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Journal: By a yea-and-nay vote of 366 yeas to 10 nays, with 2 voting "present", Roll No. 75, the House approved the Journal of Monday, June 15.

Page H2935

Private Calendar: On the call of the Private Calendar, the House passed over without prejudice H.R. 1547.

Further call of the Calendar was dispensed with.

Page H2936

Defense Officer Personnel Management: House passed H.R. 3807, to make technical corrections in the Defense Officer Personnel Management Act.

Pages H2938-H2944

Virgin Islands Constitution: House cleared for the President H.J. Res. 238, to approve a Constitution for the United States Virgin Islands; by agreeing to the Senate amendments thereto.

Page H2944

Infant Formula Code: By a yea-and-nay vote of 301 yeas to 100 nays, with 2 voting "present", Roll No. 76, the House voted to suspend the rules and pass H.J. Res. 287, in support of the implementation of the World Health Organization voluntary code on infant formula.

Pages H2944-H2963

Lebanese Crisis: By a yea-and-nay vote of 398 yeas to 1 nay, Roll No. 77, the House agreed to H. Res. 159, expressing the strong support of the House of Representatives for diplomatic efforts to resolve the current crisis in Lebanon and congratulating Special Envoy Philip C. Habib on his tireless efforts to resolve that crisis.

Pages H2963-H2966

Legal Services Corporation: House completed all general debate on H.R. 3480, to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, but came to no resolution thereon. Proceedings under the 5-minute rule are scheduled to continue on Wednesday, June 17.

Rejected:

An amendment, as amended, that sought to require the Corporation to insure that the majority of the governing bodies of recipient organizations be appointed by local bar associations (rejected by a recorded vote of 155 yeas to 249 noes, with 2 voting "present", Roll No. 79); and

An amendment that sought to eliminate the reasonable notice and hearing requirements before termination or suspension of services (rejected by a recorded vote of 152 yeas to 251 noes, Roll No. 80).

Pages H2966-H2996

Printing: House agreed to H. Con. Res. 149, authorizing the printing of additional copies of Omnibus Reconciliation Act of 1981, and accompanying reports.

Page H2996

Referral: One Senate-passed measure was referred to the appropriate House committee.

Page H3007

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H3009-H3010.

Quorum Calls—Votes: One quorum call, three yea-and-nay votes, and two recorded votes developed during the proceedings of the House today and appear on pages H2935, H2962-H2963, H2965-H2966, H2987-H2988, H2993.

Adjournment: Met at noon and adjourned at 5:33 p.m.

Committee Meetings

WATER RESOURCES POLICY ACT

Committee on Agriculture: Subcommittee on Conservation Credit, and Rural Development held a hearing on H.R. 3432, Water Resources Policy Act of 1981. Testimony was heard from departmental and public witnesses.

FIFRA

Committee on Appropriations: Subcommittee on Department Operations, Research and Foreign Agriculture held a hearing on Federal Insecticide, Fungicide and Rodenticide Act—data issues. Testimony was heard from departmental and public witnesses.

LABOR-HHS AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, HHS, and Education heard testimony from Members of Congress on impact aid.

The Subcommittee also continued hearings with public witnesses.

Hearings continue tomorrow.

MULTI-YEAR PROCUREMENT

Committee on Appropriations: Subcommittee on Defense held a hearing on Multi-Year Procurement. Testimony was heard from Tom Morris, Special Assistant to the Comptroller General, GAO and Dr. Richard D. DeLauer, Under Secretary of Defense for Research and Engineering.

CONTRACTING ENVIRONMENT

Committee on Armed Services: Subcommittee on Procurement and Military Nuclear Systems held a hearing on the necessity for profit-limitation legislation in the current contracting environment. Testimony was heard from Representatives Mavroules and McCloskey; Donald J. Horan, Director, Procurement, Logistics and Readiness Division, GAO; from the following officials of the Department of Defense: Dr. Richard DeLauer, Under Secretary for Research

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| Mikulski | Rinaldo | Stenholm |
| Miller (CA) | Ritter | Stokes |
| Miller (OH) | Roberts (KS) | Stratton |
| Mineta | Roberts (SD) | Studds |
| Minish | Robinson | Stump |
| Mitchell (MD) | Rodino | Swift |
| Mitchell (NY) | Roe | Synar |
| Moakley | Roemer | Tauke |
| Moffett | Rogers | Tauzin |
| Mollinari | Rose | Taylor |
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| Montgomery | Roth | Udall |
| Moore | Roukema | Udall |
| Moorhead | Rousselot | Vander Jagt |
| Morrison | Roybal | Vento |
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| Murphy | Russo | Walgren |
| Murtha | Sabo | Walker |
| Myers | Santini | Wampler |
| Natcher | Sawyer | Watkins |
| Neal | Scheuer | Waxman |
| Nelligan | Schneider | Weaver |
| Nelson | Schroeder | Weber (MN) |
| Nichols | Schulze | Weber (OH) |
| Nowak | Schumer | Weiss |
| O'Brien | Seiberling | White |
| Oakar | Sensenbrenner | Whitehurst |
| Oberstar | Shamansky | Whitley |
| Obey | Shannon | Whittaker |
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| Panetta | Shaw | Williams (OH) |
| Pashayan | Shelby | Wilson |
| Patman | Shuraway | Winn |
| Patterson | Shuster | Wirth |
| Pease | Siljander | Wolf |
| Pepper | Simon | Wolpe |
| Perkins | Skeen | Wortley |
| Petri | Stelton | Wright |
| Peyser | Smith (AL) | Wyden |
| Pickle | Smith (IA) | Wyllie |
| Porter | Smith (NE) | Yates |
| Price | Smith (NJ) | Yatron |
| Pritchard | Smith (OR) | Young (AK) |
| Pursell | Snowe | Young (FL) |
| Quillen | Snyder | Young (MO) |
| Rahall | Solarz | Zablocki |
| Railsback | Sotomon | Zerferetti |
| Rangel | Spence | |

A motion to reconsider was laid on the table.

LEGAL SERVICES CORPORATION ACT AMENDMENTS OF 1981

Mr. KASTENMEIER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3480) to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3480, with Mr. McHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. RAILSBACK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, I yield 6 minutes to the distinguished chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I thank the subcommittee chairman for yielding this time to me.

I would like to first commend the subcommittee chairman and the ranking minority member of that committee, the gentleman from Illinois (Mr. RAILSBACK), together with the members of the subcommittee who unanimously supported the compromise version which is before the House now.

Mr. Chairman, I rise in support of H.R. 3480, a bill to extend the authorization for appropriations for the Legal Services Corporation for 2 additional years. The bill was reported favorably by the Committee on the Judiciary by a strong vote, 22 to 6, and is supported by a bipartisan coalition of members. I am aware that some members and the President may want to terminate the Corporation and end Federal assistance to the poor for civil legal aid. I believe that such a radical move is unwarranted, unfair, and unwise.

The Legal Services Corporation is a private nonprofit corporation which was created by Congress in 1974—Public Law 93-355. The original legislation was proposed by President Richard M. Nixon as an alternative to the earlier legal services program begun in the midsixties which was part of the executive branch in the

Office of Economic Opportunity, and later in the Community Services Administration. The need for an independent corporation outside the executive branch was emphasized by the President, who stated that among the objectives of the new program would be:

That the lawyers in the program have the full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession . . . and that the Nation be encouraged to continue giving the program the support it needs to become a permanent and vital part of the American system of justice.

As President Nixon noted on May 15, 1973:

Legal assistance for the poor, when properly provided, is one of the most constructive ways to help them to help themselves . . . (and) justice is served far better and differences are settled more rationally within the system than on the streets.

The Committee on the Judiciary has exercised oversight of the Legal Services Corporation since it began operations in 1975. We processed legislation to extend the authorization for appropriations in 1977—Public Law 95-222—and have held several hearings over the past 6 years. We have been impressed with the Corporation and the services which the local programs provide. Legal Services is well run and a bargain. More than 93 percent of its resources are spent to provide legal services directly to its clients in 323 legal services programs in 50 States, the District of Columbia, the Virgin Islands, Puerto Rico, Micronesia, and Guam. Less than 3 percent of the funding goes for central management and administration.

The national legal services program, though primarily funded through the Legal Services Corporation—which administers grants and monitors its grantees—is basically a local program. Field programs are generally private nonprofit organizations, each of which is directed by a local board whose composition is 60 percent lawyers and one-third clients from the service community. There are limited resources and so priority setting is conducted at the local level with input from the private bar and client community. The initial goal of "minimum access," that is, 2 attorneys per 10,000 poor persons, has just been completed. This is a modest goal of access to the justice system, since there are approximately 14 attorneys per 10,000 persons across the Nation. But for the poor this goal provides minimum access to the basic necessities of life—food, shelter, clothing, and education.

Legal services staff are in no way overpaid. They are dedicated lawyers who work long hours in modest offices. The average staff attorney is paid less than \$17,000 per year. Nor is the work glamorous in the conventional sense. Fully 80 percent of their cases involve disputes in the family and over

NAYS—1

Paul.

NOT VOTING—32

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| Akaka | Ford (MI) | Lehman |
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| Beard | Hatcher | Parris |
| Breaux | Hefner | Rosenthal |
| Byron | Holt | Savage |
| Cotter | Huckaby | Thomas |
| D'Amours | Ireland | Washington |
| Derwinski | Johnston | Williams (MT) |
| Erlenborn | Lantos | |

□ 1415

The Clerk announced the following pairs:

- Mr. Akaka with Mrs. Holt.
- Mr. D'Amours with Mr. Erlenborn.
- Mr. Applegate with Mr. Beard.
- Mr. Breaux with Mr. Derwinski.
- Mr. Rosenthal with Mr. Thomas.
- Mr. AuCoin with Mr. Johnston.
- Mr. Washington with Mr. Parris.
- Mr. Lantos with Mr. Napier.
- Mr. Lehman with Mr. Livingston.
- Mr. Huckaby with Mr. Hansen of Idaho.
- Mr. Ireland with Mr. Williams of Montana.
- Mr. Hatcher with Mr. Lundine.
- Mr. Hall of Ohio with Mr. Hefner.
- Mr. Ford of Michigan with Mr. Savage.
- Mr. Gramm with Mrs. Byron.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

housing, income maintenance, and consumer finance. Eighty percent of legal services cases are closed within 6 months, about 30 percent within a day. Certainly this is an example of speedy justice. Less than 12 percent of the cases ever reach a court decision.

During this Congress the Subcommittee on Courts, Civil Liberties, and the Administration of Justice has conducted 8 days of hearings on the Legal Services Corporation.

Several witnesses testified, including critics of the program as well as supporters. The support for continuing the independent Legal Services Corporation has been very impressive and overwhelming. Public officials in my home State of New Jersey who have written to me of their support include: Gov. Brendan T. Byrne, attorney general, James R. Zazzali, public advocate, Stanley Van Ness and his assistant commissioner, Arthur Penn, and Newark mayor, Kenneth A. Gibson. All three deans of New Jersey's three law schools have written to me, as have many law students attending them. Most importantly, several hundred clients have written to me, many of them from New Jersey. H.R. 3480 has a wide range of support from over 80 national organizations, including several organizations for the elderly and national bar organizations, including the American Bar Association. The support of the Conference of State Court Administrators, as well as several Federal, local, and State judges, indicates the high regard which the judicial system has for these legal services lawyers.

I urge you to support H.R. 3480.

□ 1430

(Mr. RODINO asked and was given permission to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Chairman, I yield myself 5 minutes.

(Mr. RAILSBACK asked and was given permission to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Chairman, the issues before us today are extremely important. Foremost is the question of whether Americans who do not have the necessary resources will have assured access to a lawyer to help them with their noncriminal legal problems. In characterizing the Americans we are talking about, it is fair to say that they are poor, they represent a disproportionate number of American minorities, and they represent a disproportionate number of America's elderly citizens. To qualify, they must meet a poverty standard. The subcommittee, Republicans and Democrats alike, made the decision that the 29 million poor Americans in this country should be able to sit down and discuss their legal problems with an attorney. William Reece Smith, Jr., president of the American Bar Association, in a letter of support stated:

I believe we have the oldest surviving democracy in the world because our people

perceive that they can settle their grievances and enforce their rights through the justice system.

Every lawyer in this body, and in the Nation for that matter, is fully aware of the fact that to successfully use our system of justice, you need the assistance of an attorney—and to deny these people that assistance is the very same as denying them access to our system of justice. If we do this, then I believe the consequences may be serious, not just for the poor but for our entire system of government.

We cut the Legal Services Corporation by \$61 million from \$321 million to \$260 million. They are authorized under the bill for 2 years, 1982 and 1983, and are held at the same authorization for those 2 years. So, if the inflation factor was considered, which it was not, the cut would be substantially more than 61 million dollars. In addition, the subcommittee and full committee addressed 18 well-known problem areas and drafted amendments aimed at correcting those problem areas. For example, the Board of Directors of the Corporation, whom the President would appoint, would have greater power to fire employees considered to be subverting the will of the Congress, and to withhold funds from such local programs if necessary. Under this legislation before you today, class action suits against governmental units would be forbidden, unless in accordance with policies laid down by the President's Board. Employees engaged in illegal lobbying would be subject to criminal penalties. The Legal Services Corporation would be required to make available substantial amounts of funding to provide the opportunity for the private bar to render legal assistance, either in lieu of local legal services programs or in addition to them. This was an amendment which I introduced. It was recommended by the American Bar Association, and it is similar to the one proposed last year by my colleague, JIM SENSENBRENNER. This bill also requires local legal services programs to attempt to negotiate settlements of controversies before filing suit. This idea comes from my colleague from New York, HAM FISH. It also addresses a concern that has been expressed by our colleagues, Mr. CONABLE and Mr. GILMAN.

I have only mentioned a few of the amendments which the subcommittee adopted. The majority of the legal problems faced by the poor are relatively routine, but to the individuals, these problems take on crisis proportions which would often perpetuate other crises if it were not for the availability and the accessibility of legal services programs. Contrary to a misconception engendered by some on this floor today, legal service attorneys spend most of their time helping individuals. Of the 1.5 million legal matters handled annually by local programs, over 30 percent relate to family matters: Divorce, custody, visitation

problems, support, wills, and guardianships. Legal service attorneys differ from lawyers in private practice in the large percentage of cases they handled in the income maintenance area—over 17 percent in January, 1981. These cases include social security disputes, including aid to families with dependent children. Another 14 percent of legal services cases fall into the area of consumer and finance law: Collection, repossession, contracts, warranties, bankruptcy, and debtor relief.

In June of last year, there appeared in the Washington Star a column by James J. Kilpatrick entitled "Of Justice for All." James J. Kilpatrick begins as follows:

If there is one concept that our Nation cherishes more than any other, it is the commitment that is carved in stone at the Supreme Court. The legend reads, "equal justice under the law". Year by year we creep a little closer toward that distant goal.

That cheerful observation is prompted by a report from the Legal Services Corporation, making its first five years of operation. The Corporation has come a long way from those angry days in 1973 and 1974 when many of us on the conservative side fought like bobcats against its very creation. In the nature of things, poor families can accept the realities of being poor; they are not going to have the food, clothing, housing, and higher education and material amenities of the rich. What they cannot accept is the sense of being unfairly ground down by the millwheels of the law.

He concluded:

We will never achieve the ideal of truly equal justice . . . but at law, we must keep trying. The preamble to the Constitution pledges a national purpose "to establish justice". Let us get on with the job.

In March of this year, Mr. Kilpatrick again devoted a column to the Legal Services Corporation, in which he states that if the Legal Services Corporation dies, it will have done itself in through its own lobbying efforts. But, Mr. Kilpatrick concludes that column as follows:

The concept is worth saving. Heaven knows that it is! I will cling to the ideal willy-nilly. But perhaps some other mechanism—block grants to the States, or pro bono service by private attorneys—would be better. If the Corporation dies, the need will still be there.

In conclusion, Mr. Chairman, in the other body, the Senate Labor and Human Resources Committee agreed last week to continue funding the Legal Services Corporation at \$100 million a year for 2 years and not to abolish it. That committee is expected to report such a bill to the Senate floor this week. So your vote today will not be cast in vain.

In conclusion, Mr. Chairman, I would just like to say a word to my Republican colleagues—I believe we have a great opportunity to preserve what is good about this important program for the poor, and correct what needs correcting and redirect it in certain other areas. I urge you to vote in favor of H.R. 3480.

Thank you.

consistent with the correspondence which the subcommittee has received. I have received thousands, probably over 6,000, of letters supportive of the Legal Services Corporation, and only approximately 80 letters opposed. Most of these supportive letters are from Legal Services clients. Over 80 national organizations and 300 bar groups support the continuation of the Corporation. And I have received letters from Federal, State and local public officials—including judges, Governors, attorneys general, mayors—supporting the present program.

In general the Legal Services Corporation has been performing an excellent and efficient job administering and distributing Legal Services funds throughout the country. Only approximately 3 percent is spent on administrative and related costs. The network of 323 Legal Services programs is locally controlled usually by local boards composed of 60 percent attorneys and one-third clients. Each program sets its own priorities in consultation with the client community. Over 1.5 million matters were handled last year, and only 15 percent of these cases ever went to court. Most were routine matters involving family, housing and consumer law.

Besides the financing provisions, H.R. 3480 has changed the Legal Services Corporation Act in many other ways. In response to concerns raised by the gentleman from Louisiana (Mr. HUCKABY) and others, the State advisory councils have been mandated, restructured and given new powers and responsibilities regarding alleged violations and funding decisions, section 2. The gentleman from Florida (Mr. McCOLLUM) added section 3, which requires that nonprofit organizations chartered solely to provide legal assistance be governed by a majority which are lawyers appointed by the majority bar associations in that area. In response to concerns raised by the gentlemen from California (Messrs. MOORHEAD and SHUMWAY) and the gentleman from Wisconsin (Mr. SENSENBRENNER) lobbying activities by Corporation officials and employees have been practically eliminated, placing them on the same footing as Federal Government workers. Legislative representation by employees of recipients or local programs has been sharply curtailed and narrowly defined, to eliminate some of the ambiguity in current law. Legal assistance may be provided in legislative and administrative matters only where an eligible client has a particular claim or when a formal request is made by an agency, legislature, committee or member thereof, and then response may be made only to the requestor, section 5.

In response to concerns raised by several critics and by the gentleman from Michigan (Mr. SAWYER), limitations have been placed on class actions against governmental entities, section 6. In response to concerns raised by the gentleman from Virginia (Mr.

BUTLER) and others, the Corporation and recipients have been made more liable for attorneys' fees to opposing parties, section 7. At the same time the ability of legal services programs to receive such awards has been severely restricted, section 10. In response to concerns raised by the gentleman from New York (Mr. FRISH) and others, programs will be required to attempt to negotiate settlements before filing a suit, section 8. As a result of input from the American Bar Association, and the gentlemen from Illinois (Mr. RAILSBACK) and Wisconsin (Mr. SENSENBRENNER), the private bar will have increased opportunities to participate in delivering legal aid, section 9. This provision is designed to encourage a full range of private delivery methods, including pro bono and compensated services at less-than-customary fees.

Several additional restrictions have been placed on the use of legal services funds. Two such restrictions are contained in the current appropriations law: First, in section 11(5), prohibiting the representation of known illegal aliens to respond to the concerns of the gentlemen from Illinois (Mr. O'BRIEN), and California (Mr. SHUMWAY), and others; and second, section 11(5), prohibiting legal assistance to adjudicate the legalization of homosexuality to respond to the concerns of the gentleman from Georgia (Mr. McDONALD).

Other restrictions incorporated in the act include one proposal by the gentleman from Mississippi (Mr. LOTT) to prevent training activities which disseminate information encouraging or advocating labor or antilabor activities, section 11(1), and one proposal by the gentleman from Kentucky (Mr. MAZZOLI) to curtail representation in abortion cases unless the mother's life is endangered, section 11(2). One amendment proffered by the gentleman from Colorado (Mr. KRAMER) has been adopted requiring stricter documentation of the eligibility of clients and of legislative activities, section 12. And the gentleman from Virginia (Mr. BUTLER) has lowered from 10 to 7 the percentage of funds which can be used for certain support activities, section 13(b).

I believe that H.R. 3480 is a true bipartisan effort, and should be supported.

The following is a brief explanation of the specific provisions of H.R. 3480.

STATE ADVISORY COUNCILS

The committee made several changes in current law to increase local accountability of programs and to improve enforcement of the act and regulations. Section 2 mandates State advisory councils, which are now optional, and gives them additional powers and responsibilities to review grant and contract applications and violations of the act and regulations. The committee bill requires the Corporation to appoint a council for a particular State if the Governor fails to

do so and requires annual reappointment of council members.

LOCAL BAR SELECTION OF GOVERNING BODIES

Additional assurances of local accountability of program operations are provided by section 3 of the committee bill, which provides for bar association selection of a majority of the members of the governing bodies of legal services programs. This change responds to criticisms that existing law permits self-selected and self-perpetuating governing bodies and assures that this will not be the case.

The committee change requires that relevant bar associations be permitted to appoint attorneys to a majority of the seats on the governing body of a legal services program. This change does not affect the requirements of section 1007(c) which continue to apply. The committee recognizes that there will be certain procedural problems in implementation of the provision, for example, there will often not be a direct correlation between the geographic scope of bar associations and of programs, there may be multiple bar associations relevant to the service area, and it expects the Corporation to set out a process for appointment which will include means to deal with such problems consistent with the committee's intent that appointments be made by the most relevant bar associations, those representing a majority of attorneys in the service area of the program. It is expected the process will also provide for inclusion of minority bar associations, such as organizations of black, Hispanic, or women lawyers, and consider the diverse situations of all current grantees to insure an opportunity for all to conform to this new requirement.

IMPROVED ENFORCEMENT AND SANCTIONS

Section 4 of the committee bill gives the Corporation additional authority to enforce the act and regulations. Section 4(a) authorizes the President of the Corporation to suspend an employee of a recipient for violations of the act or regulations. It is expected that this authority would be used in extraordinary situations, such as where a recipient has refused to act with regard to an employee who has committed serious violations.

Section 4(b) of the committee bill repeals section 1011 of the act, which requires that a recipient be provided with notice and an opportunity for hearing before suspension or termination of funding, or denial of refunding. The requirements with respect to suspensions or terminations are retained in section 1006(b)(5), but the requirement of a prior hearing before denial of an application for refunding is eliminated. Section 4(c) continues the provision for interim funding to assure that service is not interrupted while decisions on such applications are pending.

