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Turning to the amendment that I am now offering, I want to inform my colleagues that this is not precisely the same amendment I referred to in my "Dear Colleague" letter, although it was fully noticed in the CONGRESSIONAL RECORD.

This amendment would permit the Corporation to sue its grantees to insure the specific performance of its grant agreements with them. Currently, if a grantee decides that it would rather not obey a lawful request by the central Corporation, it can simply "resign" or threaten to "resign"—thus presenting the Corporation with a dilemma—whether or not to call the grantee's bluff.

The amendment would permit the Corporation or the United States to sue a grantee and obtain an injunction or other order to compel its compliance with the Legal Services Corporation Act and lawful regulations promulgated under that act. The amendment specifies that such an order would not interrupt the grantee's representation of an eligible client unless the court so specifies.

Under current law, while we appropriate extensive public funds to the Corporation and its grantees, no party committed to acting in the public interest, outside of the Corporation's structure, has the right to insist that the law be obeyed. Neither does the Corporation itself have the clearly established right to attempt to enjoin illegal behavior by one of its grant recipients.

Congress has previously established a precedent for such a remedy in providing for suits by the Attorney General to enforce the laws governing other quasi-governmental bodies, such as the Synfuels Corporation and Comsat.

Initially, in the consideration of this measure, I had thought that it would be appropriate to involve the States' attorneys general in this process of helping to enforce the LSC Act. But, after consultations with the sponsors of this bill, I have withdrawn that proposal for the time being.

Mr. Chairman, I believe that the Legal Services Corporation deserves another chance. I think that under the direction of a Board comprised entirely by appointees of President Ronald Reagan, with the extensive new tools we are giving the Corporation—including, with my amendment, the Federal Government as well—and with the new restrictions imposed upon the Corporation, we can expect an improved work product by the LSC and its grantees. If this experiment fails, then it will be virtually impossible for many of us to support reauthorization of this bill in the future.

Permit me to restate for my colleagues some of the new restrictions that are now included in this bill.

The new restrictions include:

First, establishment of criminal penalties for lobbying.

Second, no dissemination of information is allowed advocating or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations.

Third, no class action suits may be brought against governmental entities except in accordance with regulations to be adopted by the LSC Board which will be appointed by President Reagan.

Fourth, documentation must be maintained on the eligibility of clients, subject to regular review, and on all activities relating to legislative and administrative representation.

Fifth, new sanctions are permitted in case of any violation of the act—including suspension or termination of an employee or a local program by the President of LSC.

Sixth, new requirements for negotiation of disputes prior to filing of lawsuits are instituted.

Seventh, incentives to local programs to engage in lawsuits for the purpose of winning attorney fee awards are eliminated.

Eighth, it is made easier for persons against whom unsuccessful lawsuits are brought to recover the cost of their defense from the Corporation.

In summary, Mr. Chairman, the bill as reported, and as amended, makes important substantive changes in this program. I urge support of the amendment—I am offering at this time and if adopted support for the entire bill.

Mr. Chairman, I understand that this amendment is acceptable to both sides of the aisle.

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

Mr. GILMAN. I am pleased to yield to the gentleman.

Mr. RAILSBACK. Mr. Chairman, as the gentleman knows, we have had a chance on this side to carefully review this amendment.

What it does is really strengthens the enforcement power to make certain that the legal aid recipient is going to be in compliance.

We think that it improves the bill and we are pleased to accept it.

Mr. GILMAN. Mr. Chairman, I thank the distinguished ranking member (Mr. RAILSBACK) for his comments, for his support of my amendment and for helping to strengthen the bill in this manner.

Mr. KASTENMEIER. Mr. Chairman, will the gentleman from New York yield?

Mr. GILMAN. I would be pleased to yield to the distinguished subcommittee chairman.

Mr. KASTENMEIER. Mr. Chairman, I, too, have examined this amendment. While at the outset I had wondered whether it was necessary, I do agree that it certainly does not harm the bill and does give the Corporation additional remedies to pursue to seek compliance. In that respect, the amendment is useful and I compliment the gentleman for it.

