my portfolio areas. Manage a team of 10 colleagues outside my portfolio areas as needed for Homeland Security Committee activities by identifying and addressing any gaps and presenting team recommendations.
- Serve as Senator's liaison to the Congressional Asian Pacific American Caucus.

- **Representative COVID-19 Experience:**
 - Coordinate and draft COVID-19 oversight relating to FEMA's wildfire preparedness, national testing strategy, resources for states, the Strategic National Stockpile, and racial disparities in COVID-19 response.
 - Draft COVID-19 oversight relating to immigration, including impact of CBP's use of public health authorities on asylum, alternatives to detention, and the impact of immigration enforcement on access to healthcare.
 - Research relationship between detention and the spread of COVID-19, draft oversight relating to COVID-19 preparedness at ICE detention facilities, and track stakeholder reports on COVID-19 outbreaks in U.S. custody.
 - Draft COVID-19 legislation, including the *Coronavirus Immigrant Families Protection Act*, *Coronavirus Language Access Act*, and a resolution condemning anti-Asian discrimination following the COVID-19 outbreak.
 - Draft hearing questions for DHS officials relating to anti-Asian discrimination following COVID-19 outbreak.
 - Analyze homeland security and immigration provisions in proposed COVID-19 legislative relief packages.
 - Lead negotiations to incorporate elements of Senator's *COVID-19 Racial and Ethnic Disparities Task Force Act* into a bipartisan bill, which was voted out of the Homeland Security Committee.
 - Liaise with immigration and homeland security stakeholders regarding COVID-19 priorities throughout pandemic.

- **Representative Homeland Security Committee Experience:**
 - Analyze DHS annual budget request and DHS annual and supplemental appropriations measures, including border, humanitarian, & detention funding, transfer and reprogramming capabilities, and oversight requirements.
 - Interview administration nominees for OMB, OPM, and DHS, including the nominee for DHS Secretary. Research nominees, review Committee documentation on nominees, and prepare hearing and oversight questions.
 - Draft oversight relating to alleged misconduct by CBP personnel and liaise with DHS and CBP legislative affairs representatives to track status of internal investigations and assessments.
 - In preparation for the annual "Threats to the Homeland" hearing, participate in FBI, DHS, and NCTC briefings, coordinate and draft oversight questions, and prepare questions for the record for DHS.
 - Coordinate statements and oversight questions relating to climate change issues within FEMA jurisdiction.
 - Analyze DHS law enforcement authorities following deployment of DHS personnel to nationwide demonstrations.
 - Draft oversight and hearing questions relating to allegations of excessive force and internal investigation procedures.
 - Meet with FLETC representatives regarding training offerings, program revisions, and upcoming initiatives.
 - Review and analyze Committee investigation reports, transcripts, and subpoenas, analyze Committee rules regarding investigation procedure, brief Senator regarding latest developments, and draft vote recommendations.
 - For a single Committee markup, coordinated 10 colleagues to prepare recommendations on over 50 nominations, bills, and amendments, and briefed the Senator and senior staff.
 - Analyze Permanent Subcommittee on Investigations reports, including report on unaccompanied children.

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- **Representative Judiciary Committee Experience:**