This change will allow the Corporation to move with greater speed when it determines that a particular recipi-

ent should not be refunded because selection of another provider would best fulfill the purposes of the act and provide the most economical and effective delivery of legal assistance. It is expected that arbitrary action will not be confused with speed and that applications will still be dealt with in a reasoned and orderly manner.

PROHIBITIONS ON STRIKES BY LEGAL SERVICES EMPLOYEES

Section 1006(b)(5) of the Legal Services Corporation Act prohibits legal services employees, while they are carrying out legal assistance activities, from engaging in or encouraging others to engage in picketing, boycotts, or strikes, with one exception: When the action is in connection with an employee's own employment situation. Section 4(d) of the committee bill removes this exception.

ADDITIONAL LIMITATIONS ON LOBBYING

The committee bill adds significant new restrictions on lobbying. It imposes additional limitations on lobbying and narrows the circumstances in which legal services employees may engage in legislative representation.

Section 5(a) extends to officers and employees of the Corporation for the first time the antilobbying provisions of section 1913 of title 18, United States Code and subjects them to the same limitations on legislative activity that apply to Federal officers and employees. Section 5(b) further restricts the legislative activities of employees of recipients. It modifies current law to remove the explicit authority for legal services programs to lobby on their own behalf or on behalf of the Corporation before Congress. It also specifically adds publicity or propaganda designed to influence the introduction, passage or defeat of legislation to the proscribed activities. This confirms that this restriction applies to recipients and resolves any controversy as to the relationship between such language in legislation appropriating funds for the Corporation and the provisions of the act.

The committee bill also clarifies the scope of the exceptions. Under the first exception, legislative or administrative advocacy is only permitted when representing an eligible client whose legal rights and responsibilities are directly involved. This does not permit lobbying on matters of general concern to a broad class of persons as distinguished from acting on behalf of a particular eligible client. Under the second exception, legislative or administrative representation is permitted if a Government agency, a legislative body, or a committee thereof, or a member of such a legislative body or committee formally requests testimony or representations. This permits only a response to the agency, legislative body, committee or member making the request, and is not intended to permit a widespread lobbying effort.

LIMITATIONS ON CLASS ACTIONS

The committee bill provides additional safeguards to protect against the possible misuse of class actions in suits brought against Federal, State or local governments. The committee considered carefully, but rejected, an absolute prohibition of class actions. There are certain situations where class actions are appropriate to achieve effective remedies and avoid repetitive litigation that is costly to legal services, to the courts, and to the parties against whom such litigation is brought.

Section 6 specifically requires that the Board of the Corporation maintain policies and regulations governing the filing of class action suits against Government agencies. As a result of this requirement, no class action could be filed against a Government agency unless it was done in conformity with policies or regulations of the Board. The committee approach will provide appropriate restraints to guard against the misuse of class actions while continuing the availability of such actions in appropriate cases.

CORPORATION LIABILITY FOR ATTORNEYS FEES

Section 7 has been added to discourage legal services programs from bringing actions that have no basis, by making the program and the Corporation liable to opponents for attorneys' fees and other costs if the court finds that the action had no reasonable basis in law or fact.

NEGOTIATION REQUIREMENT

As a further step to discourage unnecessary litigation, section 8 of the committee bill requires that legal services attorneys attempt to negotiate a settlement of controversies before filing suit. The committee bill would not, however, preclude attorneys from immediately filing suit where such action is required to protect the interests of a client.

PRIVATE BAR INVOLVEMENT

Section 9 authorizes the Corporation, where feasible, economical, and efficient, to make substantial amounts of funds available to provide the opportunity for legal assistance to be rendered to eligible clients by private attorneys. Since the beginning of Federal support for legal services in 1965, the delivery of legal assistance to the poor has been a joint enterprise of staff attorneys and paralegals who work full-time for eligible clients and private practitioners who devote some of their time to pro bono or reduced fee representation of the poor. Since the Corporation came into existence, private attorney participation in this effort has expanded significantly. The committee bill encourages the continuation of this joint enterprise. It requires, however, that the Corporation develop regulations to prevent excessive compensation of participating attorneys.

CONDITIONS ON RETENTION OF ATTORNEYS FEES

To assure that the possibility of an attorneys' fees award does not dictate

program priorities, the committee has added section 10, requiring that any such awards to a recipient be transferred to the Corporation except fees awarded as a result of a mandatory court appointment or reasonable costs customarily allowed in litigation against a losing party.

ADDITIONAL RESTRICTIONS ON THE USE OF FUNDS

Section 11(1) revises the restrictions on training programs to include a prohibition on disseminating information about public policies or political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations. This does not interfere with providing appropriate training to attorneys or paralegals.

Section 11(2) restricts legal assistance activities with respect to any proceeding or litigation relating to abortion to matters concerning abortions necessary to save the life of the mother. The bill would permit a legal services program to provide advice to a client about that client's legal rights and responsibilities with respect to laws related to abortion, and to refer the client to other attorneys but this exception for advice would not permit representation in any proceedings.

Section 11(5) prohibits legal assistance to any known illegal alien or for any litigation which seeks to adjudicate the legalization of homosexuality. This provision adds to the act restrictions already passed by Congress in legislation appropriating funds to the Corporation, Public Law 96-536.

DOCUMENTATION OF ELIGIBILITY

Recipient programs have an obligation to assure that they are serving clients eligible under the act and regulations, but the act has never specifically prescribed recordkeeping requirements for recipients or Corporation review of such records. Section 11 requires that recipients maintain documentation demonstrating the eligibility of clients served and conformity with the provisions of section 1007(a)(5) (A) or (B) in the case of legislative or administrative representation. The Corporation is required to review such documentation to assure compliance with this recordkeeping requirement. The bill specifically requires the Corporation to observe the confidentiality of client information and use proper safeguards to assure that such confidentiality is maintained.

FINANCING

The committee bill authorizes appropriations for the Corporation for fiscal years 1982 and 1983 at \$260 million for each year. The committee recognizes that this will result in a reduction in service capacity but believes some reduction is compelled by current budgetary constraints. These figures represent an absolute reduction from the Corporation's 1981 funding level of \$321.3 million and a 25-percent reduction from the 1982 recommenda-

tions originally submitted by President Carter.

Section 13(b) of the committee bill reduces from 10 to 7 percent the maximum amount of the annual appropriation that may be used for grants or contracts for research, training, technical assistance, and clearinghouse functions.

The remaining provisions of the committee bill are technical conforming amendments.

□ 1445

Mr. RAILSBACK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois and my friend, the ranking minority Member (Mr. McCLORY).

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. McCLORY. Mr. Chairman, I would like to establish at the very outset of this debate that I have supported and will continue to support the important principle of providing legal services to the poor. Where I, and I believe many Members on both sides of the aisle, differ from our colleagues who are supporting H.R. 3480 is on the method through which legal services to the poor can best be provided.

In my opinion, the central issue in the debate today is essentially whether we are going to continue to fund a Federal bureaucracy, however minimal, that all too often has deviated from the intended purpose of providing for the everyday legal needs of the poor or whether we are going to allow State and local governments to monitor and guide legal aid programs so that they do meet the needs of the poor for legal services.

H.R. 3480 would reauthorize the Legal Services Corporation for 2 additional years. The President has recommended—and I concur—that the best way to provide legal services to the poor is through block grants to the States.

Let me quote for you from a letter dated April 20, 1981, to our chairman from David Stockman, the Director of OMB clearly laying out President Reagan's position on this issue. And I quote:

The Administration opposes authorization of LSC and has not recommended further funding for the Corporation in the President's 1982 Budget. The President has proposed a \$3.8 billion social services block grant to States. Legal services would be an authorized social service activity for funding within the block grant, and States would have broad discretion to determine which social services best meet local and individual needs, and the appropriate level of funding for them. This would increase State priority-setting and control over resources, decrease overhead, and improve coordination among different social services.

The proposed block grant is an essential element of the Administration's plan to strengthen federalism by vesting appropriate decision-making at the State and local level.

I believe sufficient funding for legal services would be available within the \$3.8 bil-

lion block grant. As part of the new authority, States would be able to increase legal services funding above the current level provided by LSC.

Added pro bono work by private attorneys, as part of their professional responsibility, could substantially augment legal services funding provided under the block grant.

It is important also that the private bar should share responsibility to see that block grant funds are properly directed. In many instances the States will be able to retain those existing programs that have established a credible record for providing legal services to the poor. I intend as ranking Republican on the Judiciary Committee to assist State and local bar associations as well as State and local officials in the proper use of the block grant money.

It is important to note that the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice adopted 15 amendments during their deliberations on the reauthorization of the Legal Services Corporation. The full Judiciary Committee acquiesced in these 15 amendments and then adopted 3 additional amendments. Even now, there are additional amendments pending here today to the Legal Services Corporation Act. I do not think that this patchwork approach is a proper way to legislate on any issue, especially when there is a more viable alternative, such as the block grant approach in this case. Indeed, the vast array of amendments embodied in H.R. 3480 suggest that in its 6 years in existence the Legal Services Corporation has not served us well.

I believe that the election last November and the ongoing philosophy which was voiced in the overwhelming adoption of the first budget resolution indicate substantial support for the principle of fiscal responsibility, which is much more readily achieved through block grants and local control than through a categorical grant and an unaccountable Federal bureaucracy. In light of the inherent difficulties of the Legal Services Corporation and in light of the fact that the President has proposed an alternative that would overcome those difficulties, it would seem unwise to continue to fund the Legal Services Corporation as a separate categorical grant program. Therefore, I urge my colleagues to reject H.R. 3480 and recommend instead that thereafter you support President Reagan's social services block grant program which will help assure the continuation of legal services to the poor.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from California.

Mr. SHUMWAY. I appreciate the gentleman's yielding.

Mr. Chairman, I rise in strong opposition to the pending legislation. The Legal Services Corporation Act Amendments of 1981 (H.R. 3480) is

based on the assumption that the current legal services program is essentially sound, and further, that the substantive changes in the LSC Act made in committee adequately respond to the concerns raised by many of those familiar with LSC activities. I do not share this view.

At the outset, Mr. Chairman, I would like to emphasize that my opposition to the Legal Services Corporation in no way implies that I do not believe that all Americans—irrespective of their economic status—must enjoy equal access to justice. This principle is one on which our society is fundamentally based, and I would be very surprised if any of our colleagues feel otherwise.

My concern, rather, is based on the fact that, as the size and expense of the LSC have rapidly grown in recent years, so have the abuses and excesses justified in the name of helping the poor. Simply stated, the LSC, its staff, and its grantees have, under the guise of providing needed legal assistance, consistently made use of Federal funds to pursue broad social and political objectives, often in direct violation of law and congressional intent.

The proponents of this legislation argue that the additional restrictions on LSC activities adopted by the Judiciary Committee will surely prevent a recurrence of the problems that have existed in the past. I support these efforts, and applaud the members of the committee for attempting to bring the LSC under control. Unfortunately, there is little reason to expect success. As Representative SENSENBRENNER noted in his dissenting views:

Past efforts to restrict the Corporation's activities have simply failed. Directives to restrict the activities of the LSC and its grant recipients in their brand of social activism have simply been ignored.

In this regard, some members may recall that I was prepared to offer amendments to the LSC reauthorization pending before the House in the waning days of the 96th Congress—legislation which was never acted upon. Further, I intend to support several of the amendments offered during the current debate; there is clearly need for additional statutory restriction. The problem, Mr. Chairman, is that while LSC grantees are currently prohibited from using Federal funds, for example, to represent illegal aliens, or to engage in lobbying or political activities, LSC attorneys have consistently interpreted the relevant statutes in a manner to make them all but meaningless. No action of Congress, short of terminating the LSC, can resolve this intolerable situation.

An area with which I have been particularly concerned is the repeated abuse by the LSC and its recipients of the restriction on lobbying activities contained in the basic LSC authorizing legislation. Under the Legal Services Corporation Act, the Corporation is prohibited from lobbying with the ex-

ception that "personnel of the Corporation may testify or make other appropriate communication when formally requested to do so by a legislative body, a committee, or a member thereof, or in connection with legislation or appropriations directly affecting the activities of the Corporation." In addition, the Act states that lobbying is permitted only when "representation by an employee of a recipient for any eligible client is necessary to the provision of legal advice and representation with respect to such client's legal rights and responsibilities (which shall not be construed to permit an attorney or a recipient employee to solicit a client, in violation of professional responsibilities, for the purpose of making such representation possible):".

Unfortunately, these limitations have not been effective in preventing the Corporation and its recipients from assuming the role of federally financed advocates for political and social causes. The Corporation has used taxpayer's money for lobbying efforts initiated, in many instances, not in behalf of the poor, but for the larger purpose of social reform. Those who insist that the Legal Services Corporation only works in pursuit of its overriding goal to provide equal access to our judicial system for low-income Americans should take another look at the evidence.

Consider, if you will, several articles that have appeared in Clearinghouse Review (a Legal Services publication). In one article, two lawyer-authors, employed by an agency funded by the LSC, describe how tax funds and talents provided by American taxpayers have been used for "social management" through litigation, lobbying, and political activities by the LSC. The two lawyers admit that they have offered lobbyists financed by the LSC the following advice:

To lobby local government effectively, we will have to learn, for a beginning, the demographics of local politicians' districts, their campaign contributors, their voting records, their staff assistants, the social service facilities and agencies within their districts, and labor, church and civic groups within their districts.

We are going to have to learn how to help clients who wish to conduct the mass letter-writing, postcard-sending and button-holding campaigns that other interest groups have used."

The authors noted past success, and I quote, "through effective use of the media, a coalition of progressive groups in Michigan was able to defeat two of the three regressive tax measures on the November 1978 ballot."

A second example discusses the regressive nature of the value-added tax, its impact upon the economic well-being of the poor, and the role of the Legal Services Corporation.

A final issue which the VAT proposal suggests is the fact that federal policymakers will be considering a variety of tax proposals throughout the early 1980s, such as the VAT in an effort to obtain much needed revenues.

We should not be content to leave these decisions to Congressman Ullman and Senator Long, federal bureaucrats and tax reform groups. Too little is known and understood about the impact of taxes upon the poor. The legal services and client community should begin to address this issue. We should begin to collect and analyze statistics which describe the impact of federal taxes upon the poor, the develop strategies to address these issues, and to build the network necessary for effective legislative advocacy on the issues.

Another example demonstrates the Corporation's involvement in organizing grassroots campaigns for Federal housing funds. HUD annually dispenses millions of dollars in community development block grants funds to cities and counties. In anticipation of CDBG program directives, the Legal Services Corporation placed in the Review an article entitled, "An Advocacy Guide to the Community Development Block Grant Program." The guide is designed to provide members of the legal services community with the background to enable them to, "recognize, confront, and effectively resolve CDBG issues in a manner which maximizes the program's potential benefits for the low-income." Included in the article is a history of community development, the most significant aspects of a CDBG application, and problems that may arise in litigation over CDBG programs.

The following excerpts from the guide illustrate the perceived role of legal services in the implementation of the CDBG program.

... the CDBG program is primarily a political, rather than a legal, matter... At the very least, this means that the legal tools available for influencing the CDBG program are severely limited and legal and administrative strategies should be seen as necessarily supportive or other efforts to mobilize pressure on decisionmakers.

A community group's main consideration, for example, might be to back a sympathetic political faction or public agency over an unsympathetic one rather than to struggle over the use of a limited amount of CDBG funds per se. Because of the political considerations, for legal services involvement with the CDBG program to be most productive, it must be based upon an understanding of, and an appreciation for, resident's perspectives. Moreover, resident organizations, as the main source of political pressure, need to be seen as the key to ensuring ultimately that CDBG resources are used most effectively.

Although concern with such excesses has been highly publicized within the legal services community, LSC continues to flagrantly violate congressional intent. Perhaps the most telling example of the LSC attitude toward the prohibition on lobbying and political activity is the widely circulated December 29, 1980, memorandum written by Alan W. Houseman, director of the LSC Research Institute.

Houseman asserts that "today we face a severe threat to the continuation and growth of aggressive legal services. At stake is the survival of the legal services movement." In response,

Houseman recommends "selling the merits of legal services to Congress, the media and others at the local, State and national levels * * * (and) developing an affirmative response to congressional efforts to impose restrictions on * * * the scope of representations to be provided to our clients." Houseman concludes by stating that "we will be increasing the Washington lobbying efforts of the Corporation," and that "an outside entity to lobby and coordinate survival activities on behalf of the legal services community" will be established.

In response to a review of this, and other material, GAO recently concluded "that LSC has itself engaged and allowed its grant recipients to engage in lobbying activities prohibited by Federal law."

There can be little doubt, Mr. Chairman, that, in the area of lobbying and political activity, the LSC and its recipients have demonstrated a shocking lack of regard for the law. My primary concern, however, is less with specific violations, no matter how serious, than with a persistent pattern of behavior on the part of the LSC—a pattern which convinces me that no amount of tinkering with the authorizing statutes will lead to a restoration of congressional control over LSC activities.

Given the fundamental philosophical orientation of most of those associated with the legal services program—one of activism and social reform—it is perhaps not surprising that the LSC has perceived itself as an entity without any real responsibility to Congress. As the New Republic noted in its February 3, 1979 issue, legal services was "intended to help the poor when they unavoidably get caught up in the complex legal machinery of modern society—in divorces, disputes with landlords, tussles with the welfare bureaucracy, etc. But too often legal aid lawyers use poor people as guinea pigs in an attempt to impose through the courts some fanciful middle-class view of social justice."

How a lobbying campaign for the graduated income tax in Massachusetts, or litigation to compel payment of SSI benefits to alcoholics, or litigation to define "black English" as a foreign language, or the coordination of a campaign to convince the supervisors of San Joaquin County, Calif., in my congressional district, to impose broad rent control ordinances can reasonably be viewed as the provision of essential legal services to the poor frankly escapes me. Yet it is in this very area of social reform, and not basic legal services, that the LSC appears committed to involving itself.

Writing in the January-February 1981 issue of LSC News, the aforementioned Alan Houseman claims that "the nature of poverty law requires preserving the ability to undertake legislative and administrative representation, engage in community educa-

tion, and assist clients in economic development and similar matters. These may be the most pressing issues we will face in the next Congress and with the next LSC Board of Directors."

Mr. Chairman, the Legal Services Corporation and its recipients are clearly not prepared to abide by the wishes of Congress. Ample alternatives for the provision of legal services to the poor exist; the Administration, for instance, has proposed that funding be made available through the social services block grant. I therefore urge my colleagues to join me in opposition to H.R. 3480.

(Mr. SHUMWAY asked and was given permission to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the distinguished member of the subcommittee, the gentleman from California (Mr. DANIELSON).

(Mr. DANIELSON asked and was given permission to revise and extend his remarks.)

Mr. DANIELSON. I thank the chairman.

Mr. Chairman, for the information of those who may fear that with an independent agency such as the Legal Services Corporation the President would have no way of exercising control and direction, I would like to point out that the current President of the United States will have the power to appoint all—100 percent of the members of the Board of Directors of the Legal Services Corporation, including the Chairman. I submit that is a great deal of control, it is enough.

Second, I would like to point out that in subcommittee and full committee determinations on this bill—and they were meticulous—we accepted 18 amendments to a bill which was already near perfection. This bill is today about as pure as the driven snow on a chapel roof. There is nothing that could be raised in objection to this bill that has not been met.

Lastly, to my friends in California and others from anywhere who respect the judiciary, I have today received a letter from Thelton E. Henderson, a U.S. district judge for the northern district of California, telling me that a petition signed by 600 judges of California enthusiastically endorses this bill. The petition is signed by justices and judges of the Supreme Court of California, the California Court of Appeal, the U.S. Court of Appeals for the Ninth Circuit, U.S. district judges from all four of the Federal judicial districts in the State of California, and by judges of the municipal courts and supreme court of each and every one of the counties of the State of California. The letter reads as follows:

U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA,
San Francisco, Calif., June 12, 1981.
Hon. GEORGE E. DANIELSON,
House of Representatives, House Office
Building, Washington, D.C.

DEAR CONGRESSMAN DANIELSON: Enclosed is a list of signatories to a petition to the Congress in support of the Legal Services Corporation, subscribed to by nearly 600 California judges. The petition states: "I subscribe to the concept of access to the justice system for all Americans. I therefore strongly support the reauthorization of the Legal Services Corporation to assure the continued delivery of legal services to poor people."

House Bill 3480, to extend the authorization for the Corporation for two years, is presently scheduled for consideration on the House Floor on Tuesday, June 26, 1981. We urge your favorable vote.

Sincerely,

THELTON E. HENDERSON,
U.S. District Judge.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from California.

Mr. DIXON. I appreciate the gentleman's yielding.

Mr. Chairman, I rise in support of this measure. I congratulate the committee for excellent representation in drawing a compromise.

(Mr. DIXON asked and was given permission to revise and extend his remarks.)

Mr. DIXON. Mr. Chairman, H.R. 3480, the Legal Services Corporation reauthorization, is a bill of enormous practical and symbolic importance to millions of poor Americans, and to our Nation's image as a just and compassionate society.

Perhaps the most successful program to emerge from the sixties' war on poverty, the Legal Services Corporation is the only avenue of legal representation for many of the estimated 30 million Americans with incomes below 125 percent of the poverty level.

For better or worse, we live in an era in which our Nation's legal system has increasingly become the final arbiter of many heretofore mundane day-to-day conflicts and disputes. As a result, access to that system is no longer a luxury or ideal, but a basic matter of survival and protection for the Nation's poor.

Since its establishment as an independent agency in 1974, the Legal Services Corporation has been instrumental in bridging the legal gap between rich and poor.

Last year, over 300 legal aid programs in 3,000 counties across the country handled more than 1.5 million civil cases involving low-income persons.

These actions have been instrumental in protecting the rights of the most vulnerable in our society, and in providing needed assistance in the areas of family, law, education, employment, and income maintenance.

In discussing the activities of the Legal Services Corporation, it is important to note what the Corporation

does not do. It does not seek the wholesale restructuring of society through out legal system. Only 2 of every 1,000 cases involved class-action lawsuits; indeed, only 15 percent involved litigation at all. It does not provide welfare for unemployed lawyers, most of whom are working for salaries far below what they could earn in private practice, since administrative expenses amount to only 3 percent of the Corporation's total budget.