Mr. GILMAN. I thank our distinguished chairman for his support and I welcome his comments.

Mr. Chairman, I would just like to note that Congress had previously provided a precedent for such lawsuits by the Attorney General to enforce the laws governing other quasi-governmental bodies, such as Synfuels and Comsat.

I urge my colleagues to support this proposal for I believe it will ultimately help to strengthen the Legal Services measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SENSENBRENNER

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

The CHAIRMAN. The Chair would inquire if the amendment has been printed in the RECORD for 2 legislative days.

Mr. SENSENBRENNER. It has been, in compliance with the rule, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SENSENBRENNER: Page 13, insert the following section after line 2 and redesignate succeeding sections accordingly:

AUDITS

Sec. 13. Section 1009 of the Legal Services Corporation Act (42 U.S.C. 2996h) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) The Comptroller General and the General Accounting Office shall have the same authorities with respect to conducting audits of the Corporation as the Comptroller General and the General Accounting Office have with respect to conducting audits of all departments and agencies of the United States, including the authority to settle and adjust the accounts of the Corporation."

Mr. SENSENBRENNER (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.

Mr. SENSENBRENNER. Mr. Chairman, in order to correct a typographical error in the printing of the amendment in the RECORD, I ask unanimous consent that the amendment be inserted following line 8 on page 13, rather than following line 2, as printed in the RECORD.

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

There was no objection.

The amendment, as modified, reads as follows:

Amendment offered by Mr. SENSENBRENNER: Page 13, insert the following section

after line 8 and redesignate succeeding sections accordingly:

AUDITS

SEC. 13. Section 1009 of the Legal Services Corporation Act (42 U.S.C. 2996h) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

“(d) The Comptroller General and the General Accounting Office shall have the same authorities with respect to conducting audits of the Corporation as the Comptroller General and the General Accounting Office have with respect to conducting audits of all departments and agencies of the United States, including the authority to settle and adjust the accounts of the Corporation.”

Mr. SENSENBRENNER. Mr. Chairman, this amendment gives the Comptroller General the authority to settle the accounts of the Legal Services Corporation, like the Comptroller General has over the accounts of all the departments and agencies of the Federal Government. At the present time, the Comptroller General does not have this authority; so if the Legal Services Corporation expends appropriated funds in violation of either the authorization or the appropriation statute, there is nothing that the Comptroller General can do to recover those funds for the U.S. Treasury.

I believe that the Legal Services Corporation should be placed under the same authority as the Comptroller General, as the other departments and agencies of the Government. Therefore, this amendment is necessary.

Mr. KASTENMEIER. Mr. Chairman, would the gentleman from Wisconsin yield?

Mr. SENSENBRENNER. I yield to my colleague, the gentleman from Wisconsin.

Mr. KASTENMEIER. Mr. Chairman, we have reviewed the amendment on this side.

While I know the Corporation itself does not appreciate the amendment, I think the committee feels that in view of some of the issues raised in the past that it would be useful for the purpose of insuring that the Corporation do adhere to the spirit of the law as we have written it. This amendment does enable the GAO to have perhaps unprecedented but effective powers in compelling clients.

□ 1600

Mr. SENSENBRENNER. I thank my colleague from Wisconsin for his support.

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

Mr. SENSENBRENNER. I yield to my colleague from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. I want to also commend the gentleman from Wisconsin (Mr. SENSENBRENNER). I would say we have had a chance to review the amendment and it is acceptable to us.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

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

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. PHILIP M. CRANE

Mr. PHILIP M. CRANE. Mr. Chairman, I offer an amendment.

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

Mr. PHILIP M. CRANE. Mr. Chairman, it has.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PHILIP M. CRANE: On page 13, line 8, strike the period and replace it with the following: “, except that nothing in this Title shall be construed to allow a recipient to represent anyone other than an otherwise eligible individual person.”