- o Analyze hundreds of immigration bills and amendments relating to detention conditions, asylum procedure, immigration court proceedings, refugee processing, unaccompanied children, and “sanctuary” jurisdictions.
- o Draft memorandum and hearing questions relating to COVID-19 response at ICE detention facilities, the public charge rule, family separation, and DACA.
- o Analyze immigration-related Supreme Court briefs, petitions, precedents, and forthcoming arguments, including the public charge rule, DACA and DAPA, immigration consequences of criminal charges, bond for detained persons, the “Migrant Protection Protocols,” border wall funding, the burden on asylum-seekers to pursue their claims, the travel bans, the role of states in federal immigration policy, and the due process rights of immigrants.
- o Analyze appellate and Supreme Court amicus briefs on DACA and state/federal immigration cooperation.
- o Participate in Committee briefings with agency officials and legislative affairs representatives on oversight topics.
- o Track impact of COVID-19 on health and safety relating to immigration court proceedings and personnel.
- o Analyze USCIS regulatory revisions to DACA, naturalization, and asylum fees and draft congressional comments for submission into the regulatory record.
- o Lead introduction of legislation, including *Detention Oversight Not Expansion Act*, *Access to Counsel Act*, and *Refugee Protection Act* to address detention conditions, adequacy of access to counsel for immigration proceedings, and ensuring due process for immigrants seeking refuge in the United States including immigrant children.
- o Spearhead passage of bipartisan *Missing Persons and Unidentified Remains Act* into law to take steps to prevent migrant deaths and locate and identify missing migrants in border regions.
- o Collaborate across committees to draft oversight relating to procurement regulations governing ICE detention.
- o Lead oversight relating to USCIS acceptance of DACA applications following Supreme Court decision.

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– **Associate** *May 2013 – July 2013, November 2014 – June 2019 (Washington, DC)*

- Member of government contracts, environment & natural resources, and administrative & regulatory law groups.
- Conducted legal research and analysis, specializing in immigration law, statutory interpretation, and administrative law.
- Managed litigation including complaint filing, brief drafting, discovery, and Supreme Court briefs and procedure.
- Drafted legal memoranda, briefs, and motions for filing in immigration court and federal court (trial and appellate).
- Litigated highly politicized issues subject to evolving regulatory and statutory actions.
- Exceeded *pro bono* service requirements every year by representing asylum-seekers, tenants, and impact litigation clients.
- Served on Legal Advisory Committee to Capital Area Immigrants’ Rights Coalition and firm’s public service committee.
- Selected as Leadership Council on Legal Diversity 2018 Pathfinder to participate in year-long leadership programming.
- **Representative Litigation Experience: Administrative Law & Regulatory Policy**
 - o Conducted extensive analysis of *Affordable Care Act* provisions, related regulatory actions, and agency guidance.
 - o Researched administrative and appropriations law principles, regulatory history, and statutory history to develop legal theories on unprecedented issues of first impression.
 - o Researched and drafted complaints, briefs, petition for certiorari, and Supreme Court briefs.
 - o Conducted hearing preparation for trial, appellate, and Supreme Court proceedings.
 - o Tracked high volume of related cases and assessed impact of litigation and political developments on case strategy.
 - o Managed slate of dozens of cases before different judges. Lead case ultimately resulted in a Supreme Court victory.
 - o Managed team of over 10 fellow associates, counsel, partners, and paralegals.
- **Representative Litigation Experience: Asylum**
 - o Represented asylum-seekers fleeing persecution on the basis of political opinion, religious beliefs, and refusal to participate in gang activities.
 - o Conducted extensive legal research in various appellate jurisdictions on complex immigration issues, developed legal theories, and drafted briefs, memoranda, and witness statements.
 - o Prepared clients and witnesses for testimony at trial, including expert witnesses.
 - o Conducted in-court argument and witness examinations in state court proceedings relating to Special Immigrant Juvenile Status and immigration court proceedings relating to asylum claims.
 - o Managed teams of 3-7 fellow associates, counsel, partners, and paralegals as lead associate.
- **Representative Regulatory Experience: Procurement**
 - o Analyzed federal procurement regulations and regulatory history to develop legal theories on cutting-edge issues.
 - o Drafted agency-facing memoranda and briefs presenting regulatory analysis.
 - o Analyzed executive orders and other regulatory actions to identify potential litigation risk and industry impact.

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(b)(6) – **Loaned Associate (Housing Unit)** *January 2016 – August 2016 (Washington, DC)*

- Selected by (b)(6) for *pro bono* secondment to represent tenants in eviction litigation.
- Conducted analysis of D.C. Housing Authority regulatory authorities for clients with housing assistance.
- Conducted court arguments, mediation, and negotiation. Prepared witnesses for hearings.
- Drafted discovery, including interrogatories, requests for admission, and deposition outlines.