The bill before us today, H.R. 3480, represents a master in the art of compromise. The Judiciary Committee and its Subcommittee on Courts, Civil Liberties and the Administration of Justice have bent over backward to accommodate the concerns of Members of Congress and other critics of Legal Services. As a result, I believe the bill is one which all but the most intractable opponents of equal access to justice can support.

As one who originally supported a simple 3-year reauthorization, I am of course disappointed in many of the restrictions placed upon the Corporation. But while I regret the departure from a truly independent Legal Services Corporation, I know how to count votes, and recognize that the principles for which the Corporation stands must be preserved, regardless of the political exigencies of the moment.

So I urge the Members of this House to consider the good faith efforts of the gentleman from Wisconsin (Mr. KASTENMEIER) and the other members of the subcommittee, each of whom have cosponsored the bill in its present form.

The bill before us responds to the concerns of fiscal austerity by limiting the reauthorization of the Legal Services Corporation to 2 years and reducing its funding by a full 20 percent, from \$321 million to \$260 million per year.

It responds to concerns about the inappropriate use of Federal resources by greatly limiting the lobbying power of Legal Services attorneys, and imposing criminal penalties for violations identical to those affecting Federal employees. It addresses the concerns of those who perceive Legal Services attorneys as tax-subsidized social architects by insuring that local class action lawsuits be initiated only in accordance with regulations promulgated by the national board, whose 11 members are all to be appointed by President Reagan.

It responds to those concerned about clogged court dockets by requiring local programs to attempt to negotiate disputes before filing suit, and makes the Corporation liable for attorneys' fees in losing cases.

Finally, it addresses many of the local control concerns voiced by then-Governor Reagan by mandating the establishment of State advisory councils appointed by the Nation's Governors and increasing their powers and responsibilities.

The bill also responds to the concerns to those who disapprove of Corporation involvement in controversial social issues. While I regret the inclusion of restrictions affecting the Corporation's ability to pursue cases involving abortion, homosexuality, and illegal immigration, I believe that the committee bill accurately reflects the present policies of the House.

I urge the House to reject efforts to further restrict the Corporation and undermine the delicate balance embodied in this bill.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

I also want commend the committee, and I support this legislation.

Mr. Chairman, today we are considering the reauthorization of the Legal Services Corporation. I wish to express my strong support for this vital program and for its reauthorization at the \$260 million funding level as reported out of the Judiciary Committee. The Legal Services Corporation has, since its enactment, been an effective structure for providing legal assistance to the poor, and reducing its authorizations below the \$260 million level will result in the denial of equal justice to these individuals.

Access to justice is and must continue to be a basic underpinning of our society. While our laws are written to serve all citizens equally, the poor in fact have little effective access to this justice. The need for the continuation of this legal system is therefore a critical one, especially in this time when the reshuffling of our economic and national priorities may cause their needs to go unmet and their suffering to be ignored. I therefore strongly urge my colleagues to support the reauthorization of the Corporation at the \$260 million level.

In addition, Mr. Speaker, I would like to voice my strong opposition to a proposed amendment which will restrict legal aid from pursuing justice for the poor in education cases. This amendment would effectively bar the poor from asserting the legal rights and protections relating to education which are guaranteed by the U.S. Constitution and which have been established by the Congress.

Mr. Speaker, I feel strongly that to prohibit legal action in these instances is to undermine our Nation's commitment to free and equal education and to ignore its importance in addressing problems of poverty. As Congress and others have recognized, those educational cases where the law is violated and equal educational opportunities are denied, litigation is sometimes required. Because of this recognition Congress has both established the right of individuals to seek legal redress in the courts and authorized the Attorney General to institute litigation. This amendment would only

serve to undo years of progress in attaining a goal of true equality under the law for the poor and disadvantaged in this country.

Denying the poor access to legal services is an inappropriate way to express discontent with current laws concerning education as interpreted by the courts. The results obtained by legal services clients through litigation are simply reflections of what existing law mandates, as interpreted by the courts. Dissatisfaction with those mandates should be channeled into changing laws, not denying access to the courts.

The Legal Services Corporation only offers to the poor what is readily available to each person in this Chamber. Eliminating this service or severely restraining, fiscally or substantively, the Corporation will result in the denial of a fundamental principle of our society—that justice is not a commodity which can be purchased but is a right of all our people regardless of their ability to pay.

(Mr. WIRTH asked and was given permission to revise and extend his remarks.)

Mr. WON PAT. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the distinguished gentleman from Guam (Mr. WON PAT).

(Mr. WON PAT asked and was given permission to revise and extend his remarks.)

Mr. WON PAT. Mr. Chairman, I rise to express my support for H.R. 3480, the Legal Services Corporation authorization bill. The people of my district, the Territory of Guam, are well served by the Legal Services Corporation through funding it is now providing to the Guam Legal Services Corporation. The Guam Bar Association strongly favors continuation of the Legal Services Corporation and passed a resolution to that effect which, with your permission, I would like to enter into the RECORD at this point:

RESOLUTION

Be it resolved by the Guam Bar Association: Whereas the Legal Services Corporation was established by Act of Congress to provide quality legal services to low-income individuals and families in non-criminal matters; and

Whereas low-income individuals and families are in need of quality legal services to assist them to overcome economic oppression, and to effectively cope with government and business bureaucracy; and

Whereas the Legal Services Corporation has extended a financial grant for such services to the people of the Territory of Guam by providing funding to the Guam Legal Services Corporation for the first time in 1981; and

Whereas it is in the interest of the Guam Bar Association and the entire community of Guam to have quality legal services for low-income individuals and families in non-criminal matters; and

Whereas the Public Defender Service Corporation is statutorily limited in its ability to represent low-income individuals and families in certain civil matters, justifying the existence of a program such as the

Guam Legal Services Corporation: Now, therefore, be it

Resolved, That the Guam Bar Association supports continued funding for the Legal Services Corporation as an effective way of combating poverty and economic oppression; and be it further

Resolved, That the Guam Bar Association supports continued funding for the Guam Legal Services Corporation as an effective way of providing quality legal services to low-income individuals and families on Guam in non-criminal matters; and be it further

Resolved, That the President of the Guam Bar Association certify to and the Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Honorable Antonio B. Won Pat, Guam's delegate to the U.S. House of Representatives; the Honorable Paul M. Calvo, Governor of Guam; the Honorable Thomas V. Tanaka, Speaker of the 16th Guam Legislature; the Honorable Robert W. Kastenmeier, U.S. Representative; the Honorable Pete V. Domenici, Chairperson of the Senate Budget Committee; the Honorable Ted R. Stevens, U.S. Senate; the Honorable Daniel K. Inouye, U.S. Senate; the Honorable Daniel Akaka, U.S. Representative; and Mary Bourdette, Legal Services Corporation.

I urge all of my colleagues to vote for passage of H.R. 3480.

Mr. RAILSBACK. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BUTLER).

(Mr. BUTLER asked and was given permission to revise and extend his remarks.)

Mr. BUTLER. Mr. Chairman, I rise in support of H.R. 3480, the reauthorization of the Legal Services Corporation.

Last year, when this matter was pending before this body, there were at least 25 amendments filed, all of which were directed at concerns Members had with what the Corporation was doing and how they were doing it. This year our subcommittee closely reviewed every one of those amendments and we adopted some version of 18 of them, which taken together, address almost every concern that the Members have. This year the subcommittee held 8 days of hearings. We received testimony from over 40 witnesses on both sides of the issue. We specifically asked Members of Congress to bring their concerns about the program to our attention so we could draft the appropriate remedies and they did. Our subcommittee—composed of four Democrats and three Republicans—drafted the legislation which is before you today, and it has the unanimous support of that subcommittee. I believe that with this legislation we can control, more so than ever before, the activities of the legal service attorneys.

The Legal Services Corporation is controlled by an 11-person Board of Directors. At this time, there exist five vacancies on that Board. Next month, the other 6 positions on that Board become vacant, thereby enabling the President to appoint the entire 11-person Board. The Board, in turn, appoints the President of the Corpora-

tion and such other officers as the Board determines to be necessary. This alone assures that this Corporation is going to be controlled in its entirety by appointments made by this administration.

In addition, for the first time, the Corporation is given the authority to suspend or terminate immediately the funding of any program that violates any provision of this act. Also, the Corporation can fire any attorney in the field without cause and without a hearing. All of this authority is new and provided for by this legislation. In addition, each of the 323 programs located in the 50 States is controlled by a local board of directors. This legislation requires that the majority of appointments made to these boards be made by the local bar which is representative of a majority of the attorneys practicing law in the locality in which the program is to provide legal assistance.

So, to say that there will be little or no control over the programs or the attorneys working in those programs, is just not accurate.

One other major problem that this bill corrects relates to the so-called presumptive funding section. Under existing law, a local program has a right to be refunded unless the Corporation can show cause why it should not. This right to presumptive funding is eliminated in this legislation. Under this legislation, the Corporation will enter into a yearly contract with a local program after that program has satisfied all of the Corporation's specifications, statutory and regulatory. During the term of the contract the Corporation may terminate or suspend funding for 30 days without any hearing. If the Corporation holds a hearing and finds a violation of the act, however minor, it can immediately terminate funding. In addition, an attorney's employment can be terminated immediately at any time without cause and without a hearing. Now, once the contract with the local program expires, the Corporation has no obligation whatsoever to refund the grantee. If a program has filed an application for refunding and is likely to be refunded, the Corporation may but is not required to provide that program with interim funding, pending the final decision of the Corporation. But, I want to stress that there is no obligation to refund any program once its contract has expired. The committee, by this legislation, clearly abolished that practice.

The basic question to consider today is whether or not the Federal Government should continue to support legal assistance to the poor. Of all the witnesses we heard from, not a one testified against the Legal Services Corporation on this principle. Even Dave Stockman agrees that Federal moneys can be used for this purpose. We differ with him in the method used to deliver these services. He believes that the same thing can be accomplished

through block grants to the States. If block grant money is provided I doubt very seriously if any money will be used for legal services in my State, simply because there will be too much competition for that money. I suspect that is going to be the case in many States.

I remind my colleagues that the Legal Services Corporation is a Republican initiative, which had its earliest beginnings when Lewis Powell, Jr., was president of the American Bar Association in 1965. Federally supported legal aid was the highest priority of his administration, and through his efforts, it first became a fact.

Lewis Powell, Jr. is now a Justice of the Supreme Court of the United States, appointed by a Republican President.

I share the view Mr. Justice Powell expressed once more at an annual meeting of the American Bar Association in August 1976.

Equal justice under law is not merely a caption on the facade of the Supreme Court building. It is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists. And, central to that system is the precept that justice not be denied because of a person's race, religion, or beliefs. Also, it is fundamental that justice should be the same, in substance and availability without regard to economic status.

I urge your support of this legislation as a very modest effort to preserve and improve the rule of law in this country.

□ 1500

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. BUTLER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

Mr. Chairman, I simply want to say that there was, in my opinion, no member of the subcommittee who worked any harder to meet the very real, I must concede, objections to the bill, the critical comments about it, than the gentleman from Virginia (Mr. BUTLER), who did yeoman work in trying to make it a positive, constructive, and yet well controlled program.

I just want to commend the gentleman.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman from Virginia yield?

Mr. BUTLER. I will be happy to yield to the gentleman from Wisconsin.

Mr. KASTENMEIER. I thank the gentleman for yielding.

I want to join the gentleman from Illinois (Mr. RAILSBACK) in the remarks he made about the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, I remind my colleagues that I support this legislation in its present form. I would not be supporting it today were it not for the action of our subcommittee.

Mr. KASTENMEIER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. FRANK), a member of the subcommittee.

Mr. FRANK. Mr. Chairman, I would like to echo what has just been said about the work of the gentleman from Virginia (Mr. BUTLER) and the work, indeed, of all members of the subcommittee. As a new Member, it was my introduction to the markup process; and I think if my subsequent experiences reach that level, I will be very fortunate.

For a very long period of time, all seven members participated in a very, very careful process, and the result is a bill which more nearly meets legitimate objections than I would have thought possible before coming here. I think that ought to be stressed, because what has happened is that this issue has been taken away from the reality and ideologized beyond recognition.

For reasons that are not entirely clear to me, elements in this country on the far right of the political spectrum decided that they had to put the scalp of the Legal Services Corporation on their belt. What has happened is that they have ignored the very careful work of the subcommittee and the full committee. We have a bill that has been very carefully amended. Indeed, from the standpoint of many of us who have been historic supporters of the Legal Services Corporation, it has probably been amended excessively on the side of caution. There are activities which would seem to me to be legitimate which we have said they can no longer undertake. More in the future than in the past, the work of the Legal Services Corporation will overwhelmingly be providing legal assistance to people with family disputes, with landlord-tenant disputes, with other kinds of disputes of the most mundane sort; and I do not understand why this has become so ideologized, but it is clear that it has been.

There was an advertisement in today's Washington Post that was about as bizarre as anything I have seen. It had the most blatant denial of the facts of the situation as its premise: It included in there issues which the Legal Services Corporation is statutorily banned now from taking up and which it will be further statutorily banned from taking up in the future. That is what I would implore Members to look at.

What we have here are very carefully drafted mandates at far less money than now exists in this particular program to give to the poorest people in this country access to the courts.

Let us be clear that the Legal Services Corporation makes no policy, decides no issues, does not decide who is eligible for anything. All you do is let people get into court. Are we so ashamed of the judicial system of the United States that we are afraid to let

poor people enter its doors? Is that what causes harm? No one in the Legal Services Corporation has ever decided to give anybody a dollar or a divorce or a right against a landlord. All they have done is open access to the courts. If people think that the courts have been inadequate, perhaps we ought to address that—across the board, but not by denying the poor access.

We are also told that the legal profession should do it for free. As a new member of the legal profession, I have a good deal of criticism to make of it. Yes, I would like to see the legal profession be more forthcoming. But do we punish the poor to the extent that lawyers do not volunteer? I am not sure that it makes sense to decide that the legal profession uniquely in America is somehow exempt from the motivation of supply-side economics. At a time when we are told everybody needs more incentive, we are told the lawyers can take care of all the poor people in the world for free. I do not think that is realistic.

But whatever your expectations are about the legal profession, understand that if you abolish the Legal Services Corporation, you do not punish the lawyers; you punish the poor people. There are people who suffer injury who will not be able to get redress. There will be people involved in accidents, people involved in commercial disputes, people involved in family disputes. This is the stuff of the Legal Services Corporation, and we have even more clearly enforced that in the bill.

So what we have before us is a piece of legislation unanimously approved by a subcommittee which had a broad spectrum of opinion, overwhelmingly approved by the Judiciary Committee, in which a majority of the members of both parties on that committee voted for it, and a bill very carefully amended to restrict the mandate of the Legal Services Corporation to providing basic legal services, simply getting people in the door, simply getting them into court, making no policy and dispensing no benefits and offering no substantive relief to anybody, but simply giving them access to a legal system of which I thought we were supposed to be proud.

For reasons unclear to me, the far right in this country has decided to make this a crusade. They have decided to ideologize it. They have decided to distort it. Look at that ad in the Washington Post today imploring us to vote against it. Then look at the bill. We are talking about two entirely different items.

I hope Members of this body will not be spooked by an ideologically motivated, dishonest campaign to say to the poor people of this country that their access to the courts will be entirely dependent on the private charity of lawyers. That is unworthy, I think of a nation that ought to be proud of its legal system and willing

and eager to give everybody access to it.

Mr. RAILSBACK. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan (Mr. SAWYER).

(Mr. SAWYER asked and was given permission to revise and extend his remarks.)

Mr. SAWYER. Mr. Chairman, the Legal Services Corporation is a product of its times, if you will. About 20 years ago, or starting around 1960, we began to address many, many problems of the poor. We got into consumer protection laws, both State and national, fair housing laws, fair debt collection practice acts, uniform credit codes, a proliferation of Indian and immigrant law, both legislation and court-made law, and we had to address it with an agency that some how could get the beneficiaries access to their rights under these various created protection acts, and Legal Service Corporation was the answer.

Now, to show the Members how busy it is, I took a check in the State of Michigan, where we have 5 donee agencies, and right now, there alone, we have 53,000 open files, 7,000 to 10,000 of them involving litigation. And if we are a fair representation, that means we are talking about 1 million open files in the United States. And if this is defunded, with 15 percent of them, or thereabouts, involving litigation, what is to happen to these people?

Mr. Chairman, 20 years ago the private bar could address this situation, and did it fairly well. But then it was pretty simple. We did not have these agency manuals on social security, supplemental social security, and food stamps, and whatnot, and Federal Trade Commission regulations, and all the other acts I mentioned. What we had was simple divorces, some tenant-landlord rights, and some debt collection. That was about 98 percent, and any lawyer could fairly easily, with relatively little time, take care of those problems.

Today that is not true. Today it is now a specialty, poverty law taught on a par with taxes, labor, administrative law, in virtually all of the law schools in the United States. And to expect an attorney not specializing in this area to be able to handle this without an inordinate expenditure of time is totally unreasonable.

Now, there has been some comment that the legal profession has been shirking its duty one way or the other and that it ought to step up and handle this whole massive problem without funding. Well, we do not say that all of the plumbers in the United States ought to go and fix anybody's plumbing that is leaking if they are making less than \$10,000 and do it for nothing. We do not say the farmers ought to produce enough food to feed all of those who are making less than \$10,000 and give it to them without food stamps, or with doctors on medi-

cal care, or with manufacturers on appliances, and landlords with their housing.

It is not a lawyer's problem. Lawyers did not create the poor. They did not create the legal problems for the poor. They are only singled out because, as the plumber with a leaking faucet, the doctor with a sick man, as a manufacturer with a needed appliance, or a farmer producing food, they are in a position to be able to address the problem. But it is a national problem; and, therefore, it ought not to be saddled unfairly on one profession.

Now, I may say what the legal profession are doing. Covington & Burling, one of the Nation's establishment law firms here in Washington, D.C., provides free of charge to the local D.C. agency here not only a full-time lawyer—and they rotate their lawyers 6 months down there—but full secretarial help at their own cost. This kind of thing is being done all over the Nation in varying degrees.

Not only do 83 percent of the Nation's people in the New York Times poll of April 30 support either present funding or increased funding, but only 13 percent are in favor of reduced funding, with 4 percent no opinion.

Now, let me just say this: We hear this block grant idea. First of all, the other 11 block grant targeted programs have built-in State bureaucratic constituencies. States have always administered those programs. No State, to my knowledge, has ever administered a legal aid program, and they have no built-in, in-house bureaucratic constituency. Legal Services is going to go down the tube immediately, to make up the 25 percent cut that these other programs with constituencies already in place.

Now, we have all heard horror stories, and we heard them in the subcommittee. But let me say that only about 7 donee agencies, out of 323 programs, have these stories emanated. And you know how horror stories get currency. Any time a jury—and there are probably 10,000 American juries coming in with verdicts every week, and nobody ever hears about them—one jury reaches an aberrated, nutty verdict, it makes the wire services all over the United States.

We have even seen that happen with Congressmen. You know, 8 to 12 Congressmen get involved in some things, and yet the great bulk of us have never been offered money, been propositioned or done anything but walk up and down the Capitol steps, and yet we are all tarred with the brush. So I say do not get imbued with these horror stories.

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

(Mr. GLICKMAN asked and was given permission to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Chairman, I rise in support of the reauthorization

of the Legal Services Corporation. I certainly think that our Founding Fathers meant that "justice for all" meant just that; and not only for those people who could afford an attorney. Overall, the Corporation has done an outstanding job in funding the many locally controlled programs around the country that provide very important day-to-day legal services for low-income Americans. The Corporation has operated on a tight budget with local personnel who could easily be earning a higher income working in private practice. The Reagan administration's proposal to abolish this needed agency and combine some of its funding with a number of other programs into a single block grant to the States is regrettable. There have been some problems with some of the activities in which local legal aid agencies have become involved from time to time, but what the administration proposed was an overreaction. Following the President's recommendation on this would undoubtedly mean that most of the local programs would be eliminated and many people in this country would not have access to our legal system. The concept of equal justice would be lost.

The Judiciary Committee has reported a workable, constructive compromise bill that has bipartisan support and effectively addresses concerns expressed by critics of the program over the last several years. It places needed restrictions on the types of cases local legal services programs can handle with Federal funds and sets new policies to make the programs more accountable. A particular concern of mine has been the kind of lobbying employees of some local programs reportedly have been involved in. The bill will allow no legislative or administrative advocacy by employees unless it is in line with the necessary representation of a specific eligible client or a formal request is made by a governmental agency or a member of a legislative body for testimony or representations. That restriction will allow local programs to continue with the bulk of their work which involves cases of family law, housing, income maintenance, and consumer, employment and finance law.

The tight budget that the Corporation has been running on this year, with very low administrative overhead, has been trimmed an additional 20 percent by the committee. A cut of that magnitude is definitely in line with our overall need to get Government spending under control. I know the cut will require difficult program decisions by the local boards, but I feel that all agencies need to share in this continuing effort. At the same time, the important help provided through Legal Services Corporation funding should not be terminated. To do so would be a step back from the tradition of justice for all.

I would make the following additional comments: We live in a very liti-

gious society. Much of that has been brought on by the Congress and State legislatures who have created whole new areas of law and rights to access to the courts, much of which has been designed to help people of lower incomes enter into the courts and have access thereto. Those rights will be fundamentally denied if there is not a Legal Services Corporation providing that kind of help to people of low incomes. So on that basis alone, I would urge adoption of this bill.

Second, I think it is unreasonable to expect the private bar to do this. We have seen, in criminal cases, that the private bar did not do this until the requirement of legal representation was made a constitutional mandate and lawyers were paid; and, as a matter of fact, we are finding more and more that alleged criminals who are represented by the private bar prefer to be represented by legal defenders, as do the lawyers themselves, because that is a more efficient way, a more specialized way, of handling those cases. I think that is another argument for the Legal Services Corporation.

And, finally, I think that there is something unique about access to the courts which makes it relatively equivalent to access to health care. There are certain basic, fundamental rights that people in this country expect and deserve in a democratic society. One of those rights is equal access under law.

For all of these reasons, Mr. Chairman, I would urge the enactment of the legislation as proposed by the Judiciary Committee.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minute to the gentleman from California (Mr. LUNGREN).

(Mr. LUNGREN asked and was given permission to revise and extend his remarks.)

Mr. LUNGREN. Mr. Chairman, as one of the Members on my side of the aisle who supported this bill in committee, I rise to announce that I am not supporting the bill on the floor now.

One of the problems, I think, that occurred in the full committee was that some of us who were not on the subcommittee were required to make some decisions without the benefit of the full facts, merely because we had not had the time to research this issue enough.