Mr. PHILIP M. CRANE. Mr. Chairman, I ask unanimous consent that my amendment be modified consistent with the proposals made by my minority representative on the committee, the gentleman from Illinois (Mr. RAILSBACK).

The CHAIRMAN. The gentleman offering the amendment would have to submit some written verification.

Mr. PHILIP M. CRANE. Mr. Chairman, there is a copy of the committee's amendment of my amendment at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Amendment, as modified offered by PHILIP M. CRANE: On page 13, line 8, add the following sentence after “compliance.”:

“The Corporation shall insure that representation of any person, group, or entity is limited to those persons financially eligible pursuant to section 1007(a)(2) of the Legal Services Corporation Act.”

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois (Mr. PHILIP M. CRANE) to modify his amendment?

Mr. RAILSBACK. Mr. Chairman, reserving the right to object, as I understand it the gentleman has just asked unanimous consent to modify his amendment so that a group can be represented as long as all of the members of that group are eligible clients?

Mr. PHILIP M. CRANE. Will the gentleman from Illinois yield?

Mr. RAILSBACK. I yield to the gentleman.

Mr. PHILIP M. CRANE. That is correct. A group of eligible clients would, as the gentleman has indicated, have to be comprised exclusively of persons who were all, individually, eligible.

Mr. RAILSBACK. I just want to say I think that makes a substantial improvement in the gentleman's amendment. I know what the gentleman is trying to do and I generally approve of what he is trying to do.

I have had a chance to discuss the gentleman's amendment on this side, and it is acceptable.

Mr. PHILIP M. CRANE. I thank my colleague from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois (Mr. PHILIP M. CRANE) to modify his amendment?

There was no objection.

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

Mr. PHILIP M. CRANE. I am happy to yield to my distinguished colleague from my sister State of Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. I thank the gentleman from Illinois. I have had a chance to examine the language which he and his colleague from Illinois (Mr. RAILSBACK) have worked out. I believe the language answers the reservations I might have previously had and, accordingly, I do support the gentleman's amendment.

(Mr. PHILIP M. CRANE asked and was given permission to revise and extend his remarks.)

Mr. PHILIP M. CRANE. Mr. Chairman, I thank the gentleman for that. In the interest of expediting business so hopefully we will finish the bill before the day is out, let me just assure my colleagues that my amendment did appear in the RECORD and the majority and minority on the committee have agreed with the content of it.

The objective is to address the original concerns for which the Legal Services Corporation when it was created; namely, serving the interests of the poor. And with the modifications made by my good friend and colleague from Illinois (Mr. RAILSBACK) I think it does that. It is in the interests of addressing the objectives of the original legislation and at the same time trying to save taxpayers' money.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. PHILIP M. CRANE) as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. KRAMER

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

The CHAIRMAN. The Chair will inquire if the amendment has been printed in the RECORD for 2 legislative days?

Mr. KRAMER. It has, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KRAMER: Page 13, insert the following after line 8 and redesignate succeeding sections accordingly:

BUDGET REVIEW

SEC. 13. (a) Section 1005(e) of the Legal Services Corporation Act (42 U.S.C. 2996d(e)) is amended in paragraph (1)—

(1) by striking out "(1)"; and
(2) by striking out the period at the end thereof and inserting in lieu thereof the following: " , except that the President and the Office of Management and Budget shall have the same authorities with respect to the review and submission of the budget of the Corporation as the President and Office of Management and Budget have with respect to review and submission of the budgets of all departments and agencies of the Government, including the authority regarding rescission of budget authority and deferrals of budget authority provided in sections 1012 and 1013, respectively, of the Congressional Budget and Impoundment Control Act of 1974 (31 U.S.C. 1402 and 1403)."

(b) Such section is further amended by striking out paragraph (2).

Mr. KRAMER. Mr. Chairman, I ask unanimous consent to delete from the amendment as read that part that follows the comma in paragraph (2) following the word "Government" and starting with the word "including" through the end of that sentence to the period.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado (Mr. KRAMER) to modify his amendment?