(b)(6) – **Student Representative** *September 2013 – April 2014 (Washington, DC)*

- Represented asylum-seeker in immigration litigation and secured grant of asylum.
- Conducted extensive legal research on immigration law, constitutional law, and administrative law.
- Drafted legal brief and 52 supporting exhibits, conducted witness interviews, conducted extensive fact investigation.
- Prepared witnesses for hearings, conducted immigration court oral arguments including witness examinations, and drafted briefs and exhibits.

(b)(6) – **Research Assistant** *May 2013 – July 2013 (Washington, DC)*

- Researched national security issues, including targeted killing and cybersecurity.

DOJ, Human Rights & Special Prosecutions Section – Law Clerk *January 2013 – April 2013 (Washington, DC)*

- Conducted intensive legal research on criminal procedure, administrative law, constitutional law, and immigration law.
- Analyzed potential constitutional challenges to immigration-related legislation.
- Analyzed administrative law principles governing whether immigration-related actions should be promulgated by regulation or statute. Accounted for distinctions among circuit court law and Supreme Court precedents.
- Commended by DOJ interagency working group for excellence of research and writing.

(b)(6) – **Intern** *May 2012 – December 2012 (Washington, DC)*

- Tracked status and reviewed key briefing documents relating to Supreme Court litigation on the alien tort statute.
- Researched jurisdiction under the alien tort statute over corporate entities' human rights violations committed abroad.
- Researched and drafted discovery documents and deposition outlines relating to international human rights issues.

(b)(6) – **Training, Sales and Support** *July 2010 – May 2012 (New York, NY, Washington, DC)*

- Researched, prepared and implemented creative sales and marketing strategy.
- Mastered a highly technical product and conducted client training. Managed numerous complex client relationships.
- Studied successful operation of a business including effective communication, persuasive strategy, and targeted research.

(b)(6) – **Legal Analyst** *July 2009 – July 2010 (New York, NY)*

- Conducted legal research and analysis of complex legal concepts. Tracked high volume of sensitive litigations.
- Drafted legal briefs and memoranda under attorney supervision. Prepared trial outlines including witness testimony.
- Received bonus for developing innovative file structure to promote efficiency.

EDUCATION

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LANGUAGES & INTERESTS

Languages: (b)(6)

Interests: (b)(6)

Bar Admissions: (b)(6)

ADMINISTRATIVE LAW PUBLICATIONS & ALERTS

- “The final Auer: Midnight approaches for an important deference doctrine”
Trends, ABA Section of Environment, Energy, and Resources Newsletter (March/April 2019) (co-authored)
- “Court of Federal Claims Grants Summary Judgment on Affordable Care Act ‘CSR’ Litigation”
Government Contracts Bullet Points (September 5, 2018) (co-authored)
- “Government Urges SCOTUS to Declare ALJ Process Unconstitutional”
Administrative Law Alert (December 8, 2017) (co-authored)
- “COFC Rejects Government Motion to Dismiss ACA ‘Risk Corridors’ Case”
Government Contracts Legal Forum (January 12, 2017) (co-authored)
- “COFC Holds That ACA ‘Risk Corridors’ Program Requires Annual Payment”
Government Contracts Bullet Points (January 12, 2017) (co-authored)
- “The Decline of Deference: Is the Supreme Court Pruning Back the Chevron Doctrine?”
Trends, ABA Section of Environment, Energy, and Resources Newsletter (Sept./Oct. 2015) (co-authored)
- “New Compliance Requirements to Prevent Trafficking: What do the rules require? What contractors are subject to them? What questions remain?”
Government Contracts Legal Forum (January 30, 2015) (co-authored)
- “OFCCP Issues New Rule Prohibiting Discrimination on Basis of Sexual Orientation and Gender Identity, More Guidance to Come”
Government Contracts Legal Forum (December 16, 2014) (co-authored)
- “Gov’t Victory in Perez v. MBA May Be Pyrrhic”
Law360 (December 8, 2014) (co-authored)