As one of those who does believe that we should make an effort for those people in our society who are poor to have access to the courts, I had to make a decision in my own mind whether the good outweighed the bad, or vice versa, with respect to Legal Services Corporation.

□ 1515

When you go back and review the history of this organization you see that time and time again the same complaints have been made with respect to the abuses of this program. Yet every year Congress puts in new limitations and every year those new

limitations are of no real import. I speak about questions of lobbying. I do not know when I have been lobbied more by people involved with any Government agency than I have been on this particular bill.

We have something in the present law which suggests that Legal Services people are not supposed to lobby. Yet, every Member of Congress has probably been lobbied by someone who is supported by the current Legal Services Corporation. Some people say that there is not very much of a percentage of the money of the Legal Services Corporation which goes toward impact litigation or lobbying. Yet one can look up the figures and say that by at least one determination, at least 35 percent of all the money going into Legal Services Corporation is going to what they refer to as impact legislation or impact work.

What is that? I had a minority member union representative employed in my district come to me sometime ago and mention the fact that his elderly mother who needed to have a will drawn had gone twice to the Legal Services Corporation affiliate in my district to request their help. She was told on both occasions that they did not have the time to do it because hers was not a class action. It took two phone calls by my predecessor in office, a Congressman, to get them to even be concerned about that.

In my district, we happened to be going through a revitalization of the downtown area of one of my major cities. That city had spent \$100,000 to make sure that every person living in a dilapidated hotel which was scheduled for demolition had another place to live. They gave them money to live from 3 to 5 years. And yet the Legal Services Corporation affiliate in my district came in and sought an injunction against the city. They held up construction work on a downtown area that has become pervasive with criminals, where a livable environment had long ago been destroyed, where senior citizens cannot walk without fear. Yet somehow this legal action was supposed to give them some support.

The people need to find out what the thrust of many of the Legal Services Corporation's efforts are. We ought to look at the statements made at the legislative advocacy meeting for legal services workers held in San Juan recently and find out where the real efforts are being made in the name of helping people. They are not helping the poor. They are helping themselves and their own political aims in many cases.

The CHAIRMAN. The Chair will advise the gentleman from Wisconsin (Mr. KASTENMEIER) that he has 9 minutes remaining.

The gentleman from Illinois (Mr. RAILSBACK) has 7 minutes remaining.

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SCHUMER).

(Mr. SCHUMER asked and was given permission to revise and extend his remarks.)

Mr. SCHUMER. Mr. Chairman, I rise in support of H.R. 3480, the Legal Services Corporation authorization. We have heard a multitude of arguments saying that Legal Services lawyers meddle in areas in which they should not meddle; that Legal Services lawyers are forcing city governments, hospitals, and all these and other sorts of groups to do things that those groups do not wish to do.

At the same time, we hear pessimistic arguments that we are a proud Nation of laws. Well, I would ask the people who have said that legal aid is meddling, what do they think being a nation of laws is all about? It is about meddling. It is about going to court when you are not achieving rights that are guaranteed to you under the Constitution or under legislation.

We cannot have it both ways. We cannot say we are a nation that guarantees equal access to the law, but poor people should not meddle or have access to the courts, that the poor should not be allowed to press demands in the courts when someone who can hire a lawyer has that right.

The recent budget process has appeared to be a budget of selfishness, to be a budget of me, me, me to many people. It seems that the sacrifices are not being made across the board, that those who have the power in this body and in other places, we will not be touched or touched badly by the budget cuts, but those with no power, we will be decimated and will be crushed.

The many new immigrants in my district, from the Soviet Union, from Italy, from Greece, from the Caribbean, from Haiti need legal services to make the American dream real for them. Let us pass this bill and let us maintain at least one silver lining in the budget cloud of selfishness that hangs over us.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I fully support the reauthorization of the Legal Services Corporation. The bipartisan consensus of the overwhelming majority of the Judiciary Committee to continue this program is an indication of its viability and its necessity.

This Nation stands out from all others by the openness of our system of justice. A Federal judge once remarked that "the true test of the moral quality of a civilization is its treatment of the weak and powerless."

The noblest of our historic commitments is equal justice for all. It is a promise of our judicial system. It is the underpinning of our peoples' respect for law and their faith in our system. The Legal Corporation has helped provide access to the judicial process for redress of grievances, a logical extension of our founding democratic principles.

Mr. Chairman, a recent survey indicated that over 83 percent of the American people favor current or increased levels of funding for Legal Services. Even with the continuation of Legal Services, the poor will have available only one lawyer for every 5,000 persons below the poverty level—far below the national average of one lawyer for every 440 persons.

Today, equal access to justice barely exists. Without the LSC for many of the poor, courts would not be a place to determine rights but once again a place to which they are hauled by others.

The Judiciary Committee has made some essential changes in the operation of the Corporation that address in a constructive fashion, I believe, basic criticisms; 18 amendments have been adopted to meet these criticisms. The means are at hand to control the Board and assure Board control of the activities of staff and attorneys. But as we hear today of impact cases that should not have been brought, let us ask if the cases were successful.

Mr. Chairman, Legal Services are necessary. Legal Services Corporation is a highly efficient, cost-effective investment. I urge my colleagues to join me in voting for reauthorization.

Mr. KASTENMEIER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Chairman, I rise in opposition to H.R. 3480 for many of the reasons that others of my colleagues have said they support this legislation.

I would like to point out one thing in particular because it was mentioned a moment ago that there may have been some meddling, by Legal Services people, with the further indication that such meddling was a good thing.

I would like to point out one or two cases where, in my opinion, the Legal Services people have meddled, and in areas where I think they have no reason to be.

The Legal Services people brought a suit to compel the payment of SSI benefits to alcoholics. There was litigation brought by Legal Services to compel the New York City Transit Authority to hire former heroin addicts.

There was a suit in New York to pay State welfare benefits to an illegal alien's parent.

There was a Federal district court suit challenging practices of Oregon school districts of searching students without warrants.

And listen to this: An attorney for the Hartford neighborhood Legal Services last year sought \$7,000 to \$10,000 from the State of Connecticut to mandate payment for a welfare recipient's sex change operation.

I say that is meddling and that the American people should not be called upon to finance that kind and character of litigation. It is said these people cannot get representation. In my part of the country we have what is known

as a contingent fee contract. That contingent fee contract means what it says. If a person has a meritorious cause of action they can get representation. I practiced law for 28 years before coming to Congress, and I dare say that I saw very few people, if they had a meritorious case and needed a lawyer, that could not get one if they tried.

I urge my colleagues to vote against H.R. 3480.

Mr. RAILSBACK. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. KINDNESS).

(Mr. KINDNESS asked and was given permission to revise and extend his remarks.)

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. KINDNESS, I yield to the gentleman from Arizona.

(Mr. RUDD asked and was given permission to revise and extend his remarks.)

Mr. RUDD. Mr. Chairman, the President has indicated that he plans to stand by his decision to eliminate the Legal Services Corporation, and I support him.

The abolishment of the Legal Services Corporation would recognize the utter failure of this federally administered agency to achieve the purpose for which it was created. The administration has suggested that programs to meet the legal needs of the indigent be funded by the States through Federal block grants where they can be more closely monitored and controlled. This sort of effort to diffuse ineffective and expensive bureaucracies in favor of State and locally controlled programs is exactly what the American people have been asking for.

When we look at the purpose for which it was created, and compare that to the case history of the Legal Services Corporation, abolishment should be a foregone conclusion. Designed to help individual low-income citizens with legal problems ranging from eviction to divorce, the Legal Services Corporation has instead concentrated on espousing "social impact" cases and has flooded the courts with class action suits. The record of the Corporation shows a clear preference for high visibility cases over individual cases, and in many regional offices, such individual casework is not accepted at all. The General Accounting Office has further documented the Corporation's ineffectiveness in a study which shows that 60 percent of those eligible are not even aware of the services available through the Legal Services Corporation.

The Corporation has not only missed its target, but has violated the law by pursuing goals other than those authorized by Congress. Despite repeated legislative attempts to limit the Legal Services Corporation to legitimate activities, the record of the Agency is littered with gross and flagrant violations.

For instance, the law prohibits lobbying by any publicly funded group. Yet, the Legal Services Corporation has embarked on major campaigns to influence legislation—including their recent attempt to save the Corporation. Legal Services Corporation funds have been used to support political causes such as rent strikes, prison reform, homosexual rights, and utility rate protests. In Arizona, a lawyer-constituent of mine reports that the Legal Services Corporation is involved in labor disputes. None of these activities is in line with the stated purpose of the Corporation.

Since its inception 7 years ago, the Legal Services budget has soared from \$71.5 million to a requested \$399 million for fiscal year 1982. This is a 360-percent increase for a program which lacks any accountability to Congress or the American taxpayer who is footing the bill. The House Judiciary Committee has proposed a much smaller budget for the Legal Services Corporation, but these cutbacks will not correct the basic flaws in the program.

The case against the Legal Services Corporation is clear—millions of tax dollars are being spent on illegal activities, and as long as the Corporation exists, the real legal needs of the poor will never be met. I urge my colleagues to join forces to remedy this situation by dismantling an ineffective Federal program and giving legal services responsibility to the State and local governments.

Mr. KINDNESS. I thank the gentleman for his contribution.

We are faced with a situation in which we have legislation before us dealing with an issue which has not legislatively matured and that is our problem. Our arguments that are being presented here are like ships that pass in the night. I was one of the members of the Committee on the Judiciary who supported the reporting out of this bill favorably before May 15 so it would meet the deadline for authorization bills to be out of committee and so that we would not be faced with a decision that was not our decision on the providing of Federal funds for legal services for the poor.

Without some kind of an authorization bill out here, there would have been a decision made by default. I oppose the authorization bill that is before us on the concept that it ought to go into the block grant approach, but the administration's position is not all that clear.

Our legislative progress on the block grant inclusion of Legal Services is entirely cloudy at this point, as I understand it. If anyone does understand it more clearly and can present a good clear argument that it is being taken into account in the social services block grant program, not only with just a couple of words, but in terms of how it would actually be a part, or that funds were actually taken into consideration in some cloudy manner for Legal Services in addition to the

funds that otherwise would have been considered as part of what we are talking about for social services block grants, OK. That is the kind of position a good many of us would like to be in, to be able to vote for the inclusion of funding for legal services for the poor in a block grant program.

However, we are subject to the argument at the present time that it is not really provided for and that is why some of us did vote for the Legal Services authorization bill to be reported out of committee and are still in a bit of a quandry as to how to vote on this bill at this point.

It would be my hope that the position of the administration and perhaps of those who are most concerned with getting this into a block grant program could be clarified before we even vote on this bill. I think that would be the logical way to deal with this and we could get a clear view as to how people in this Chamber really feel about the providing of legal services for the poor in a block grant manner.

The CHAIRMAN. The Chair will advise the gentleman from Wisconsin (Mr. KASTENMEIER) that he has 5 minutes remaining and the gentleman from Illinois (Mr. RAILSBACK) has 1 minute remaining.

□1530

Mr. KASTENMEIER. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WYDEN).

(Mr. WYDEN asked and was given permission to revise and extend his remarks.)

Mr. WYDEN. Mr. Chairman, I rise today in support of H.R. 3480, which would reauthorize the Legal Services Corporation. But more important, I rise today in defense of equal justice for all—the poor as well as the rich.

That is, after all, what we are really talking about here today. What we are really debating is whether we wish to stand behind a commitment that is as old as the Nation itself—whether we really believe in justice for all, regardless of income—whether we really believe that everyone deserves their day in court, whether they can afford to pay for it or not.

I, for one, am appalled that we would even question supporting a program so fundamental to what our country stands for.

The administration and some of our own colleagues would have us believe that this is not what the debate is about. They would tell us that Legal Service attorneys are self-designated tribunes imposing a political ideology on poor people—that clients are merely notational, or the means to the lawyers' political ends—that the poor would really be better off if they had to pay modest fees for legal representation.

They also would tell us that the private bar is somehow to blame for the whole situation for allegedly shirking its responsibility to provide pro bono legal assistance to the poor.

I submit this is nothing more than political rhetoric designed to divert attention from the real issue at hand.

For the 6 years prior to taking office in January, I served as codirector of the Oregon Gray Panthers. As director of that group, I was intimately involved in working with Legal Service programs around Oregon with regards to the legal problems of the elderly. For the last 2 of those 6 years, I was also director of Oregon Legal Services for the Elderly, a model program run by the Legal Services Corporation and funded with Older American Act dollars.

Based on that experience, I can tell you that Legal Services attorneys are by and large dedicated professionals working for less money than most novice household repairmen and women—professionals who spend the vast majority of their time championing individual causes for poor people who otherwise would have no champion—professionals who are too busy defending poor clients to have time to foist their political ideologies on the poor.

Based on that experience, I can tell you that the many elderly clients who were helped by those attorneys would take exception at being told they were merely "notational", as administration officials have insinuated.

Based on that experience, I can tell you that anyone who says the poor would be better off having to pay for their own legal services has never pulled the last dollar from his or her pocket—and been faced with the choice of whether to buy food to eat or oil to heat their home in the cold of winter.

The administration's charge that the private bar has neglected its responsibility to provide free or low cost legal assistance to the poor is equally unfounded—and unrealistic. Over the years, I set up two volunteer legal programs for the elderly in Oregon using the private bar. The response of the private bar was tremendous—they really came through. However, there were many cases they simply couldn't handle—including SSI, social security, nursing home law, and the like—and had to refer back to us.

However good intentioned the private bar might be, they simply cannot meet all the legal needs of the poor—more because they are not trained in these areas than anything else.

Perhaps the greatest irony of all is that in many ways, the Legal Services Corporation is exactly the type of Government program the Reagan administration claims to champion.

It is cost effective. Nationally, only between 3 and 4 percent of the total budget goes to administrative costs.

It is locally controlled. In my home State of Oregon, for example, non-profit boards made up of concerned community members from all walks of life, call the shots and make the deci-

sions as to how the programs can best serve the communities' poor.

It meets a demonstrated, ongoing need. Take the elderly population, for example. One-quarter of the elderly population is poor or near poor. Like other citizens, the elderly need legal assistance with housing issues, consumer problems, estate planning and drawing up of wills. They also have many special legal needs, however, including access to vital social services and public entitlement programs—including home health care, in-home support services, income maintenance and protective services—needs I have already indicated the private bar is not equipped to supply.

The administration has suggested we should force legal services to compete for State social service block grant funds. That would defeat the administration's own stated goal of cost efficiency and low administrative overhead by adding yet another level of bureaucracy to a program that is now a model of administrative simplicity.

It also would politicize the process and create an inherent conflict of interest as the poor's legal disputes are often with the very same State and/or local officials who would be responsible for making funding decisions.

The administration is fond of talking about maintaining a safety net for the needy. You cannot tell me that removing funding for an independent legal services program will not tear a hole in someone's safety net.

You also cannot tell me that removing the only source of legal assistance for most of America's poor is in any way justice for all.

I am in full agreement with the administration that we must stop runaway Federal spending. But let us cut where it makes sense to cut—where we have programs that are wasteful, duplicative or rife with fraud.

Let us not cut programs that are beneficial and cost effective—a worthy expenditure of the taxpayer's dollar.

Most of all, let us not cut in such a way as to make a mockery of the very foundations upon which this democracy was laid. Let us insure that "and Justice for all" really means for all—not just for the rich.

Mr. RAILSBACK. Mr. Chairman, I yield my remaining time to the gentleman from Missouri (Mr. EMERSON).

The CHAIRMAN. The gentleman from Missouri (Mr. EMERSON) is recognized for 1 minute.

(Mr. EMERSON asked and was given permission to revise and extend his remarks.)

Mr. EMERSON. Mr. Chairman, I rise in general opposition to H.R. 3480. While there exists a very real need for legal assistance for the poor, there is also a very real need to clean up the irregularities of the Legal Services Corporation. This House has before it a good vehicle to prove to the American people that we are indeed serious about spending less of their hard

earned tax dollars and cleaning up Government programs run afoul of congressional intent. My position is in accord with the distinguished ranking Republican on the Judiciary Committee, Mr. McCLOY, and I wish to associate myself with his remarks. My final vote on this bill is dependent on the disposition of the amendments pending to correct serious irregularities and on the opportunity to vote a substitute bill.

This body has the chance to begin to implement the block grant approach to spending that President Reagan has been advocating. With our votes on this bill, we have the opportunity to return to the States some of the power that is most appropriately theirs. November 4 told us that the same old bureaucratic gymnastics will no longer be tolerated and that the people expect us to write laws well enough designed to prevent misconstruction of the sort that has permitted Legal Services to stray so far, so often, from what conceptually, initially, was a good thing.

On a local note, my district contains the Southeast Missouri Legal Services, known as SEMOLS. Just several weeks ago I had to ask the distinguished chairman of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice to investigate Serious allegations lodged against SEMOLS. I have in my possession copies of checks totaling approximately \$2,500, written by SEMO Legal Services to various parties, including a Ramada Inn where, according to the current director of SEMOLS, strategy sessions were held to rally support for his defeat. It would have been equally inappropriate for public funds to have been spent to rally support for his hiring, so the point really has to do with the appropriations of taxpayer liability for this type advocacy, which is indeed remote to providing fundamental legal services for the poor. I relate this unfortunate incident so that it may be added to the long list of irregularities cited by my colleagues here today, irregularities which drive hard-working taxpayers right up the wall.

Further, I would like to associate myself with the amendments of Mr. ASHBROOK and Mr. SENSENBRENNER which would prohibit the Legal Services Corporation from providing legal assistance on busing and abortion cases, respectively. Congress cannot allow this kind of social tinkering to be carried out at taxpayer expense.

Senator RUSSELL LONG recently said, and I quote, "The most insane thing I could think of was to hire a lawyer to sue yourself * * * nobody but an idiot would do that." I submit that that is exactly what we have done—we have hired a battery of lawyers to sue the American taxpayer with his own dollars. I urge my colleagues not to reauthorize this defective legislation as it stands—and not to vote for it period, unless we can through amendment or a substitute bill get it on an efficacious course.

● Mr. EDWARDS of California. Mr. Chairman, I rise in support of H.R. 3480 as reported by the Judiciary Committee. Mr. Chairman, the issue facing us in this debate is a simple one. Despite the considerable rhetoric I am sure we will hear, despite the many amendments that will be offered, the proposition before us is as fundamental as this: Is our Government going to stand by its commitment that all in our Nation should enjoy the constitutional guarantee of equal justice under the law? Is legal assistance to be available only to a certain segment of our society—those who can afford to pay for it—or should all in our society have access to this basic right? I urge my colleagues to keep these questions in mind throughout our consideration of this legislation.

The bill before us today is a carefully crafted one. It is the product of an extensive series of hearings, the testimony of numerous expert witnesses, and the thorough deliberation of the Subcommittee on Courts, Civil Liberties, and the Administration of Justice, as well as the full Committee on the Judiciary.

H.R. 3480 is well balanced to insure that the poor in our Nation continue to have access to civil legal assistance while remedying problems that have been identified with the Legal Services Corporation's operations. The bill we now consider is worthy of our support. It should be passed overwhelmingly.

The need for civil legal assistance among this Nation's poor is great. Unfortunately, resources are limited. Even at the current level of funding, only a fraction of the legal needs of eligible clients can be met. Under the committee's bill, the amount of money authorized for this program would be further decreased. However, even with limited funding, the accomplishments of legal services programs across the country are impressive. Last year they handled some 1.5 million legal matters for eligible clients.

During the past 5 years, the Corporation has met with overwhelming success. In this short time it has achieved a minimum access to justice for this Nation's 30 million poorest persons.

As with any undertaking, there have been occasional problems with the Corporation as well as its grantees. Human beings are fallible. But when these problems have arisen, the Corporation has taken prompt steps to deal with them. In addition, the Judiciary Committee has exercised diligent oversight over the program. As has been pointed out, this bill includes several amendments to the present enabling legislation to address the concerns that have been raised without impeding too far on the ability of a legal services attorney to fully and effectively represent a client.

There are those that now suggest that the Corporation should be abolished. Others suggest that if the

States want to provide legal assistance to the poor, they can do so through the block grant program. History suggests that the second alternative will achieve essentially the same result as the first—the effective elimination of civil legal assistance to this Nation's poor.

I urge my colleagues to reject these suggestions, and instead to vote in favor of H.R. 3480. ●

Mr. KASTENMEIER. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. MOAKLEY).

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Chairman, I stand before my colleagues today to reiterate my strong commitment to the continued operation of the Legal Services Corporation. In these times when economic realities foreshadow a reduction in many services for our Nation's poor, continued access to the courts is all the more vital.

The principle of equal justice for all has been in operation for hundreds of years. The Magna Carta stated, "To no one will we refuse or delay, right or justice."

The right to be heard, freedom and justice for all are the fundamental principles upon which our Nation was founded. The Legal Services Corporation delivers the promise of justice to those Americans who would not otherwise be able to afford access to that most basic element of democracy.

Aside from the various philosophical grounds for continuing to fund Legal Services, there are some practical considerations as well. Last year, Legal Services' 6,200 attorneys handled over 1.5 million cases. Most of those cases were in the areas of housing, consumer affairs, family law, social security benefits, and health care. Thus, the vast majority of those cases involved routine matters, yet they had an immeasurable impact on the lives of the individuals involved.

Opponents of the Legal Services Corporation charge that it initiates a flood of frivolous litigation, that it involves itself in numerous class action suits, and that its services could easily be replaced by private attorneys. I stand before you today to tell you that those charges are incorrect. First, of the numerous matters handled by Legal Services attorneys each year, only 15 percent result in litigation. As for class actions, only two-tenths of 1 percent of the cases handled by Legal Services last year were class actions. Finally, it is indeed true that members of the private bar should actively participate in providing representation for the poor, and most attorneys do make contributions of their time. Historically, however, such voluntary efforts have not proven sufficient to meet the legal needs of the poor, and are certainly not sufficient to meet the present need.

H.R. 3480, with its stringent restrictions on the types of cases that may be handled by Legal Services, and on the conduct of those employed by the Corporation, should satisfy even the most vehement opponents of the present Corporation.

Finally, I ask you to examine the principle of justice in America. If we as a Nation demand that our citizens obey and respect the laws, should we not grant them the benefit of access of those laws? How can we expect our citizens to respect the American judicial process if we deny them participation in that process.

I strongly urge you to support H.R. 3480 and to continue funding for a viable, cost-effective program that upholds the most fundamental principles of our Nation.