Mr. RAILSBACK. Mr. Chairman, reserving the right to object, am I correct that the gentleman has now asked unanimous consent to remove that language regarding the rescission of budget authority and deferrals of budget authority provided in sections 1012 and 1013 respectively of the Congressional Budget and Impoundment Control Act of 1974?

Mr. KRAMER. Will the gentleman yield?

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

Mr. KRAMER. Yes. I am asking unanimous consent to delete that language. It does not extend to subparagraph (b). It ends with 1403, the parenthetical, period, quote.

Mr. RAILSBACK. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado (Mr. KRAMER) to modify his amendment?

There was no objection.

The amendment, as modified, reads as follows:

Amendment, as modified, offered by Mr. KRAMER: Page 13, insert the following after line 8 and redesignate succeeding sections accordingly:

BUDGET REVIEW

SEC. 13. (a) Section 1005(e) of the Legal Services Corporation Act (42 U.S.C. 2996d(e)) is amended in paragraph (1)—

(1) by striking out "(1)"; and
(2) by striking out the period at the end thereof and inserting in lieu thereof the following: " , except that the President and the Office of Management and Budget shall have the same authorities with respect to the review and submission of the budget of the Corporation as the President and the Office of Management and Budget have

with respect to the review and submission of the budgets of all departments and agencies of the government."

(b) Such section is further amended by striking out paragraph (2).

Mr. KRAMER. Mr. Chairman, this is really a very simple amendment, which I hope will not be particularly controversial. What it does is simply submit the Legal Services Corporation to the regular budget process by involving the Office of Management and Budget in the budget process of the Corporation, just as the OMB currently participates in the budget processes of most governmental agencies.

Today the Corporation enjoys a very unique status. It is one of the only activities funded as either a governmental entity or a quasi-governmental entity that is able to submit its budget directly to the Congress. Even the regulatory agencies do not enjoy, for the most part, this special status.

The argument has been made that the Corporation needs to be entirely independent of OMB because of the sensitive nature of its work in dealing with the poor. We find that other activities, for example the Community Services Administration and ACTION, which are also heavily involved in programs for the poor are, nevertheless, themselves subject to this regular budget process. Even independent agencies like the Equal Employment Opportunity Commission, which require considerable independence in order to responsibly and effectively review the actions of other Federal agencies, are subject to the OMB process.

So, I do not believe the distinction between the Legal Services Corporation and these other activities is really so great as to command the continuation of a special status for the Corporation—total exemption from the regular OMB process.

Because the Corporation currently submits its annual budget to Congress independently of OMB, program priorities and emphasis are set by the LSC without regard to possible duplication of services and to agency function overlap. In other words, there is no coordination because there is no accountability to OMB. I think there is a need to coordinate Legal Services with the many other related activities and services provided by other Government programs and agencies.

There are other Federal programs that provide legal services that go through OMB, such as the Older Americans Act and title XX of the Social Security Act, that benefit from such coordination. This can certainly be improved further if, in fact, we run the Corporation through OMB as well. Greater accountability through budget negotiations would not hinder access to routine legal services by low-income people. But I do believe that it would provide a very strong handle to control some of the more controversial activities of the Corporation. We would be able to make better use of

the funds that we do allocate to this Corporation.

The LSC would be required to provide truly helpful legal services to those individuals that need them, the man on the street and the woman on the street who are often, I think—and the debate has shown—shortchanged as the Corporation reads off in directions which many amendments being offered here on the floor are seeking to bring into control.

Let me also give my colleagues some examples of the budgetary impact. In 1965, the Office of Legal Services was started in the Office of Economic Opportunity with a budget of \$1,300,000. By fiscal year 1980 that budget was \$300 million, or a 23,000-percent increase.

If my colleagues compare the history of the Corporation with that of all of the other programs under function 750 of the budget, I think they will see some very startling differences, which point up the need for having the OMB involved in this budgetary process.