Mr. KASTENMEIER. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. CONYERS).

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) is recognized for 2 minutes.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

[Mr. CONYERS addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

● Mr. STARK. Mr. Chairman, one of the more outrageous proposals of President Reagan's administration is to abolish the Legal Services Corporation. This is a Nation based on the ideal that there is liberty and justice for all. Where is the justice for the millions of Americans too poor to pay legal fees or to have access to lawyers and the courts if LSC is abolished?

I strongly support H.R. 3480, the bill to extend the authorization for appropriations for the Legal Services Corporation for 2 additional years at a funding level of \$260 million for each year—1982 and 1983. This amount represents a 20-percent reduction from the Corporation's current funding.

Created in 1974, LSC now provides, on the average, only two lawyers for every 10,000 persons. That number is not wildly irresponsible. It is barely adequate. The lawyers who serve LSC do not abuse the system with excess litigation. Through arbitration, mediation, and conciliation, 85 percent of Legal Services cases have been settled out of court. Legal aid attorneys have performed responsibly, constructively, and in the full interests of their clients.

Justice should not be available only to those who can afford to buy it. Therefore, I recommend the reauthorization of the legal services program. This bill, H.R. 3480, embodies a series of constructive compromises designed to allow this important program to continue its necessary work. ●

● Mrs. CHISHOLM. Mr. Chairman, I rise in support of H.R. 3480, which authorizes the continued Federal funding of the Legal Services Corporation

for fiscal years 1982 and 1983. Access to our judicial system is the fundamental right of every citizen, rich and poor alike. There are an estimated 30 million poor people in this country, individuals earning under \$5,000 a year and families of 4 with an income under \$10,000 a year. The continuation of Legal Services is crucial to the provision of minimal access to the legal system for these persons.

Although the bar associations have recognized an obligation on the part of every lawyer to provide free legal services to those unable to pay and, although private attorneys do make contributions, voluntary efforts cannot be relied upon to meet more than a small percentage of the need. Nor can the States be relied upon to provide legal services under a block grant approach.

Many of the legal problems of the poor involve public officials who make decisions about their housing, income, health care, and children. Legal representation may mean legal action against State officials and programs. There is a direct conflict of interest if funding for lawyers comes from the same officials against whom the poor seek legal representation. Furthermore, while States could theoretically use block grants for legal services, none of the money now available through the Legal Services Corporation is proposed for transfer to the social services block grants. This would mean States would have to assume responsibility for a program they have never operated before and, with greatly reduced funds—funds needed for other social service programs. It is obvious that the legal needs of the poor cannot be adequately met without a strong national program.

Last year, Corporation-funded programs handled more than 1.5 million cases, affecting the lives of millions of low-income persons. The great majority of cases handled by Legal Services attorneys involve routine legal matters—assisting the elderly in securing pension or social security benefits, helping the ill obtain needed medical services, aiding tenants whose landlords refuse to provide heat, and other housing, consumer, and family law problems—problems often critical to the lives of the individuals involved. The estimated cost for these services was \$10 per poor person. With overhead costs less than 3 percent of its budget, this makes the Legal Services Corporation one of the most cost-effective of all federally funded programs.

H.R. 3480 authorizes appropriations of \$260 million a year for fiscal years 1982 and 1983, representing a 20-percent reduction from the Corporation's current funding, keeping in line with current budget cutting H.R. 3480 preserves federally funded legal services for the poor and the minimum access it provides, while placing additional restrictions of the Corporation in re-

sponse to concerns raised by subcommittee hearings. It is a bipartisan bill with wide support among members of both parties.

In closing, I would like to repeat the words of Mr. Reece Smith, president of the American Bar Association, in his testimony before the Subcommittee on Courts, Civil Rights, and the Administration of Justice:

If our system does not work for a substantial segment of our society—if the justice system works for the rich but not for the poor—then we are not “ensuring justice,” and we cannot expect our citizenry to respect the law and the legal profession. And without that respect, that faith in our system, our entire American way of life becomes fragile and endangered.

Mr. Chairman, the words of Mr. Smith alone should be enough to encourage all of my colleagues to support reauthorization of the Legal Services Corporation. I urge my colleagues to support H.R. 3480.

Thank you.

Mr. ROYBAL. Mr. Chairman, I rise in support of H.R. 3480, which would continue funding for the Legal Services Corporation, a program which has proved itself to be both popular and effective. There is no real justification for eliminating this program, especially in view of its strong support, both in the general public and among members of the legal profession. In a recent national survey, 83 percent of those surveyed supported either the same level of funding for Legal Services, or an increase. My own experience bears this out. Thus far, my office has received almost 600 letters from constituents supporting funding of the Legal Services Corporation, with more still coming in. Let me emphasize that these are not postcards or petitions, but individual letters.

Even though I am strongly opposed to some of the restrictions in H.R. 3480, I find one compelling, overriding reason to support this measure—the Legal Services Corporation upholds the principle of equal justice for all under the law, a principle which is fundamental to our democratic system. Abolishing the Corporation would deny the poor access to the legal and judicial redress available to other Americans.

Let us look at the facts. The administration would have us believe that the LSC is a great waste of the taxpayers' money. It has been said the Legal Services lawyers use the Corporation as a forum to espouse their own liberal ideology, and do not truly concern themselves with the legal problems of the poor. Critics of the program believe that the private bar associations could provide legal services more effectively and fairly than does the Corporation. The administration favors funding legal programs through discretionary block grants to States, although it would not require that States use block grant funds for legal aid. However, the facts simply do not bear out the criticisms directed toward the LSC:

It is a fact that the LSC is one of the most efficient Government agencies. Only 2 percent of its budget is used for central administration, while more than 90 percent of its funds go directly to the local legal services programs which provide the legal representation for the poor. The average Legal Services lawyer's salary is less than \$16,000—well below similar positions in the private sector.

The Corporation is also extremely efficient in settling cases—about 85 percent of its cases are settled out of court.

It is absurd to state that Legal Services lawyers use the Corporation only to advocate their own political beliefs. Most legal service cases concern family law—(adoption, custody, divorce, support, parental rights, spouse abuse)—income maintenance, housing, health, consumer problems—(contracts, warranties, credit, debt collection, and sale matters)—education, and individual rights. These are problems that plague all of us, yet in many cases local legal service programs provide the only affordable means of legal representation to solve these problems. Out of 1.5 million cases handled by Legal Services in 1980, only about 0.2 percent were class action suits.

If the Legal Services Corporation were abolished, it is likely that few States will allocate any of their already sparse funds to establish new, State-administered legal service programs. In States where little or no funds are allocated, or where funds were unevenly distributed between rural or urban centers, many or all poor persons would be denied equal access to the law.

Private attorneys would not be able to fill the gap caused by eliminating the LSC. Private attorneys are generally far too expensive for the poor to afford, and those lawyers who do handle pro bono cases would not be physically able to handle to caseload that would be required. Prominent members of the legal profession itself believe that years of experience make it clear that pro bono work can at best meet only a part of the need. It cannot duplicate the specialized, day-to-day services provided by the Legal Services offices.

In spite of these facts, H.R. 3480 goes even further in addressing the critics of the Legal Services Corporation. The bill conforms to the administration's program for fiscal austerity by cutting the Corporation's budget 20 percent below its fiscal year 1981 appropriation, and at the same time tightens control and oversight of the program to curb the so-called abuses. It restricts class action suits, lobbying, representation in certain issues that are abhorrent to LSC critics, and prohibits strikes by employees of local programs. It requires the creation of State advisory councils to review grant and contract applications and alleged violations, and encourages the private

bar to assume a larger role in providing legal services.

Obviously, H.R. 3480 is a good-faith effort to work with the administration. It is a bill offered in a spirit of compromise, one which deals with complaints of program abuse and still allows the poor access to the U.S. legal system. Even though I must put aside many of my heartfelt beliefs in order to support this measure, I do support it in the same spirit of compromise in which it was offered. Let us work together to demonstrate to the Nation that we can cooperate, we can reconcile our beliefs, we can compromise for the good of all Americans. I ask all Members to join me in casting an “aye” for H.R. 3480.

Mrs. COLLINS of Illinois. Mr. Chairman, today the House begins debate on H.R. 3480, legislation reauthorizing the Legal Services Corporation through 1983, at a level of \$260 million a year. I agree with my colleagues in the Congressional Black Caucus that this bill does not represent all that we wanted. However, it does represent a bipartisan effort to insure that the legal needs of the poor will be met.

I do not believe that in the interest of democracy it is correct or even proper to question the need to assure access to the legal system for those unable to pay for such services. I believe it is essential for all Americans to have access to our judicial system, regardless of their ability to pay. Accordingly, I call upon all of my colleagues to support the continuation of the Legal Services Corporation and vote against further restrictive amendments.

Under H.R. 3480, the Legal Services Corporation would only be able to bring class action suits in accordance with the policies or regulations adopted by the LSC Board. I feel that such action is designed solely to limit their power to bring class action suits and would add an extra political struggle to an agency that was originally created to be independent. If citizens have the right to sue, then they should be allowed to do so. The courts should decide their merits of a case, not any other Government agency. I strongly regret the inclusion of this section of the bill.

I support Congressman MOFFETT's amendment, which, if adopted, would aid in removing some political confrontations between the directors of LSC and its local entities. By eliminating the authority of the LSC president to suspend local program employees, the independence of the local entities can be preserved. This amendment would remove the upper level political pressures that might cause the LSC president to circumvent local action by LSC units.

A civilized nation such as the United States depends upon a responsive legal system, not only to the wealthy but to the poor. Consider the Legal Services

Corporation as insurance for a fair and just legal system—one that serves everyone. The strength of the LSC must not be removed, nor should we slowly dwindle its funds so that it cannot serve its purpose. Its strength lies in its independence and its national organization. We must not destroy it with political ploys, for then we are destroying the values this Nation has strived for since its beginning. On that basis we must support appropriate continuation of the legal services program.

I urge my colleagues to join me in voting for the passage of H.R. 3480. ●

● Mr. JEFFORDS. Mr. Chairman I rise in strong support of H.R. 3480, legislation reauthorizing representation for the indigent in this country. An unfortunate number of restrictions on legal aid activities have been written into this bill, some of them merely innocuous, others pernicious, but the important fact is that H.R. 3480 will allow the Legal Services Corporation to continue with its extremely important and worthwhile function. Equal access to justice is one of the principal underpinnings of our democracy, and we must not compromise our commitment to this noble standard.

The legal services program was first conceived during the Johnson administration, and emerged under the umbrella of the semiprivate LSC in 1974, at which time it had strong bipartisan support and the endorsement of then-President Nixon. The LSC is governed by an 11-member board appointed by the President of the United States and confirmed by the Senate.

Maximum eligibility under the program is currently 125 percent of the Office of Management and Budget's poverty level—\$5,388 for an individual and \$10,563 for a family of four.

Last year, 1.5 million cases were handled by the 323 separate legal aid programs around the country. Legal aid lawyers have spent the great majority of their time handling routine civil cases, such as divorce work, utility cutoffs, housing, welfare, and medicaid complaints. They work on will drafting and breach of warranty and entitlement benefit cases.

In 1980 alone, more than half a million elderly persons who otherwise would have been denied access to justice were provided with legal assistance through the Federal program. They were represented on a broad spectrum of vital issues, including housing, food assistance, social security, medicare, medicaid, age discrimination in employment, nursing-home regulations, taxes fuel assistance, and retirement benefits. As a member of the Select Committee on Aging, I have seen how difficult it is for our elderly to cope with these serious problems, some of which are most acute in the Northeast and Midwest, where the winters can be harsh.

Vermont Legal Aid, which I am one of the original incorporators, has been able to provide low-income Ver-

monters with invaluable assistance over the years. It operates 6 offices and employs 34 lawyers, including those who work on special projects for the elderly and contracts with the State, 12 paralegals, and 19 secretaries. Vermont Legal Aid expects to serve 9,000 Vermonters during fiscal 1981 in appeals on social security disability and SSI matters, defense of foreclosures on federally insured housing loans, special education and employment rights secured by Federal law, and other cases.

The administration's plan had been to terminate the LSC as a separate entity and include legal services funding as part of a block grant to the States. The problem with this approach is that many States most likely would channel token or no funding for the representation of the underprivileged. An extremely uneven allocation of funds for legal services would be the net result. It is not hard to imagine locales across this Nation where an impoverished old woman would be unable to find help in redressing an unfair utility cutoff while, down the street, a fat cat with a watch fob, wingtip shoes and a Don Diego cigar clamped between his gold fillings is able to hire the best lawyers in town to get his son off the hook in a DWI accident.

Making legal services funding a State option when we all know full well that State governments, most significantly California, have been defendants in legal aid suits, is tantamount to folly. There is an inherent conflict of interest.

Moreover, we hear it said that private lawyers could pull in the slack, providing services to the poor on a pro bono basis. While pro bono work is vital, it can meet only a part of the need. It certainly cannot hope to match the specialized services rendered by low-overhead legal aid offices.

H.R. 3480 is a great improvement on the administration proposal, it is true. The bill provides \$260 million for each of fiscal years 1982 and 1983, a 20-percent reduction from the current funding level. Although it is hard for me to swallow this low funding, I can accept it as part of the overall effort to reduce Federal spending. But permit me to review some of the restrictions built into the bill, and some additional curbs which will be offered as amendments on the floor, which I feel are counterproductive and unwise.

I appreciate that a delicate compromise has been struck between liberal and conservative Members on this bill which has allowed limited funding to go forward. For that reason, I will not offer any amendments which might upset this balance, even though I do not think the legislation itself is particularly balanced. But surely the unfortunate language in the bill should be pointed out.

H.R. 3480 requires the LSC Board to promulgate new rules restricting class

actions against governmental entities. This provision undermines the principles of judicial economy and remedial effectiveness which are the keystones of class action rules of procedure. As an attorney and former attorney general of the State of Vermont, it simply does not make sense to me that the Congress should be encouraging countless unnecessary administrative hearings and attorney hours spent on repetitious litigation of common issues of law and fact. Our courts are burdened enough as it is; we do not need inefficiency. —

Let us for a moment examine the sorts of class action suits filed by legal aid groups which so rankled a certain Governor of California and keepers of the conservative flame. In Vermont, the following legal aid class actions are included in the Federal docket: Unreasonable delays by the Social Security Administration in conducting administrative hearings in disability cases; HUD policies which result in ANFC tenant rentals which exceed maximum amounts allowed under Federal statutes governing the section 8 housing program; educational segregation of mentally retarded students from other public school students in violation of the Education for All Handicapped Children Act; and debt collection practices, including abusive and repetitious phone calls, third-party contacts, contacts with clients, after knowledge of attorney representation, and failure to send federally mandated notices in violation of the Federal Fair Debt Collection Practices Act. The attorney general of Vermont has filed a companion lawsuit in State court. These are not wild and irrational lawsuits brought by radical lawyers who have turned from occupying administrations buildings on their college campuses in the 1960's to fomenting unrest among the poor; by aging hippies who have graduated from Euell Gibbons and long hair adorned with leis of flowers to activist class action suits. No; these are cases undertaken after careful review of their merits and their compliance with LSC guidelines.

Certainly the amendment I understand will be offered on the floor to bar any class action suits whatsoever should be voted down.

The requirement that grantees or contractors be nonprofit corporations organized for the sole purpose of furnishing legal assistance to eligible clients might restrict programs like Vermont Legal Aid from providing legal services via non-LSC grants or contracts to other clients, the elderly and mentally or developmentally disabled, for example. A strict interpretation of this provision could thwart efforts to raise funds to offset the 20-percent funding curtailment by prohibiting sliding fees in certain cases. In most programs, we have been asked to reduce Federal spending and simultaneously give local programs greater

sumptive funding provisions. It also retains some of the procedural requirements on termination and suspension of funding, creating unnecessary roadblocks for the LSC to withdraw funding from a present grant recipient. These provisions are also unfair because they make it too difficult for a competing legal services delivery system to receive funds.

The examples just mentioned are the tip of the iceberg. H.R. 3480 falls far short of the representation made by its supporters regarding the reforms it makes. It does not make a serious effort to change the direction of the Corporation toward the needs of individual clients. The Corporation will thus continue to pursue benchmark litigation which Congress has specifically prohibited. Congress, the General Accounting Office, and others will continue to expend resources to bring the LSC lawyers under control. The taxpayers will never get a fair return on their dollars. Indigent clients will continue to be underrepresented and be the pawns for social reform litigation. It is time to terminate this quasi-Government agency that has run amok. The result will be legal service programs designed at the State and local level which will better address the needs of the poor. It is time for a change:

Mr. SWIFT. Mr. Chairman, I move to strike the last word.

(Mr. SWIFT asked and was given permission to revise and extend his remarks.)

Mr. SWIFT. Mr. Chairman, I want to commend the Judiciary Committee on its work on the Legal Services Corporation by agreeing to reauthorize it for fiscal years 1982 and 1983 and avoiding the administration's recommendation to consolidate Legal Services into the health and social service block grants which would effectively make legal services just another permissible activity for block grants.

Legal Services Corporation currently funds three legal services programs in my State of Washington. For all too many people, legal services is the very last place to turn to when they require access to our legal system, access to which they are rightly entitled regardless of the income level. This fact of life was recognized by President Nixon whose administration proposed the Legal Services Corporation. It is also recognized by 18 local and State bar groups in Washington State who are concerned about the preservation of this program.

Over the past several years, legal representation has been available only on a minimal level in my congressional district. Recently, the Legal Services office in Mount Vernon, Wash., was closed due to funding limitations. Drastic cuts by Congress and ongoing inflation are presenting more challenges to the already restricted program in my district. Further diluting of this program through weakening

amendments and budgetary cuts will erode services it now provides.

Further I am opposed to any effort to fund Legal Services through the block grant concept. Legal Services should not be the responsibility of the State and local governments. This approach would open the door to political intrusions into the attorney-client relationship. Congress should not undercut the structural independence which presently exists. Rather we should be firm in our insistence that political intrusion and the problems arising from that threat remain in the past. For these reasons, I commend the committee on their efforts and urge my colleagues to vote for reauthorization and vote "no" on any weakening amendments.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

STATE ADVISORY COUNCILS

SEC. 2. Section 1004(f) of the Legal Services Corporation Act (42 U.S.C. 2996c(f)) is amended to read as follows:

"(f) Within ninety days after the date of enactment of the Legal Services Corporation Act Amendments of 1981, the Board shall request the Governor of each State to appoint a ten member advisory council for such State. A majority of the members of the advisory council shall be appointed, after recommendations have been received from the State bar association, from among the attorneys admitted to practice in the State, and the membership of the council shall be subject to annual reappointment. The other members of the council shall include two eligible clients and two members of the general public from that State. If ninety days have elapsed after such request without such an advisory council being appointed by the Governor, the Board shall appoint such a council. The advisory council shall be charged with notifying the Corporation of any apparent violation of the provisions of this title and applicable rules, regulations, and guidelines promulgated pursuant to this title. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the Corporation shall allow such recipient a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notification. The Corporation and recipients shall notify the relevant State advisory councils promptly of any alleged violations of this title by recipients or their employees. At least sixty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly such grant, contract, or project and shall send notification thereof to the advisory council of any State in which legal assistance will be provided as a result of the grant, contract, or project. Notification shall include a specific description of the grant application or proposed contract or project and a request for comments and recommendations thereon. The council shall be given a reasonable opportunity to review and comment on such alleged violations and on such grants, contracts, and projects."

Mr. KASTENMEIER (during the reading). Mr. Chairman, I ask unanimous consent that section 2 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. MOFFETT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOFFETT. Mr. Chairman, we are going section by section, and we are on section 2?

The CHAIRMAN. The gentleman is correct. The Clerk is reading section 2.

Mr. MOFFETT. I thank the Chairman.

The CHAIRMAN. The gentleman from Wisconsin has requested that the section be considered as read.

Is there objection? The Chair hears none, and it is so ordered.

The Clerk will read.

The Clerk read as follows:

QUALIFICATIONS OF RECIPIENTS

SEC. 3. Section 1006(a)(1) of the Legal Services Corporation Act (42 U.S.C. 2996(a)(1)) is amended to read as follows:

"(1) to provide financial assistance to and to make grants to and contracts with—

"(A) qualified nonprofit organizations chartered under the laws of one of the States for the sole purpose of furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which organization is comprised of attorneys who are admitted to practice in one of the States and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance, and

"(B) private attorneys for the sole purpose of furnishing legal assistance to eligible clients pursuant to the provisions of section 1007(a)(12)."

Mr. KASTENMEIER (during the reading). Mr. Chairman, I ask unanimous consent that this section be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. KASTENMEIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will inquire as to whether the amendment has been printed in the RECORD for 2 legislative days.

Mr. KASTENMEIER. Mr. Chairman, it has been.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KASTENMEIER: Page 3, strike out lines 19 through 25 and all that follows through page 4, line 14, and insert in lieu thereof the following:

SEC. 3. Section 1007(c) of the Legal Services Corporation Act (42 U.S.C. 2996f(c)) is amended by striking out the last sentence and inserting in lieu thereof the following: "The Corporation shall also insure that a majority of the attorney members of the governing body be appointed by the bar as-

sociation or associations in the area in which the recipient is to provide legal assistance. Any attorney, while serving on such board, shall not receive compensation from a recipient."

Mr. KASTENMEIER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes in support of his amendment.

□ 1545

Mr. KASTENMEIER. Mr. Chairman, I offer this amendment solely to clarify several issues that have come up since the amendment contained in this section was in fact adopted in the Committee on the Judiciary.

The amendment deals with the role the bar associations should play in the Government's legal services program. The amendment offered in the Committee on the Judiciary had some discussion, and it centered exclusively on the general value and wisdom of bar associations participation in local legal service programs. I believe a majority of the Members supported the approach in the amendment.

However, the amendment originally, as presented prior to that time, appeared as an amendment to section 1007(c). The amendment in its final form was made in section 1006(a) to the "Powers, Duties, and Limitations" section rather than to the section on governing bodies of certain recipients. The result of that change was that we have a couple of problems with the amendment which, subsequent to its adoption, have come up.

First of all, having amended the wrong section, what it does—and this is the primary problem that I have—is that it refers to organizations having the "sole purpose of furnishing legal assistance to eligible clients." That language by its effect may rule out a number of organizations which heretofore have been eligible to receive assistance, and they include bar associations, some 37 of them.

It could also affect, for example, funds received under the Older Americans Act and law schools as well. Since they are not exclusively organized for the sole purpose of providing legal assistance to eligible clients, they would apparently be precluded from assistance.