Let us compare the LSC to the FBI and the Drug Enforcement Administration. For fiscal year 1980, the DEA had outlays of \$200 million, \$100 million less than the LSC. In the same year, the LSC spent \$300 million, exactly half of the \$600 million in outlays of the FBI in fiscal year 1980.

These figures show, I believe, a highly misplaced set of priorities.

Let us look at the budget growth for a minute between the LSC, FBI, and DEA. Both the DEA and the FBI are subject to OMB. In the 5 years between 1976 and 1981, the last years for which figures are available, the DEA's budget increased 100 percent. The FBI's budget increased 20 percent. But, the LSC budget went from \$100 million to \$300 million, a 200-percent increase, 10 times the rate of increase for the FBI.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

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

Mr. KRAMER. I would say if my colleagues compare this to the other programs in the function, which I have not mentioned, like the Immigration and Naturalization Service, the Customs Service, Judiciary, LEAA, Federal prison system, and the others, they will find that even the highest percentage of increase—which was the Judiciary's 100 percent—amounts to no more than one-half of the percentage increase that the LSC enjoyed, the only activity not subject to OMB.

I would submit that one of the reasons for the phenomenal growth in the Corporation's budget is the fact that it simply has not been annually reviewed in a meaningful way by the Office of Management and Budget.

We are not opposed to legal aid to the poor. What I think we need is to continue to keep our priorities straight and if we can get some control and

some handle on the budget process of the Corporation, I think we will be taking an important step toward remedying the abuses that we have heard about on the floor and getting this newly structured Corporation off to a much better start so that it can be accountable not only to the American taxpayer, but better accountable to the poor American man and woman that the Corporation was set up to serve in the first place.

□ 1615

Mr. FRANK. Mr. Chairman, I move to strike the last word, and I rise to speak against the amendment.

Mr. Chairman, in the first place, I appreciate the gentleman's request that we strike the language giving OMB and the President rescission and deferral authority. But it seems to me that the only thing stricken is the language; he does not strike the authority. So the way this is presented, there is in this amendment a decision to confer on the executive branch rescission and deferral authority under the Budget Act, because striking the language does not change what you do; it just changes how explicit you are in how you do it. But it does it quietly, so we have this situation. In the first place, to argue that absent OMB control, there is no real control over the Legal Services Corporation is a tremendous denial of reality. We have spent 3 full days, very full days, looking at every single aspect of the Corporation. How anyone could have spent 3 days in this House this week and then argue that we need the OMB because otherwise this will just grow without being watched, I do not understand. There has been a very thorough scrutiny by the Congress, and that is appropriate.

The committee, of course, has proposed reducing the authorization. An amendment will be offered by the gentleman from Missouri filed in the RECORD to further reduce it. So the argument that we need the OMB to deal with the money is obviously wrong. There is no reason to submit it to OMB. We submit it to GAO. It will be subjected to GAO's rules. It will be subjected to the most intense, painful scrutiny.

I suspect at least a majority of the Members have said to me, "Look, guys, please knock it off." No one can claim that we have underexamined this program.

What we have got is not a regular agency. With the restrictions, we have a group of lawyers whose job it is to represent poor people, sometimes in an adversarial role against the Government. That is what is unique about this agency. They might have to fight the Social Security Administration to get someone on disability. They might have to fight the housing authority in their proper role. To pursue these individual cases, they may have to aggravate some Federal official. It may

be a violation in some cases of a legal, ethical duty not to take the case.

What this would do is give the power to the OMB to freeze the whole operation by rescission or deferral.

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

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

Mr. RAILSBACK. I thank the gentleman for yielding.

I really agree with what the gentleman has said, and I would like to point out that when the Legal Services Corporation was first constituted, it was by design that we specifically did not give OMB the review authority. The reason was, frankly, there were concerns about the independence of the Legal Services Corporation.

Second, we knew that they would have to go through the authorization process as well as the appropriations process. I think the members, by the way, of the Appropriations Subcommittee have done a very good job. The reason for the escalation has been we started out with the goal of trying to assure a minimum access to lawyers per 10,000 people all over the country. We have finally reached that goal at the \$321 million level, discounting inflation.

Mr. FRANK. If I can reclaim my time, my recollection is from earlier hearings that the impetus for growth really came from Members of Congress, not from members of the Legal Services Corporation, and that it was the Members of Congress who felt their own areas were not well served, who made the pressure for that minimum access level.

Mr. RAILSBACK. I will agree with what the gentleman has said. I believe that the gentleman from Colorado (Mr. KRAMER) is very sincere and is trying to be constructive. I happen to disagree that this would help particularly when we just gave GAO—an arm of Congress, the right to do what they want OMB to also be able to do. I think that would be a mistake.

Mr. FRANK. The gentleman is correct. The point is the Government has its lawyers; it has the Department of Justice; the States have their attorneys general. They have been given specific performance rights under the amendment of the gentleman from New York to compel the Legal Services Corporation and its people to behave.

So with the executive branch and the Department of Justice, and the GAO, there are plenty of controls. The question we come down to is this: these lawyers are not supposed to work for the Federal Government. By their duty in some cases, not with class actions but in individual cases, they will oppose the policy of some people in the executive branch. It does not make sense to treat them the same as any other Federal agency.

What we should do is give them independence from the executive, as well as subject them to the most in-

tense congressional scrutiny, subjected to the GAO, subjected to suit by the Department of Justice for specific performance, for the very, very real set of restrictions we have put on them, I do not think it is the best way to conduct the program for individual lawyers to allow this total control by the executive branch.

Mr. KASTENMEIER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment I will be very brief.

Every action this House has taken in the last several days is predicated on the notion that the Congress is retaining the authority to operate this agency in terms of what it stands for and what laws it will abide by. Furthermore, as has been indicated, we have, through the Gilman amendment—by placing the United States in a position as well as the Corporation itself, to enforce its own laws and regulations—and through the amendment relating to the General Accounting Office, an arm of the Congress, reinforced the notion that this will remain an independent agency subject to the will of the Congress.

I think it is a rather radical change and a very great mistake to change this agency back over into the executive branch and into David Stockman's office.

President Nixon, President Ford, and President Carter all have commented on the wisdom of the independence of this organization. If we had any notion about its responsibility in terms of the Congress, we have tried over the last several days to rectify it. But as the last act to attempt to put it back into the executive branch, make it submission to David Stockman—who has not been silent with respect to this agency—and put it back into the politics of the Presidential office is a very great mistake, and I hope the House today overwhelmingly rejects the amendment. The President, however, can name the 11 person Board of Directors.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I believe that those who are opposed to this amendment are confusing the function of the General Accounting Office with the function of the Office of Management and Budget. The function of the General Accounting Office is basically to post-audit an agency's activities to make sure that the funds are being spent for purposes authorized by law. The function of the Office of Management and Budget, however, is to prioritize the various agencies of Government to determine how much money should be appropriated to each of those agencies for every fiscal year.

Because the Legal Services Corporation is not subject to the Office of Management and Budget, which sets

its budget into the overall scheme of things in terms of putting together the comprehensive Federal budget, it is kind of an animal off by itself. I think that is a mistake.

The gentleman from Colorado (Mr. KRAMER) attempts to correct that so that the Legal Services Corporation budget will be treated just like the budgets of all of the other Federal departments and agencies. I think that is the way it ought to be.

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

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

Mr. KRAMER. I appreciate the remarks of the gentleman from Wisconsin. Let me just ask, what, if anything, should be excluded in the OMB process? It seems to me that had the Legal Services Corporation been subject to the Office of Management and Budget since its inception, we would not have to take 2 or 3 days debating this very controversial reauthorization with the future of this Corporation still in doubt. The Corporation has become a candidate for elimination from existence and in this light, it certainly seems to me that the Corporation ought to be the first candidate, not the last, to be included in the OMB process.