What makes this particularly difficult now is that with the corporation being cut back to \$260 million or whatever final figure is ultimately agreed to, we will have to depend more, not less, on organizations such as the bar associations for services, largely under this program, to be provided.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, in visiting with the gentleman about his amendment, I believe, yesterday, it was my understanding that the gentleman's amendment for the most part was substantially identical to the amendment offered by the gentleman from Florida (Mr. McCOLLUM) that was adopted in committee.

In reading the chairman's proposed amendment right now, I find there is a very substantial difference, and that is the gentleman is talking about a majority of the attorneys and he is talking about a majority of the members of the board. That is a very real and substantial difference, and I think those of us on this side who supported the gentleman's amendment are not going to be able to accept this amendment. I do not know whether the gentleman meant to do that or not.

Mr. KASTENMEIER. Mr. Chairman, I will say to my friend, the gentleman from Illinois, that the reason I did this—and I would be happy for any other formulation—is because there are some areas or some localities in which there is not a majority of a single bar association and in which a single bar association does not command a majority of the membership of the bar.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Chairman, I believe that we took care of that, and did so very purposely, I might add, by putting language in the report that made it very clear that in such cases the State bar could be brought into the picture.

I do not know whether this was done intentionally, but I think the gentleman is really making a very substantial change that simply is not going to be acceptable to us on this side.

Mr. KASTENMEIER. Mr. Chairman, I appreciate the comments of the gentleman from Illinois (Mr. RAILSBACK), but I think he must understand as well that we have a substantial problem, whether intended or not, in defunding the number of organizations. I might say for the benefit of the gentleman from Florida that apparently his bar association, the State Bar Association of Florida, would be defunded under this amendment. I do not think that is what he intended.

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the purpose of the committee print or the purpose of the bill as it is now worded in section 3 was to delineate those organizations which were to receive the funds from the Legal Services Corporation and to in fact assure that all recipient organizations providing legal assistance were controlled by local or State bar associations. It was to eliminate the haphazard approach that has been followed in the past by the Legal Services Cor-

poration whereby virtually any organization could receive funds and whereby in fact most of the funding that was done was done to organizations that were nonprofit in nature and that had governing boards which were determined by the very bureaucrats in the Legal Services Corporation who wanted to direct things for social activist litigation and who have tended in the past to be more interested in the overall politicizing of the Legal Services Corporations than they have in serving the interests of the poor, than they have in going into the courtroom and going into battle on individual problems.

The amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER) would totally destroy the concept of giving power to local and State bar associations. The gentleman from Wisconsin, as the gentleman from Illinois pointed out in the questioning, has in fact drafted an amendment that would allow for as little as 30 percent of the governing boards of the nonprofit organizations to be appointed by local and State bar associations instead better than 50 percent, which was the intent of the Judiciary Committee in voting out the language presently in the bill.

I cannot condone that, because of the simple reason that we as a Congress must indeed come to grips with the fact that if this Corporation is to survive in any form, it must be responsible and it must be held accountable to the individuals in the areas served, and there is no better group representative of the localities being served by the Corporation where legal assistance is being provided than local bar associations.

The particular language in the bill presently would provide for a majority of the local members of the bar to control the local recipient organizations, to control in essence the local legal services activities, and this representation would provide a buffer from a great deal of the public criticism that has been going on about the Legal Services Corporation and would temper in fact the rampant way in which we have been going out into left field to get into these activist litigation matters which are far beyond the scope of what was ever intended and getting into the field of politics. It is through an effort to get responsibility into the litigation area that the bill was brought to the floor as it is now.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, could the gentleman explain to me how, as in Detroit where we have 20 different joint organizations, we would divide these organizations into a board of the Legal Services Corporation?

Mr. McCOLLUM. Yes. The gentleman from Michigan has asked, what about Detroit, where they have many

different organizations, or what about any other city with that problem?

The way that would work under this particular bill language is that the organizations would be proportionately able to vote on who the board members are, nominate board members, or appoint board members based on what percentage of their group represented the entire area to be served. Let us say in the city of Detroit that maybe one group would represent 1 percent of the total members of bar associations and another one might represent better than 50 percent; conceivably under that situation they would have varying degrees of ability to appoint.

In other cases, if there is an area in which there cannot be a realistic way to control the appointments on a local level, they always have the option under this language to have the State bar association do the appointing. There is always a State bar association to do that.

Mr. CONYERS. Mr. Chairman, is the gentleman saying that he does not want lawyers that are not elected through their bar associations to serve on the Board?

Mr. McCOLLUM. I am not saying that at all. I am in favor of lawyers having some input that might not be elected by their bar associations, but I am in favor of 50 percent of the governing boards being elected by local bar associations.

Right now the provision is for 60 percent of the board members to be lawyers. There is no provision that lawyers be nominated or appointed by local or State bar associations, and I would submit to the gentleman that the only way people are served now is through a haphazard procedure whereby mostly the bureaucrats in Legal Services go out and seek out organizations that have social interests and then have lawyers nominated who are sympathetic to those interests, and they are not thereby representative of the broad community that should be controlling the activities of that association locally. It is ridiculous the way it is handled.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield one final time, if we really want to politicize these boards to the ultimate, then we can just bring in a board that is comprised of all the members of the variety of organizations and, in some places, dozens of bar associations all to bear on legal services, and I would suggest to the gentleman that we would create the biggest mess that has ever been created in Legal Services.

The CHAIRMAN. The time of the gentleman from Florida (Mr. McCOLLUM) has expired.

(By unanimous consent, Mr. McCOLLUM was allowed to proceed for 1 additional minute.)

Mr. McCOLLUM. Mr. Chairman, my concern with respect to this is simply that we do not have a broad section of the bar represented presently, and because we do not have a broad section

of the bar represented and because local bar associations do not have control over these organizations and over Legal Services activities, we have the controversy that we have today, and the needs of the poor are not being served, but the objectionable interest of going about getting into the politics at hand is being served.

What is happening is that a small group of individuals in this country is running the Legal Services Corporation to suit its own interests. A small group is in fact taking the Legal Services Corporation and moving it into the political arena, lobbying for all kinds of social issues to gain legislative interest, lobbying for political purposes, and bringing class action suits not to resolve the issues but simply to bring to the forefront, as I see in my fair State of Florida and as many other Members see in their States and districts, those things they think are important rather than resolving the issues of individual clients.

That is the important thing. That is what is wrong with the Legal Services, and if we turn the organization over to the organized bar associations, local and State, we have possibly come up with a workable system that we simply do not have now.

Mr. Chairman, the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER) would destroy that concept.

AMENDMENT OFFERED BY MR. FRANK TO THE AMENDMENT OFFERED BY MR. KASTENMEIER

Mr. FRANK. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK to the amendment offered by Mr. KASTENMEIER: Strike the words, "of the attorney members," in line 9 of the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. SENSENBRENNER) reserves a point of order on the amendment.

The gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes in support of his amendment.

[Mr. FRANK addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

□ 1600

Mr. SENSENBRENNER. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. KASTENMEIER. Mr. Chairman, I wish to say that I accept the amendment of the gentleman from Massachusetts. I am not going to delay the debate any longer. I hope we will vote on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) to the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER).

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. KASTENMEIER), as amended.

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

(Roll No. 78)

Addabbo	Coyne, William	Fuqua
Akaka	Craig	Garcia
Albosta	Crane, Daniel	Gaydos
Alexander	Crane, Phillip	Gedmond
Anderson	Crockett	Gephardt
Andrews	Daniel, Dan	Gibbons
Annunzio	Daniel, R. W.	Gilman
Anthony	Danielson	Gingrich
Applegate	Dannemeyer	Ginn
Ashbrook	Daschle	Glickman
Aspin	Daub	Gonzalez
Atkinson	Davis	Goodling
Badham	de la Garza	Gore
Bafalis	Deckard	Gradison
Bailey (MO)	Dellums	Gramm
Bailey (PA)	DeNardis	Gray
Barnard	Derrick	Green
Barnes	Dickinson	Gregg
Bedell	Dicks	Grisham
Beilenson	Dingell	Gunderson
Benedict	Dixon	Hagedorn
Benjamin	Donnelly	Hall (OH)
Bennett	Dorgan	Hall, Ralph
Bereuter	Dornan	Hall, Sam
Bethune	Dougherty	Hamilton
Bevill	Downey	Hammerschmidt
Biaggi	Dreier	Hance
Bingham	Duncan	Hansen (ID)
Blanchard	Dunn	Hansen (UT)
Boggs	Dwyer	Harkin
Boland	Dymally	Hartnett
Boner	Dyson	Hawkins
Bonior	Early	Hefner
Bonker	Eckart	Hefstel
Bouquard	Edgar	Hendon
Bowen	Edwards (AL)	Hertel
Brinkley	Edwards (CA)	Hightower
Brodhead	Edwards (OK)	Hiler
Brooks	Emerson	Hillis
Broomfield	Emery	Holland
Brown (CA)	Erdahl	Hollenbeck
Brown (CO)	Ertel	Hopkins
Broyhill	Evans (DE)	Horton
Burgener	Evans (GA)	Howard
Burton, John	Evans (IA)	Hoyer
Burton, Phillip	Evans (IN)	Hubbard
Butler	Fary	Hughes
Campbell	Fascell	Hutto
Carman	Fazio	Hyde
Carney	Fenwick	Jacobs
Chappell	Ferraro	Jeffords
Cheney	Fiedler	Jeffries
Chisholm	Fields	Jenkins
Clausen	Findley	Johnston
Clay	Fish	Jones (NC)
Clinger	Pithian	Jones (OK)
Coats	Flippo	Jones (TN)
Coelho	Florio	Kastenmeier
Coleman	Foglietta	Kazen
Collins (IL)	Foley	Kemp
Collins (TX)	Ford (MI)	Kildee
Conable	Ford (TN)	Kinross
Conte	Forsythe	Kramer
Conyers	Fountain	LaFalce
Corcoran	Fowler	Lagomarsino
Coughlin	Frank	Latta
Courter	Frenzel	Leach
Coyne, James	Frost	Leath

LeBoutillier
Lee
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery
Lowry
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mattox
Mavroules
Mazzoli
McClary
McCloskey
McCullum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Mottl
Murphy
Murtha
Myers
Natcher
Neal
Neilligan
Nelson
Nichols
O'Brien
Oakar

Oberstar
Obey
Ottlinger
Pancetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Perkins
Petri
Peyster
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Rudd
Russo
Sabo
Santini
Savage
Sawyer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen

Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tauke
Taubin
Taylor
Traxler
Tribble
Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Wilson
Winn
Wolf
Wolpe
Wortley
Wright
Wyden
Wyllie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zeferetti

Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Downey
Dwyer
Dymally
Early
Eckart
Edgar
Edwards (CA)
Ertel
Evans (IN)
Fary
Fascell
Fazio
Ferraro
Fish
Fithian
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Garcia
Geldenson
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Hall (OH)
Hamilton
Harkin
Hawkins

Hertel
Howard
Hoyer
Hughes
Jacobs
Jeffords
Jones (OK)
Kastenmeier
Kildee
Kogovsek
LaFalce
Leach
Leland
Levitas
Long (LA)
Lowry
Luken
Lundine
Markey
Martin (IL)
Matsui
Mattox
Mavroules
McHugh
McKinney
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Murtha
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Pepper

Peyster
Porter
Price
Rahall
Rangel
Ratchford
Reuss
Richmond
Rodino
Rostenkowski
Roybal
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Selberling
Shamansky
Shannon
Sharp
Simon
Smith (IA)
Solarz
St Germain
Stark
Stokes
Studds
Swift
Synar
Udall
Vento
Walgren
Waxman
Weaver
Weiss
Williams (MT)
Wolpe
Wyden
Yates
Zablocki

Myers
Natcher
Neilligan
Nelson
Nichols
O'Brien
Parris
Pashayan
Patman
Paul
Perkins
Petri
Pickle
Pritchard
Quillen
Railsback
Regula
Rhodes
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roe
Roemer
Rogers
Rose
Roth

Roukema
Rousselot
Rudd
Santini
Schneider
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solomon
Spence
Stangeland
Stanton
Stenholm
Stratton
Stump

Tauke
Taubin
Taylor
Traxler
Tribble
Vander Jagt
Volkmer
Walker
Wampler
Watkins
Weber (MN)
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Winn
Wolf
Wortley
Wright
Wyllie
Yatron
Young (AK)
Young (FL)
Young (MO)
Zeferetti

ANSWERED "PRESENT"—2

Pursell Savage

NOT VOTING—25

AuCoin
Beard
Billey
Breau
Brown (OH)
Byron
Chapple
Cotter
Derwinski
Erlenborn
Guarini
Hatcher
Holt
Huckaby
Ireland
Lantos
Lehman
Mollohan
Napier
Neal
Rosenthal
Thomas
Washington
Williams (OH)
Wirth

NOES—249

Albosta
Andrews
Anthony
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnard
Benedict
Bennett
Bereuter
Bethune
Bevill
Blagel
Bonar
Bonker
Bouquard
Bowen
Brinkley
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burgener
Butler
Campbell
Carman
Carney
Chappell
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Davis
de la Garza
Deckard
Dickinson
Dorman
Dougherty
Dreier
Duncan
Dunn
Dyson
Edwards (AL)
Edwards (OK)
Emerson
Emery
English
Erdahl
Evans (DE)
Evans (GA)
Evans (IA)
Fenwick
Fiedler
Fields
Findley
Flippo
Florio
Forsythe
Fountain
Frenzel
Fuqua
Gaydos
Gephardt
Gibbons
Gingrich
Ginn
Goldwater
Goodling
Gradison
Gramm
Gregg
Grisham
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Hefner
Hefst
Hendon
Hightower
Hiler
Hillis
Holland
Hollenbeck

The Clerk announced the following pairs:

On this vote:

Mr. Guarini for, with Mr. Chapple against Mr. Lehman for, with Mr. Billey against.

Ms. FERRARO and Mr. PORTER changed their votes from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1630

The CHAIRMAN. Are there additional amendments to section 3?

Mr. MITCHELL of Maryland. Mr. Chairman, I move to strike the last word.

(Mr. MITCHELL of Maryland asked and was given permission to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Chairman, amidst the prevailing administration's proposal to abolish the Legal Services Corporation, the House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, has brought forth a bipartisan initiative to reauthorize the Legal Services Corporation at \$260 million for fiscal years 1982 and 1983. I rise today in support of this effort, H.R. 3480, the Legal Services Corporation Act Amendments of 1981, and against all amendments which may further erode and weaken the intent of this measure.

Certainly many of us are not satisfied that the \$260 million authorization level represents a 20 percent cut from the current level of appropriations. Moreover, several of the prohi-

□ 1615

The CHAIRMAN. Three hundred and ninety-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida (Mr. McCOLLUM) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 155, noes 249, answered "present" 2, not voting 25, as follows:

(Roll No. 79)

AYES—155

Addabbo
Akaka
Alexander
Anderson
Annunzio
Aspin
Atkinson
Barnes
Bedell
Beilenson
Benjamin
Bingham
Blanchard
Boggs
Boland
Bolling
Bonior
Brodhead
Burton, John
Burton, Phillip
Chisholm
Clay
Coelho
Collins (IL)
Conyers
Coyne, William
Crockett
D'Amours
Danielson
Daschle

bitions on Legal Services Corporation activities as contained in H.R. 3480 go beyond what I believe to be an equitable compromise. For example, I believe that the incorporation of the provision which prohibits legal assistance in abortion cases, except when the mother's life is in danger, is a serious infringement on the reproductive rights of lower-income women. Additionally, the lobbying prohibitions and limitations on class action suits, which continue to be a part of the Legal Services Corporation's mandate, leave many low-income residents virtually devoid of any type of viable advocacy representation. In spite of such drawbacks, we should concern ourselves today with assuring the continuation of the Legal Services Corporation, thereby providing legal services for our Nation's poor.

It is a tragedy that this Nation has reached a point where access to legal and judicial redress by the poor is in danger. It is even sadder that the fostering of such access by our own Government has become such a low priority that we are faced with proposals to either abolish one of the most efficient programs in this area, or radically restructure such programs and rely on the use of the highly questionable block grant approach to provide vital legal services. At this point we have been forced to literally concede to the inadequate level of funding authorized for the Legal Services Corporation, fight to maintain the program implementation structure as is, and stave off discriminatory, prohibitive amendments. The demanding nature of such a posture is exemplary of the insensitivity which prevails among our administration and many of its key players.

If there are those among us who do not care about legal services for the poor, perhaps we should concern ourselves with the cost effectiveness of insuring minimum access to legal services for every poor resident throughout this country. Indeed the accomplishment of legal access was an initial goal, in 1975, of the Congress and the Legal Services Corporation. Even in the face of continuous fiscal year budget cuts, this goal has been reached; there are two attorneys for every 10,000 poor people in every part of our country.

To look further, the Legal Services Corporation has an outstanding record in the area of out-of-court case settlements. It is particularly crucial that approximately 85 percent of such cases are settled out of court. In essence this type of program will be essential as our States incur more and more costs through the assumption of sole responsibility for administering social programs.

We must also face the issue of just what establishment will absorb the needs of the poor for legal assistance in the absence of the Legal Services Corporation. Admittedly, the American Bar Association has been out-

standing in its efforts and encouragement. However, the reality remains that only a very small percentage of the legal services to the poor are available through the pro bono services of the private bar. In addition, as aforementioned, State and local funding of these services cannot possibly increase even from its established minimal support. Without the LSC we would have to consider alternatives, and there appears to be none.

The measure before you is very carefully structured to insure that political activism and advocacy will not play a primary role in the provision of legal services to the poor. However, we should recognize the functions of the Legal Services Corporation for what they are. They provide affordable means of legal representation in such areas as family law, credit, housing, and health. They are available because one's economic posture should not determine one's need or right to such assistance. The services have been provided, since the inception of the Corporation, under highly structured, monitored parameters, and they have helped millions of families.

My colleagues, it is very important that we remain aware of the foundation on which the activities of this very House rest—equal opportunity, fair representation of all citizens, and equal access to this Nation's democratic process. This foundation is solid because such access is a human right and not an economic privilege. We have been fortunate in that our Government has exercised a reflection of this foundation since 1974 by facilitating the utilization of the judicial process by all citizens, through a private, non-membership, nonprofit entity. Our vote to reauthorize the Legal Services Corporation will add strength to this effort.

The measure before you represents the hard work of an esteemed Judiciary Subcommittee, which concerned itself with the incorporation of many key elements. Among these are: a more visible level of accountability; more stringent stipulations for Legal Services Corporation funding recipients; the assurance of attorney's fees for LSC opponents if the Corporation loses a case; the increased involvement of the private bar in more litigation; and more solid documentation of eligibility. These are but a few of the provisions which make this year's bill to reauthorize the Legal Services Corporation a measure which can be supported by Members on both sides of the aisle.

I strongly urge that this House move swiftly in its passage of H.R. 3480.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair would inquire of the gentleman from Missouri if his amendment has been printed in the RECORD for 2 legislative days.

Mr. VOLKMER. Yes, it has, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VOLKMER: On page 3, line 25, after the word "States" add the following: "and which nonprofit organization is to provide service to clients in an area which includes a political subdivision with a minimum population of 100,000 persons."

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

Mr. VOLKMER. Mr. Chairman, this amendment was based with the intent to provide that in those areas in which you had rural population, the approach to be used to represent the poor would be what is known as the *judicare* approach and not the *staff-attorney* approach. Some of us from the rural areas and that represent solely rural areas that are within the scope of the Legal Services Corporation that provide representation for the poor feel very strongly that the *judicare* approach should be attempted and tried and that the *staff-attorney* approach sometimes does not provide adequate representation for the poor.

I would like to give you a little personal experience of why I offer this amendment to begin with, with what the gentleman from Illinois has done to try and help the same idea along by having his amendment in the bill for private attorney representation.

As many of you know, I represent a part of Missouri known as northeast Missouri. The southern part of my district is highly urban and contains a majority, a good part of St. Louis County. Then next to it is one of the largest and fastest growing counties, St. Charles, in the State of Missouri, and one of the fastest growing counties percentagewise in the whole United States. It is part of that urban area also. Both of those areas are included in what is known as Legal Services Corporation of Eastern Missouri located in St. Louis. They are doing a good job basically representing the poor. The rest of the area is strictly rural.

There was a proposal made by some attorneys who wanted to have representation for the poor through the Legal Services Corporation in that rural area. That rural area contains 14 counties that are mostly low in population. The highest population is my home county which has my home city of 19,000 population. The county itself has 28,000 population. Our 14 counties altogether only contain approximately 200,000 people. Within those, in many small towns and in all the major cities, what I would call those over 10,000, there are attorneys.

Presently in the past those attorneys have represented the poor voluntarily on their own. Some of us felt that we could through *judicare* have better representation. The proposal was made to the Legal Services Corporation. Then the Legal Services Corpo-

ration was contacted by some groups that represent the poor and they proposed a competing proposal. There were then two competing proposals before the Legal Services Corporation, one for utilization of staff attorneys, the other for utilization of private attorneys through judicare.

In August of 1980 I wrote to Mr. Bradley who is Executive Director of Legal Services Corporation setting out my past experience in the practice of law in that rural area, my knowledge of the area and of the attorneys that were there, and how they had represented the poor in the past, and requested that he consider the judicare approach at least for a period of from 1 to 3 years. We would monitor it and would then make a decision as to whether it was properly being utilized to represent the poor.

Mr. Bradley did not even answer my letter. I never received a letter in reply and to this day I have never received a reply from the Legal Services Corporation to that letter.

Thereafter, the group that was pushing for the staff-attorney approach were successful in obtaining a grant for the Legal Services Corporation. Soon thereafter in April of this year Mr. Bradley went to my hometown of Hannibal and met with the members of the bar and the State bar board of governors with regard to the proposal of the northeastern Missouri.

Following that it was interesting that he wrote to me a letter and told me about his meeting in my hometown with the members of the bar on Legal Services and asked me in that letter if I had any comments or suggestions with regard to representing the poor in my district.

I sent Mr. Bradley back a copy of my letter I had written to him in August, 1980 and suggested that there were my suggestions and perhaps he could now reply to them. Mr. Bradley has still failed to do so. He has never replied yet to that letter.

I personally feel that in the rural areas where you have a lot of territory to cover, a lot of geography, but yet have private attorneys in all areas, you can utilize those private attorneys better to represent the poor than you can the staff attorneys.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. I agree that in the metropolitan areas you should have staff attorneys. There is no questions in my mind about it. And that should be done, but in the rural areas I think that the better way to do it is through the private attorneys.