Look at the growth of the Corporation. Look at the priorities that the Corporation has had during the last 5 years. If we are truly interested in getting a handle on this Corporation, in making it accountable to the American taxpayer, how can we totally exclude it from the normal budget process? Let us examine, in some specificity, what the true impact of including the Legal Services Corporation in the OMB process is.

The Congress will determine the authorization and appropriation levels, not the Office of Management and Budget. Under the Congressional Budget Impoundment and Control Act, if administration says, let us rescind a number of dollars, it cannot do that without the approval of Congress. Every rescission that is recommended by the President and the OMB must be approved by this body or it is absolutely null and void.

So how totalitarian are the restrictions we are placing on the Corporation by including it within the purview of OMB? We are simply making the Corporation accountable, and that is what this vote is all about. Do we or do we not want the Legal Services Corporation to be accountable to the American taxpayer?

Mr. SENSENBRENNER. I thank the gentleman from Colorado for his very excellent statement. I would just point out that it is this Congress that determines what the final appropriations will be for every Government agency, including the Legal Services Corporation. The Office of Management and Budget merely makes recommendations to the President who in turn makes recommendations to the

Congress. So I do not see that giving the OMB some oversight over the Legal Services Corporation budget is going to be all that crippling to the Corporation's activities.

If the Office of Management and Budget makes a mistake, this Congress can correct that mistake. But I think that in terms of setting the priorities for the various governmental departments and agencies, the Legal Services Corporation ought to stand in line with all the rest of those Government departments and agencies. It should not be an animal to itself. It should not maintain its uniqueness, but it should have its budget reviewed like everybody else's budget.

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

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

Mr. FRANK. I thank the gentleman for yielding.

I forgot to mention that this amendment carries with it, despite the cosmetic cross-out, the right to rescind and defer. It is not simply a matter of oversight; it is a matter of rescinding and deferring.

Mr. SENSENBRENNER. I will reclaim my time.

The final decision on rescissions and deferrals is made by the Congress, not by the Office of Management and Budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. KRAMER), as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE.

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 210, not voting 36, as follows:

[Roll No. 89]

AYES—185

Archer
Ashbrook
Bafalis
Bailey (MO)
Barnard
Beard
Benedict
Bereuter
Bethune
Bevill
Bliley
Bouquard
Brinkley
Broomfield
Brown (CO)
Broyhill
Burgener
Butler
Campbell
Carman
Carney
Cheney
Clausen
Clinger
Coats
Coleman
Collins (TX)
Conable
Corcoran
Coughlin
Courtner
Coyle, James
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Danmeyer
Daub
Davis
Derwinski
Dornan
Dougherty
Dreier
Duncan
Dunn
Edwards (AL)
Edwards (OK)
Emerson
Emery
English
Erlenborn
Evans (DE)
Evans (IA)
Fiedler
Fields
Findley
Forsythe
Fuqua
Gingrich
Ginn
Goodling

Gradison
Gramm
Gregg
Grisham
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hartnett
Heffner
Heftel
Hendon
Hightower
Hiler
Hillis
Holland
Holt
Hopkins
Horton
Huckaby
Hunter
Hutto
Hyde
Ireland
Jeffries
Jenkins
Johnston
Kemp
Kindness

Kramer
Lagomarsino
Latta
Leath
LeBoutillier
Lee
Lent
Lewis
Loeffler
Lott
Lowery
Lungren
Madigan
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McClory
McCollum
McDonald
McEwen
McGrath
Mica
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Morrison
Mottl
Myers
Napier
Nelligan
Nichols
Parris
Pashayan
Patman
Paul
Petri
Porter
Quillen
Regula
Rhodes
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Rousselot
Santini
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (AL)
Smith (NE)