The amount that the Legal Services sent out for these 200,000 people totally—and of that number, no more than 10 to 15 percent, are qualified poor—the amount that they have now available for the year was approximately \$300,000. I do not think that amount

was absolutely necessary, nor do I think it would be wise to have eight attorneys, which they have been allocated, eight full-time attorneys plus their staff. I do not think that is a proper amount and later on I will have an amendment to reduce the amount of the authorization because I think that job can be done better, more efficiently, with less of the taxpayers money.

I also would like to say one other thing that bothers me a great deal in the name of representing the poor, and that is the great degree of lobbying, full-time lobbying, that is being done and paid for through the Legal Services Corporation. We have some in Missouri. I know of one specifically through that same group in St. Louis that for the last session of the Missouri General Assembly has been spending 4 days, Monday through Thursday, in the State capital lobbying.

I do not mind some lobbying because I think it is necessary, but I question whether the Legal Services Corporation funds should be used to have an exclusive lobbyist solely for these purposes. I seriously question that. I had hoped to propose, and I did not get it in time, an amendment that would restrict lobbying to a certain percentage of time.

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. VOLKMER. I yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Would the gentleman explain to me, please, what he means by an area with a population of less than 100,000? Is that a county? What is an "area"? What is the definition of an "area"?

Mr. VOLKMER. I will admit to the gentleman this amendment was drafted hurriedly, and I am going to withdraw the amendment. I want the gentleman to know that, because the amendment was not drafted as well as it could be. All right? I wanted to bring out some of the feelings I have and why I personally feel that way. So if the gentleman is having difficulty with the amendment as such, I will withdraw it, but I just wanted to let the Members know why, first, I believe in preserving the program. However, we should have more oversight over it more often. That is why I believe in a 1-year authorization and I believe that the program can be done adequately for less money than the money proposed.

The CHAIRMAN. The time of the gentleman has expired.

Does the gentleman from Missouri (Mr. VOLKMER) ask unanimous consent to withdraw his amendment at this point?

Mr. VOLKMER. Yes; I do.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. Are there any further amendments to section 3? If not, the Clerk will read.

The Clerk read as follows:

ENFORCEMENT AND SANCTIONS

SEC. 4. (a) Section 1006(b)(5) of the Legal Services Corporation Act (42 U.S.C. 2996(b)(5)) is amended by striking out the second sentence and inserting in lieu thereof the following: "The Board, within thirty days after the date of enactment of the Legal Services Corporation Act Amendments of 1981, shall issue regulations to provide for the enforcement of this title, which regulations shall include, among available remedies, provisions for the immediate suspension of financial assistance under this title, suspension of an employee of the Corporation or any employee of any recipient by such recipient or by the President of the Corporation, and the reduction or termination of such assistance or employment as deemed appropriate for the violation involved. Financial assistance under this title shall not be terminated or suspended for a period of more than thirty days unless the recipient, grantee, or contractor has been afforded reasonable notice and an opportunity for a fair hearing pursuant to regulations promulgated by the Corporation."

(b)(1) Section 1011 of the Legal Services Corporation Act (42 U.S.C. 2996j) is repealed.

(2) The amendment made by paragraph (1) shall not affect any proceeding pending on the date of enactment of this Act which is being conducted in accordance with section 1011 of the Legal Services Corporation Act.

(c) Section 1007(a)(9) of such Act (42 U.S.C. 2996f(a)(9)) is amended to read as follows:

"(9) insure that every grantee, contractor, or person or entity receiving financial assistance under this title that files with the Corporation a timely application for refunding is provided interim funding, pending the decision of the Corporation on the application, sufficient to allow for the continuation of representation of clients on whose behalf litigation, negotiation, or other forms of representation have been initiated; and"

(d) Section 1006(b)(5) of such Act is amended in the first sentence by striking out "(except as permitted by law in connection with such employee's own employment situation)".

Mr. KASTENMEIER (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. Are there amendments to section 4?

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair would inquire as to whether the amendment has been printed in the Record for 2 legislative days.

Mr. SENSENBRENNER. It has been, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 5, strike out line 4 and all that follows through "Corporation" on line 8.

Page 5, line 9, strike out "(1)".

Page 5, strike out lines 11 through 14.

(Mr. SENSENBRENNER asked and was given permission to revise and extend his remarks.)

□ 1645

Mr. SENSENBRENNER. Mr. Chairman, the present Legal Services Corporation Act contains a nifty arrangement that provides for the automatic refunding of Legal Services Corporation grantees. So once a grantee got his pipeline into the Federal Treasury, then the money would keep on flowing year after year after year. The bill that is before the Committee this afternoon attempts to restrict this automatic refunding provision but does not do so in an effective manner.

This amendment insures the discontinuance of the preference that existing grantees have over other legal delivery systems by completely repealing the automatic refunding provision.

The present act provides existing grantees with an automatic pipeline to the Federal Treasury when their grants expire. Section 4(b)(2) of the bill grandfathered for the 1982 calendar year the supposedly repealed presumptive funding provision. Section 4(b)(2) and a provision which retains some of the procedural requirements on termination and suspension of funding provide unnecessary roadblocks by making it too difficult for the Legal Services Corporation to withdraw funding from a present grant recipient who does not comply with the grant contract.

The retention of the presumptive funding language makes it difficult to discipline or replace existing grantees. My amendment strikes the grandfather section from the bill and removes the cumbersome procedural requirements for termination or suspension of funding. This amendment puts the Corporation and its grantees in the same relationship as grantees have with other Federal agencies; mainly the decision of funding or refunding rests entirely with the agency and no presumption favoring the grant applicant.

This legislation reduces the total authorization for the Legal Services Corporation from the present \$321 million a year to \$260 million a year. The conference committee report on the budget resolution provided \$100 million for fiscal year 1982 for the Legal Services Corporation.

The fact of the matter remains that there is going to be a substantial reduction in funding legislated by this Congress for Legal Services irrespective of what framework the Legal Services reauthorization takes. I believe very strongly that it is better to do away with the grandfather clause for fiscal year 1982 so that those Legal Services grantees that have been doing a good job representing the indigent can be refunded at an adequate amount rather than attempting to squeeze at least \$61 million less into the existing grant arrangement.

So for the sake of the Legal Services Corporation grantees, some discretion has got to be given to the new LSC Board on which grantees will be refunded rather than giving half a loaf or two-thirds of a loaf or three-quarters of a loaf to all of the grantees that have been on the Federal gravy train.

I would ask the supporters of this legislation to think very seriously about the effects of trying to squeeze \$321 million into \$260 million or less with an automatic refunding provision for fiscal year 1982. It just cannot be done; and for that reason, I would urge this Committee to repeal the presumptive funding provisions so as to give the new Legal Services Corporation Board the discretion to pick and choose which grantees will be refunded and to refund those grantees adequately rather than trying to stretch the dollar too far.

Mr. SAWYER. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. SAWYER. Mr. Chairman, I am just curious. Is the intent of this amendment the removal of any requirement for notice on defunding for over 30 days?

Mr. SENSENBRENNER. Mr. Chairman, the way the legislation is worded, it does require a substantial procedural hurdle to be surmounted in order for any termination of funding or denial of a refunding arrangement. So, the answer to the gentleman's question is yes; but if the notice and hearing requirements stay in the law, the argument will be made by Legal Services Corporation grantees that they have got to continue getting the Federal money to continue their existing caseload, and when there is at least \$61 million less in Federal funds, as this bill proposes, it is going to be pretty difficult for the Corporation Board to do that.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

(At the request of Mr. SAWYER and by unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 2 additional minutes.)

Mr. SAWYER. Mr. Chairman, will the gentleman yield further?

Mr. SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. SAWYER. Mr. Chairman, I have checked with the 5 donee agencies in the State of Michigan alone, and presently they have 53,000 open files, 7,000 to 10,000 involving litigation. I do not see how you can just suddenly defund them with no notice or anything else. What happens to the 53,000 files and the 7,000 to 10,000 litigated cases? If we apply that nationally, we are probably talking about a million.

Mr. SENSENBRENNER. Mr. Chairman, if I can reclaim my time, the bill which the gentleman voted for and which was supported in committee contains a 25-percent reduction in the

total authorized amount for the Legal Services Corporation. The philosophy behind this amendment is that it is better to give some grantees adequate funding rather than to give all grantees half a loaf or three-quarters of a loaf. I believe that there should be discretion given to the Legal Services Corporation Board on which grantees will be cut and how much, and which grantees will be eliminated altogether, because there is at least a \$61 million total reduction in funding coming up for the Legal Services Corporation.

Mr. SAWYER. I thank the gentleman.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Virginia.

Mr. BUTLER. I appreciate the gentleman raising this question because I think it gives us an opportunity to make a legislative history which will probably make the gentleman's amendment unnecessary, because it is perfectly clear to me that what we have done here is give an absolute discretion to the Board to suspend or terminate, but if the termination is going to be longer than 30 days, then and only then do you have to have notice and opportunity for a hearing.

The purpose of that is to make clear that the Board knows what it is doing and appreciates the consequences. For example, what the gentleman from Michigan (Mr. SAWYER) has pointed his attention to—the 50,000 pending cases that are in the State of Michigan—if we are going to terminate all of the Michigan agencies, then there is a responsibility on the Board, it seems to me, to make sure that adequate provision is made.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. SENSENBRENNER) has expired.

(By unanimous consent, Mr. SENSENBRENNER was allowed to proceed for 3 additional minutes.)

Mr. BUTLER. If the gentleman will yield further, that is the reason, and the only reason, for the provision of the 30 days' notice, so that we can have an orderly procedure in the event of termination or suspension when it goes beyond 30 days.

I think, if the gentleman from Massachusetts is here, he would also embellish the legislative history to establish clearly there are no limitations on the discretion in the Board to terminate.

Mr. SENSENBRENNER. If I may reclaim my time, section 4(b)(2) of the bill provides that any application for refunding which is on file before the enactment of H.R. 3480 is to be covered by the presumptive funding provisions of section 1011 in the present law.

In other words, this section grandfathers for calendar year 1982 all of the present grant recipients. Because LSC grantees are funded on a calendar year

basis, they get an extra 3 months beyond October 1, 1982.

It will be very difficult to replace existing grant recipients, therefore, before January 1, 1983.

I have to repeat myself, I say to the gentleman from Virginia.

Mr. BUTLER Well, some of us are slow.

Mr. SENSENBRENNER. There is \$61 million less provided in this bill than is currently appropriated by this Congress for the Legal Services Corporation. If the bill says that we do business as usual effectively through January 1, 1983, there is no way on Earth that you are going to be able to squeeze in \$61 million less in authorized and appropriated funds to do the same business that is being done at the present time. And what my amendment simply seeks to do is to give the Legal Services Corporation Board the authority to defund existing programs so that some existing grantees continue to receive their adequate funding.

If the same amount of money were authorized for the next fiscal year as was authorized and appropriated for this fiscal year, I think my amendment would be unnecessary, but there is \$61 million less in this bill, and that is what makes the amendment necessary.

Mr. RAILSBACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think it is very important for the Members to know exactly what we did and to understand what may be involved if the Sensesbrenner amendment is adopted.

We took the existing law. Some of us who wanted to tighten up the standards, make it more restrictive, we decided that, rather than having all of the formal requirements that are now inherent in the law, namely, the provision that requires to show cause for suspension, namely, the full-scale hearing that is now provided, that was going too far. We wanted to make it easier for the Corporation, under certain circumstances, to be able to suspend or to be able to terminate. But in the event of a suspension or in the event of a termination, it seemed very fair to us that, to afford a reasonable due process, if that suspension was to last for more than 30 days, then there ought to be reasonable notice and a hearing.

Frankly, the subcommittee and the full Committee on the Judiciary tightened it up. We did it by design. We think that what the gentleman from Wisconsin is doing is completely knocking out any kind of due process at all.

So what I am saying is that the Corporation, under the bill that we have before us, is not even required to show cause. What we are doing is just a basic due process of a reasonable notice, and if the termination or the suspension exceeds 30 days.

I think the gentleman's amendment would go too far.

Mr. SENSENBRENNER. Mr. Chairman, would the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Section 4(b)(2) of the bill says that there is automatic refunding of grantees for fiscal year 1982 because the applications would be pending with the Corporation as of the date of enactment of this bill.

Mr. RAILSBACK. I understand.

Mr. SENSENBRENNER. Furthermore, all of the notice provisions that are contained in section 4(a)(1) of the bill do not apply for fiscal year 1982.

Now, my question of the gentleman is very simple: If you cannot defund a Legal Services Corporation grantee under section 4(b)(2) of the bill for fiscal year 1982, which in effect is calendar year 1982 because of the way those grant contracts operate, then how is the Corporation going to be able to handle a reduction in funding of at least \$61 million, which is the amount that is authorized in this act?

Mr. RAILSBACK. It was my understanding, frankly, that the gentleman from Virginia answered that.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Massachusetts.

Mr. FRANK. I am puzzled by the assertion of the gentleman from Wisconsin.

I have read the section to which the gentleman has reference, and it is not my reading of this bill that this freezes in people for fiscal year 1982.

It talks about proceedings pending as of the date of enactment. Presumably, this would be enacted some time during this summer, well before fiscal year 1982 begins. And I do not see how something that is enacted in August, which cuts off as of the date of that enactment, would affect things for fiscal year 1982.

Mr. RAILSBACK. The other point I want to make, which is in agreement with what the gentleman is saying, is: What a mistake it would be if many legal services programs have all kinds of cases pending, which they are going to have pending, and even though we tightened it up and made it easier for the Legal Services Corporation to either suspend or terminate, at least we have to give some reasonable notice and have at least a 30-day requirement if we exceed the 30 days, I think.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Section 1011, subsection (2) of the present Legal Services Corporation Act, says, in essence, that financial assistance under the title shall not be terminated and an application for refunding shall not be denied unless the grantee, contractor, or person or entity receiving the assistance under this title has been afforded reasonable notice and opportunity for a full and fair hearing.

Mr. RAILSBACK. And, of course, that is what we repealed.

Mr. SENSENBRENNER. That is being repealed.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RAILSBACK) has expired.

(On request of Mr. SENSENBRENNER and by unanimous consent, Mr. RAILSBACK was allowed to proceed for 2 additional minutes.)

Mr. RAILSBACK. I yield to the gentleman.

□ 1700

Mr. SENSENBRENNER. However, what section 4(b)(2) says is that the amendment made by paragraph 1 shall not affect any proceeding which includes a refunding application that is being conducted as of the date of enactment.

Mr. RAILSBACK. What page is that?

Mr. SENSENBRENNER. Page 5, lines 11 through 14 of the bill.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I yield to the gentleman from Massachusetts.

Mr. FRANK. The gentleman is correct, but the refunding applications for fiscal 1982 will not be pending as of the date of that enactment. They simply will not. That is the error. The funding applications will not be pending and since they will not be pending, that section will not apply.

The gentleman from Illinois is correct. We explicitly repealed the section the gentleman referred to. We have replaced this. We have shifted the burden. The burden now would be on a grantee to show why they should be refunded.

We only provided interim funding so they can carry out their legal and ethical obligation to continue pending cases and pending matters. But the section the gentleman from Wisconsin refers to has no application to the fiscal 1982 funding.

Mr. RAILSBACK. Without belaboring the amendment, I urge its defeat.

Mr. ROUSSELOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to my colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER), to respond to the last statement.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

All I am saying is that unless my amendment is adopted, the Legal Services Corporation, because of the reduction in funding that is contained in this bill, is going to be put in a procedural straitjacket relative to funding grantees for calendar year 1982.

I would ask the membership of this committee to adopt the amendment that I have offered so that the Legal Services Corporation would have the flexibility of figuring out ways to squeeze the present \$321 million into

the \$260 million that is authorized by the bill.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I would be glad to yield to my colleague, the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I want to emphasize that the gentleman from Wisconsin, I believe, has misread the section. We have repealed the presumption for continued funding. I appreciate the gentleman's concern.

Mr. ROUSSELOT. Did not the gentleman grandfather them in?

Mr. FRANK. No. We specifically did not grandfather or grandmother anyone in because they might get a sex change operation that the gentleman from Texas was worried about. If the gentleman would show me the "grandparenting" language, I would concede it. But it says "pending as of the date of enactment."

If this bill is enacted in August of this year, it will not affect the refunding for next year. I am asking the membership to consider. The gentleman from Wisconsin is a dedicated legitimate opponent of this bill. It really does not seem to me credible that he would be worried about putting them in a straitjacket when what he really wants to do is put them in a guillotine.

Now, he has every right to try and wipe them out. But let us not pretend that this is an effort to help them when we know the gentleman wants to blow them up.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The question was taken, and on a division (demanded by Mr. SENSENBRENNER) there were—ayes 24, noes 53.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 152, noes 251, not voting 28, as follows:

[Roll No. 80]

AYES—152

Archer	Corcoran	Fields
Ashbrook	Coyne, James	Forsythe
Badham	Craig	Goldwater
Bafalis	Crane, Daniel	Goodling
Bailey (MO)	Crane, Phillip	Gradison
Barnard	Daniel, Dan	Gregg
Benedict	Daniel, R. W.	Grisham
Bereuter	Dannemeyer	Gunderson
Boggs	Daub	Hall, Ralph
Brinkley	Davis	Hansen (ID)
Broomfield	Derrick	Hansen (UT)
Brown (CO)	Dickinson	Hartnett
Burgener	Dorman	Hendon
Campbell	Dougherty	Hiler
Carman	Dreier	Hillis
Carney	Duncan	Hopkins
Chapple	Dunn	Hunter
Cheney	Edwards (AL)	Hyde
Clausen	Edwards (OK)	Jeffries
Clinger	Emerson	Johnston
Coats	Emery	Kemp
Coleman	Evans (DE)	Kindness
Collins (TX)	Evans (IA)	Kramer
Conable	Fledler	Lagomarsino

Latta	Morrison	Skeen
Leath	Mottl	Skelton
LeBoutillier	Myers	Smith (AL)
Lee	Nelligan	Smith (NE)
Lent	Nichols	Smith (NJ)
Lewis	O'Brien	Smith (OR)
Livingston	Parris	Smith (OR)
Loeffler	Pashayan	Snyder
Lott	Paul	Solomon
Lowery	Petri	Spence
Lujan	Porter	Stangeland
Lungren	Quillen	Staton
Madigan	Ritter	Stump
Marlenee	Roberts (KS)	Tauke
Martin (IL)	Roberts (SD)	Tauzin
Martin (NC)	Robinson	Taylor
Martin (NY)	Rogers	Trible
McClary	Roth	Vander Jagt
McDonald	Rousselot	Wampler
McEwen	Rudd	Weber (MN)
Michel	Schulze	Whitley
Miller (OH)	Sensenbrenner	Whittaker
Mitchell (NY)	Shaw	Winn
Molinar	Shelby	Wolf
Montgomery	Shurway	Wortley
Moore	Shuster	Young (FL)
Moorhead	Siljander	

NOES—251

Addabbo	Fascell	Lundine
Akaka	Fazio	Markey
Albosta	Ferwick	Marks
Alexander	Ferraro	Marriott
Anderson	Findley	Matsui
Andrews	Fish	Mattox
Anthony	Fithian	Mavroules
Applegate	Flippo	Mazzoli
Aspin	Florio	McCloskey
Atkinson	Foglietta	McCollum
Bailey (PA)	Foley	McCurdy
Barnes	Ford (MI)	McDade
Bedell	Ford (TN)	McHugh
Bellenson	Fountain	McKinney
Benjamin	Fowler	Mica
Bennett	Frank	Mikulski
Bethune	Frenzel	Miller (CA)
Bevill	Frost	Mineta
Biaggi	Fuqua	Minish
Bingham	Garcia	Mitchell (MD)
Blanchard	Gaydos	Moakley
Boland	Gejdenson	Moffett
Bolling	Gephardt	Mollohan
Boner	Gibbons	Murphy
Bonior	Gilman	Murtha
Bonker	Gingrich	Natcher
Bouquard	Ginn	Neal
Bowen	Glickman	Nelson
Broadhead	Gonzalez	Nowak
Brooks	Gore	Oakar
Brown (CA)	Gramm	Oberstar
Broyhill	Gray	Obey
Burton, John	Hagedorn	Ottlinger
Burton, Phillip	Hall (OH)	Panetta
Butler	Hall, Sara	Patman
Chappell	Hamilton	Patterson
Chisholm	Hammerschmidt	Pease
Clay	Hance	Pepper
Coelho	Harkin	Perkins
Collins (IL)	Heckler	Peysner
Conte	Hefner	Pickle
Conyers	Hefter	Price
Coughlin	Hertel	Pritchard
Courter	Hightower	Pursell
Coyne, William	Holland	Rahall
Crockett	Hollenbeck	Rallsback
D'Amours	Horton	Rangel
Danielson	Howard	Ratchford
Daschle	Hoyer	Regula
de la Garza	Hubbard	Reuss
Deckard	Hughes	Richmond
Dellums	Hutto	Rinaldo
DeNardis	Jacobs	Rodino
Dicks	Jeffords	Roe
Dingell	Jenkins	Roemer
Donnelly	Jones (NC)	Rose
Dorgan	Jones (OK)	Rostenkowski
Downey	Jones (TN)	Roukema
Dwyer	Kastenmeier	Roybal
Dyson	Kazen	Russo
Early	Kildee	Sabo
Eckart	Kogovsek	Santini
Edgar	LaFalce	Savage
Edwards (CA)	Leach	Sawyer
English	Leland	Scheuer
Erdahl	Levitas	Schneider
Ertel	Long (LA)	Schroeder
Evans (GA)	Long (MD)	Schumer
Evans (IN)	Lowry	Seiberling
Fary	Luken	Shamansky

NOT VOTING—28

Annunzio	Dymally	Lehman
AuCoin	Erlenborn	McGrath
Beard	Green	Napier
Billey	Guarini	Rhodes
Breaux	Hatcher	Rosenthal
Brown (OH)	Hawkins	Thomas
Byron	Holt	Washington
Cotter	Huckaby	Williams (OH)
Derwinski	Ireland	
Dixon	Lantos	

□ 1715

Mr. GILMAN changed his vote from "aye" to "no."

Mr. MORRISON and Mr. MARLENEE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WILLIAM J. COYNE. Mr. Chairman, I move to strike the last word.

(Mr. WILLIAM J. COYNE asked and was given permission to revise and extend his remarks.)

Mr. WILLIAM J. COYNE. Mr. Chairman, I ask for unanimous approval to revise and extend my remarks. I rise in support of H.R. 3480, a bill to reauthorize the legal Services Corporation. I urge my fellow colleagues to support the legislation that is before us today. H.R. 3480 would authorize appropriations for 2 additional years, at a funding level of \$260 million for fiscal year 1982 and \$260 million for fiscal year 1983. The Legal Services Corporation authorization bill as reported out of the Judiciary Committee amends the original act by adding certain restrictions on existing corporation functions. Among the changes is a prohibition on class-action suits against Government entities. Assistance may not be provided for any actions to litigate cases to legalize homosexuality, support in abortion proceedings would not be allowed unless it would be necessary to save the life of a mother. In addition, H.R. 3480 states that corporation employees and officers would be prohibited from lobbying and State advisory councils would be established to review grant and contract applications as well as to investigate alleged violations by local grant recipients.

In the continuing controversy about the Legal Services Corporation, 22 amendments have been introduced. These amendments focus on particular aspects of the act but for the most part tend to be counterproductive, target sections that are already covered in the existing legislation and

seek to erode the general effectiveness of the Legal Services Corporation.

The Legal Services Corporation was created by Congress with bipartisan support in 1974. It is a private non-profit Corporation. To be eligible to participate in the program, and individual must earn no more than \$5,388 per year and a family of four \$10,563. The Legal Services Corporation serves the truly needy in our country.

This necessary program makes the concept of equal justice a reality. Every individual deserves equal representation in and access to our court system. It is estimated that legal service attorneys in 323 programs around the country handled 1.5 million cases last year. This means that 2 attorneys serve approximately 10,000 truly needy people.

In the 14th Congressional District of Pennsylvania which I represent in Congress, neighborhood legal services has been assisting thousands of people who would otherwise not be represented by our legal system. During the weeks following the administration's budget cut recommendations, I received almost 500 letters from men and women in my district who were frightened and distressed by the talk of eliminating this vital program. Letter after letter stressed how helpful legal service attorneys were in settling housing, consumer, health care, and family law cases. The common concern was clearly expressed: what will we do without legal assistance?

I cannot understand why there is opposition to this fine program. Few programs can boast that they can serve a client for a mere \$10 and that overhead is only 3 percent of the total budget. This is not a program run in Washington, D.C., far removed from the people it serves. The Legal Services Corporation is administered locally, not in Washington but by a board of directors made up of residents in the community they serve. This local aspect allows each program to determine how best to meet the needs of its constituents and community. With a proposed fiscal year 1982 Federal budget of \$695 billion, \$260 million is a negligible sum to allocate for a program that has proven to be very successful and cost effective. Therefore, I urge my colleagues to vote for H.R. 3480 as it presently stands.

In conclusion, Mr. Chairman, I want to stress the fact that certain rights guaranteed to our citizens are in danger of becoming, in fact, virtually nonexistent, if our citizens do not have adequate legal representation.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Chairman, I rise today in support of H.R. 3480 which reauthorizes the Legal Services Corporation at a level of \$260 million for fiscal year 1982, and commend the subcommittee chairman and Members

who have reported the measure before us.

Although I would personally like to see this valuable and important program not undergo a 20-percent cut over last year's level, I realize that cuts are being made in all social programs and the LSC will not be immune. H.R. 3480 is a very modest and reasonable proposal and should be acceptable to all Members of this body. I think that \$260 million for fiscal year 1982 is a bare bones budget, but one which should allow the LSC to continue operating in an effective manner.

The Legal Services Corporation is, in my opinion, one of our most important social programs. It provides legal advice and civil representation to low-income persons throughout the United States. Nothing is more fundamental to our democratic society than the proposition that all persons are equal before the law. We cannot allow this principle to be made a mockery of by letting legal services fade away. Without the Legal Services Corporation, economic resources will again become a factor in determining justice in this country because only the affluent will be able to afford equal justice under the law.

The Legal Services Corporation is one of the most cost-efficient Federal programs in operation. Last year, with an appropriation of \$321 million, the LSC provided grants to 323 locally run, community-based legal services programs. These programs in turn operated 1,200 neighborhood offices and offered assistance to 1.2 million Americans living at or near the poverty level. This works out to Federal expenditures on legal services for the poor of just over \$10 per client. I really do not think that \$10 per client is too high a price to pay for upholding one of the fundamental principles upon which this country stands.

The great majority of Legal Services Corporation cases are individual matters involving so-called poverty law. Characteristically, poverty law cases involve family matters, income maintenance/Government benefits issues, housing complaints, or consumer issues. Of the cases handled by the Southern Minnesota Regional Legal Services, Inc., which serves all of southern Minnesota including the St. Paul area, 75 percent involved these issues. The remainder of SMRLS cases were in related areas such as juvenile, employment, tort, mental health, education, immigration, civil rights, and so forth. Of the clients who received SMRLS assistance last year, approximately 15 percent were minorities and approximately 60 percent were women. SMRLS also helped 2,000 senior citizen clients.

Legal Services Corporation attorneys are specially trained to deal with the need of the poor and their expertise has drawn the praise of both liberal and conservative legal experts. American Bar Association President William

Reese Smith recently stated that the "continuation of the Legal Services Corporation is a matter of great public interest" and cited the Corporation as a remarkable example of Government and the private sector working together to solve society's problems. Smith has also joined many other legal experts who feel that the private sector cannot effectively provide the services handled by LSC lawyers. He recently said:

I think we have found through the efforts of the organized bar in yesteryear that a purely voluntary effort on the part of the organized bar is not likely to do the job. We need core support which is provided by these poverty professionals.

In my State of Minnesota, there are currently six legal services programs receiving LSC funds. Together, these six programs cover the whole State, and, in 1980, served 40,000 low-income Minnesotans. In addition to regular service offices, several of the legal services programs in Minnesota also operate special programs aimed at providing legal aid to Spanish-speaking people, migrant workers, Indians, and senior citizens. Throughout my tenure in the Minnesota State Legislature and in Congress, I have worked closely with legal services programs in the St. Paul area. I know that these programs have been very successful and enjoy strong public support.

If the Legal Services Corporation is cut beyond the \$260 million proposed in H.R. 3480 or is block-granted as some have proposed, there is no doubt that we will see a major drop in legal services now available to the poor. Financially pressed States do not have the funds to support legal services programs themselves, nor can private sector attorneys hope to provide the same level of service through pro bono work. The Legal Services Corporation now operates with a remarkable 3-percent overhead and its lawyers are the recognized specialists in poverty law. I think it is crucially important that all Members support this very modest and reasonable proposal for the LSC reauthorization. We cannot afford to cripple this valuable service.

Mr. GONZALEZ. Mr. Chairman, I move to strike the last word.

(Mr. GONZALEZ asked and was given permission to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Chairman, the courthouses of this country, including the Supreme Court, are emblazoned with the slogan, "Equal Justice Under the Law." Those who oppose continuation of the Legal Services Corporation, or who want to so hedge it about that it is rendered meaningless, are opposed to the idea of equal justice. They want justice only for some, not for all.

How could this be?

The simple, elemental truth is that access to law is access to the power of law. If poor people can get effective legal help, they can grasp the power of

law. Those who oppose or want to cripple the Legal Services Corporation want to deny poor people the same legal rights that the rest of us enjoy.

The Legal Services Corporation cannot write law, and it cannot interpret law. All it can do is argue before courts. It can do nothing if the courts find no merit in its arguments. Yet it is pictured as some omnipotent super legislature.

Are we saying that we fear our own courts, that we fear our own laws? We are, if we kill or cripple the agency that brings law to the poor.

Are we saying that the poor should respect the law, even if they cannot make use of it to protect their own interests, to redress their grievances, to curb its abuse? We are, if we destroy or maim the Legal Services Corporation. It is sheer hypocrisy to say that people who are denied effective legal help should respect the law and observe due process.

The Legal Services Corporation devotes better than 99 percent of its work load to the ordinary, routine problems of daily living. Family problems, housing problems, and consumer problems make up virtually all of the caseload of the Corporation. The cost is less than 40 dollars a case. With that kind of cost, it is plain that legal aid activity is anything but litigation happy. If the Corporation's lawyers ran to the courthouse on anything but the most difficult case, their record of low cost would not look so good. In fact, the Corporation provides the most efficient, cheapest legal service in the country—largely because it does everything it can to avoid going to court. How ironic that it is pictured as a monster grinding out class-action suits. And how untrue.

Do we really want a nation of laws, and not of men? If we do, then we have to be assured that there is equal access to equal justice. That is what the Legal Services Act is all about. It is an effort to give the powerless and the aggrieved the same access to law that the court motto proclaims. It is an effort to translate an ideal into reality.

The Legal Services Corporation has no power in and of itself. It cannot compel anyone to do anything. It can only appeal to the law—and what do we fear—that law may be on the side of the poor? If that is what we are afraid of, we do not deserve the privilege to claim that we believe in law.

The proposition before us is simple. The San Antonio Bar Association, like many around the country, is committed to the continuation of the Corporation. Their resolution is worthy of our consideration, and I include it in the RECORD.

**RESOLUTION—SAN ANTONIO BAR ASSOCIATION
BOARD OF DIRECTORS**

Whereas the San Antonio Bar Association and the Bexar County Legal Aid Association have maintained a positive and supportive relationship, including the Bar Association's bi-annual appointment of seven members of

the Board of Directors to the Bexar County Legal Aid Association, and the cooperation of the Bexar County Legal Aid Association with the San Antonio Bar Association Lawyer Referral Plan, enabling numerous citizens who are slightly over the eligibility limits of the association to obtain competent counsel, and

Whereas the San Antonio Bar Association recognizes the importance of the work undertaken by the Bexar County Legal Aid Association in Bexar County in representing indigent clients, and

Whereas the San Antonio Bar Association further recognizes that the Bexar County Legal Aid Association is funded by the Legal Services Corporation, and could not maintain a viable program without such funding: Now therefore, be it

Resolved by the Board of Directors of the San Antonio Bar Association, That the Congressmen representing Bexar County and the Senators representing the State of Texas be urged to support the reauthorization of the Legal Services Corporation, and to further support the appropriation of such sums as are necessary to continue the services of the Bexar County Legal Aid Association during fiscal years 1982 and 1983, and

Further, that the President of this Association forward a copy of this Resolution to the United States Senators Tower and Bentsen and Representatives Gonzalez, Kazen and Loeffler.

Mr. BINGHAM. Mr. Chairman, I move to strike the last word.

(Mr. BINGHAM asked and was given permission to revise and extend his remarks.)

Mr. BINGHAM. Mr. Chairman, I rise in support of H.R. 3480, legislation to continue funding the Legal Services Corporation for each of the next 2 years. The Corporation is the model Reagan agency—it is cost effective, un-bureaucratic, locally controlled, immune from political pressures, and it does the job it is supposed to do. The bulk of the Corporation's work consists of assisting the poor with cases on divorce, welfare, eviction, and food stamps. These are routine legal matters but affect the day-to-day survival of hundreds of thousands of people.

The Corporation works to insure equal justice under the law, for the right to a fair trial is meaningless if an individual cannot afford access to our legal system. A person with an income under \$10,000 per year simply cannot afford to hire a private attorney, and it clearly would be unfair to pit such a person against a professional legal advocate. Minimum access to attorneys is possible under H.R. 3480, despite the restrictions incorporated into it. I regret these restrictions and urge my colleagues not to hamper the Corporation even further and vote against restrictive amendments.

The block grant system proposed as an alternative to the extension of Legal Services is unacceptable. This proposed system would rest heavily on volunteer efforts by private attorneys—but the American Bar Association has admitted that volunteer efforts by private attorneys are not sufficient to compensate for the loss of legal services. The system would give

the States control over the allocation of legal services—but the States historically have failed to provide civil legal services for the poor. The block grant system would place control over poor people's cases in the hands of State and local officials—but those officials could be defendants in those very cases.

In short, extension of the Legal Services Corporation is necessary if the poor are to have a realistic opportunity to defend their fundamental rights under the law. I urge my colleagues to vote for H.R. 3480; and to oppose any amendments that may restrict the operation of the Legal Services Corporation.

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Chairman, I rise in support of H.R. 3480, a bill to extend the authorization for appropriations for the Legal Services Corporation for fiscal years 1982 and 1983. This bill sets a funding level of \$260 million for each year, which represents a 25-percent reduction from the Corporation's current funding.

The issue before us is fundamental to our national commitment to the principle of equal justice under the law. Congress has fulfilled that commitment to equal justice in part through creation and funding of the Legal Services Corporation.

I strongly believe the legal needs of the poor cannot adequately be met without a strong national program such as the Legal Services Corporation. Records show that the private bar and the States have been unable to meet these needs in a substantial way. Lawyers across the country routinely provide pro bono services not only to the poor, but to nonprofit and charitable institutions as well. These efforts, however, cannot be expected to meet the need for legal assistance if the Corporation were abolished.

The administration has suggested that block grant funds to the States can be used to meet these needs. They have recommended that none of the funds now provided for the Legal Services Corporation be used in calculating the block grant allotment to the States. This is in definite contrast to the 75 percent of current funding approach used for most social services programs and would be a clear signal to the States that this program has the lowest priority.

The States now provide only 1 percent of civic legal services funding nationally, and there is little indication that they would be able to assume greater responsibility. With so many States facing serious financial difficulties, this is not the time to place on their shoulders the financial burden of providing legal services to the poor.

Furthermore, there is an inherent conflict in asking State or local gov-

ernments to provide legal aid funds which are frequently used to force those same governments to comply with the law and provide services to which the poor are entitled.

While H.R. 3480 places a number of significant new restrictions on Legal Services programs, some of which I do not favor, and cuts 25 percent of the Corporation's present \$321 million authorization, the bill is a responsible effort to effectively implement the principle of equal access to justice while at the same time correcting problems which have arisen at the Corporation. I strongly urge my colleagues to support H.R. 3480, and show that equal justice under law has real meaning and effect in our Government.

Mr. KASTENMEIER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, Mr. FOLEY, having assumed the chair, Mr. McHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3480) to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes, had come to no resolution thereon.

PROVIDING FOR PRINTING OF ADDITIONAL COPIES OF OMNIBUS RECONCILIATION ACT OF 1981

Mr. GAYDOS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 149) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, can the gentleman explain this a little bit to us?

Mr. GAYDOS. Yes. This resolution is necessary because there are untold and unlimited requests for the budget report, and that is what this deals with. It allows a leeway to print additional copies of the House and Senate budgets, which we will be needing in the next few days.

Mr. ROUSSELOT. How many extra copies?

Mr. GAYDOS. Some 4,500, broken down as follows:

The Chamber, including leadership, will be requiring 1,000 copies; the House Members (441 × 2) will be around 900 copies; the committees (25 × 75) will require 1,875; the Budget Committee will require 400 copies; the Senate will require 300 copies, for a total of 4,500 copies.

If I may submit to my colleague, this is a very important request because the demand has been heavy.

Mr. ROUSSELOT. Reserving the right to object, if there are substitutes or other amendments, will there be an allowance for additional printing on those?

Mr. GAYDOS. Yes, we are allowing that at the discretion of the committee to come and ask and supervise and will receive the various requests, and then determine whether they should be printed and what the printing should be.

Mr. ROUSSELOT. I thank the gentleman for his enlightening outline.

Mr. GAYDOS. If I may also say for the record, it is crucial that every Member have available at least a reasonable copy and a reasonable number of copies.

Mr. ROUSSELOT. So that they can find out whether their programs have been cut back?

Mr. GAYDOS. That is the intent of the resolution.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 149

Resolved by the House of Representatives (the Senate concurring). That at such time as the Omnibus Reconciliation Act of 1981 and the accompanying report are filed, passed by each body, and agreed upon in conference, there shall be printed on each occasion additional copies as indicated below, unless otherwise ordered by the Joint Committee on Printing:

(1) for the House version of the Omnibus Reconciliation Act of 1981, an additional 4,500 copies of the bill and accompanying report, and

(2) for the Senate version of the Omnibus Reconciliation Act of 1981, an additional 3,000 copies of the bill and report.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

OMB FIB FACTORY

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute.)

Mr. GONZALEZ. Mr. Speaker, the Office of Management and Budget is being turned into a fib factory. At one time you could count on some measure of truth from OMB, but its present style is to deny what is true and to fabricate what it needs in order to accomplish the political goals of its director. If OMB is to have any useful purpose in government, it ought to abandon its role of fib factory.

Over the weekend, OMB proclaimed that the Banking Committee had mandated cuts that would cripple the administration of the Department of Housing and Urban Development. To back up that claim, OMB relied on a

series of outright fibs, a string of little lies that adds up to a grand lie.

OMB claims that we cut the administrative expenses of the Department of Housing and Urban Development by 27 percent. No such thing is true. The actual cut is 15 percent, and it can be achieved simply by eliminating regional office structures that are not needed, that largely duplicate and complicate the work of area offices where the real work is done, and that serve mostly as feeding troughs for political appointees. In short, the truth is that HUD can achieve the cuts we call for simply by eliminating a wad of waste. All we are asking is that the administration cut some waste, and I am astonished that they do not want to do what they claim they want to do.

The OMB solemnly swears that processing time for section 8 subsidized housing would be doubled if the cuts we call for are put in place. I fail to see how that could happen, since the section 8 program is scheduled to go down by 40 percent, largely at the insistence of OMB. How it is possible to double processing time with a 15 percent staff cut when the workload is reduced by 40 percent is a calculation that no one except OMB propagandists can work out. The reality is that with the program reductions imposed by the budget, HUD is going to end up with less section 8 work per person than it has right now. If their processing time goes up, it would not be because of staff cuts, but because of good old-fashioned incompetence.

HUD claims that FHA processing will be hurt by staff cuts. The truth is that FHA workloads are down, thanks to administration policies, and beyond that, the FHA is self-financing—they can easily adjust manpower to workload requirements.

How can it be that HUD cannot accept a 15-percent cut, when it is demanding that local governments accept 25-, 30-, even 100-percent cuts? Does it really take more people to do less work? It does, if you believe the claims of the OMB fib factory. I do not.

1981 OCCUPATIONAL DEATHS: ONE A DAY THROUGH APRIL

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, as the Vice President's Task Force on Regulation, and the Office of Management and Budget, contemplate the concept of cost-effectiveness and regulation, the workplace keeps reminding us of the need to provide for worker safety and health.

Through the first 120 days of this year, Mr. Speaker, at least 122 American workers died on the job in ways that made the newspapers, and scores more were injured.

June 18, 1981

H. Res. 163, providing for the consideration of H.R. 3519, Department of Defense Authorization Act for fiscal year 1982 (H. Rept. 97-157).
Page H3140

Subcommittee To Sit: Subcommittee on Military Installations and Facilities of the Committee on Armed Services received permission to sit during proceedings of the House under the 5-minute rule today.
Pages H3071-H3072

Public Broadcasting Authorizations: House agreed to H. Res. 149, providing for the consideration of H.R. 3238, to amend the Communications Act of 1934, to extend certain authorizations of appropriations contained in such Act relating to public broadcasting.
Page H3072

Committee To Sit: Committee on the District of Columbia received permission to sit during proceedings of the House under the 5-minute rule today.
Page H3073

Legal Services Corporation: By a yea-and-nay vote of 245 yeas to 137 nays, with 1 voting "present", Roll No. 91, the House passed H.R. 3480, to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years.

Rejected a motion to recommit the bill jointly to the Committee on Education and Labor and the Committee on Ways and Means with instructions to consider said bill in relation to the President's Legal Services proposals and to promptly hold hearings thereon (rejected by a yea-and-nay vote of 165 yeas to 221 nays, Roll No. 90).

Agreed to the committee amendment in the nature of a substitute.

Agreed To:

An amendment that prohibits use of funds to promote, defend, or protect homosexuality, or to promulgate or enforce Corporation proposed rules relating to homosexuality which appeared in the March 23, 1981, Federal Register, or any similar rules (agreed to by a recorded vote of 281 yeas to 124 noes, Roll No. 85). Rejected an amendment to this amendment that sought to prohibit use of funds to promote the legalization of homosexuality, or to promulgate or enforce Corporation proposed rules relating to homosexuality which appeared in the March 23, 1981, Federal Register, or any similar rules (rejected by a recorded vote of 151 yeas to 245 noes with 2 voting "present", Roll No. 84, after having been agreed to earlier by a division vote of 12 yeas to 11 noes);

An amendment, as modified, that prohibits provision of legal services for the desegregation of any elementary or secondary school or school system;

An amendment, as amended by a substitute, that delineates eligibility of aliens to receive legal services. Rejected an amendment to the substitute that sought to provide legal services to aliens in this country under color of law (rejected by a recorded vote of 141 yeas to 262 noes, Roll No. 88);

An amendment that authorizes LSC to file suit against local programs to compel compliance with performance agreements;

An amendment, as modified, that gives GAO the authority to conduct audits, and settle and adjust LSC accounts;

An amendment, as modified, that requires LSC to insure services only to a person, group, or entity found to be financially eligible; and

An amendment, as amended, that reduces by \$19 million the fiscal year authorizations for 1982 and 1983.

Rejected:

An amendment that sought to prohibit the provision of legal advice respecting a client's rights and responsibilities regarding abortion (rejected by a recorded vote of 160 yeas to 242 noes, Roll No. 86);

An amendment that sought to prohibit legal services to clients in actions where local school boards or their employees are defendants (rejected by a recorded vote of 176 to 219 noes, Roll No. 87); and

An amendment, as modified, that sought to place LSC under the authorities of the President and OMB respecting the review and submission of its budget (rejected by a recorded vote of 185 yeas to 210 noes, Roll No. 89).

The Clerk was authorized to correct punctuation, cross-references and section numbers in the engrossment of the bill.

Pages H3073-H3128

Late Reports. Committee on Ways and Means received permission to have until 5 p.m. Friday, June 19, to file a report on H.R. 3603, to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, and continue food assistance to low income households; and

Committee on the Budget received permission to have until 5 p.m. Friday, June 19, to file a report on the Budget Omnibus Reconciliation Act of 1981.
Page H3128

Steel Industry Compliance Extension. House dis agreed to the Senate amendment to H.R. 3520, to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case by-case basis to facilitate modernization; and asked conference. Appointed as conferees: Representative Dingell, Waxman, Scheuer, Luken, Walgren, Brownhill, Madigan, and Brown of Ohio.
Page H3128