NOES—210

Fazio
Fenwick
Ferraro
Fish
Fithian
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzales
Gore
Green
Guarini
Hagedorn
Hall (OH)
Hansen
Hamilton
Harkin
Hatcher
Heckler
Hertel
Hollenbeck
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kildee
LaFalce
Leach
Leland
Levitay
Long (LA)
Long (MD)
Lowry
Lujan
Lundine
Markey
Marks
Marlenee
Matsui
Mattox
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Pickle
Price
Pritchard
Pursell
Rahall
Rafalsback
Rangel
Ratchford
Reuss
Rinaldo
Rodino
Roe
Rosenthal
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Simon
Smith (IA)
Solarz
St Germain
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Vento
Volkmer
Walgren
Washington
Waxman
Weaver
Weiss

Whitten	Wirth	Yates
Williams (MT)	Wolpe	Young (MO)
Williams (OH)	Wright	Zablocki
Wilson	Wyden	

NOT VOTING—36

Badham	Goldwater	Moffett
Boner	Gray	Mollinari
Breaux	Hansen (UT)	Mollohan
Brown (OH)	Hawkins	Peyster
Chapple	Kogovsek	Richmond
Chisholm	Lantos	Rose
Conyers	Lehman	Rudd
Cotter	Livingston	Savage
Dickinson	Luken	Skelton
Evans (GA)	McDade	Thomas
Florio	Mitchell (NY)	Young (AK)
Frenzel	Moakley	Zeferetli

□ 1630

Mr. ANDREWS and Mr. RINALDO changed their votes from "aye" to "no."

Mr. MARRIOTT and Mr. ROEMER changed their votes from "no" to "aye."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

□ 1645

The CHAIRMAN. Are there additional amendments at this point in the bill?

Mr. KINDNESS. Mr. Chairman, I move to strike the last word and the preceding comma.

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

Mr. KINDNESS. Mr. Chairman, 2 days ago I stood in this well and expressed the concern which is shared, I believe, by a number of our colleagues to the effect that there is not really an adequate provision in the administration's proposal for the treatment of legal services as a part of the social services block grant approach to funding.

There was, as we all know, a number of programs to be folded into a social services block grant.

Then complaints were heard that Legal Services Corporation was proposed to be done away with and there would then be no provision for legal services for the poor. It was said, I understand in behalf of the administration, that yes, we would agree that the social services block grant funds could also be used for legal services for the poor, but there was no change in the figure attributable to those social services in that block grant program.

I understand that with diligent effort and discussion and negotiation that has been going on, there has been an agreement arrived at as to what the position of the administration will be, and is, with regard to that block grant for social services. In fact, there is \$100 million allowable under the budget resolution which can be put into that block grant program so that legal services at the State level would not face the argument that the Congress and the administration really did not intend to include any money for legal services and therefore the State allocation would not include any.

I have talked to a number of our colleagues who have the same concern that we really do not want to see the authorization for Legal Services Corporation pass, but we do not want to see all Federal assistance for Legal Services for the poor to end.

For that reason, I ask for this time in order to engage in a colloquy with those who are involved in this concern and the minority whip, the gentleman from Mississippi (Mr. LOTT) is available, I believe, to participate to assure those who, like myself, would rather see this handled through a block grant approach.

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

Mr. KINDNESS. I would like to yield first, if I may, to the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. I thank the gentleman for yielding.

I would like to say that I certainly share the gentleman's feeling that this program should go in the block grant procedure. The gentleman and others here on the floor have indicated again and again that they are for legal services for the poor, but the block grant approach would provide that opportunity.

I have with me now a letter from the Director of the OMB, Dave Stockman, assuring me—and I can assure the House—that legal services would be included in the social services block grant and not just to have that program put in there and no money. He also has assured me that there would be \$100 million to be included in the social services block grant.

So, I hope that at the appropriate time that the House will be given an opportunity to vote on this issue and I would certainly support such a move. But \$100 million would be included in the social services block grant.

Mr. KINDNESS. The gentleman from Mississippi and I both realize that of course the legislative process has to work its will and we are not talking about some certainty, but we are talking about a certainty with respect to the position of the administration.

Mr. LOTT. That is correct and the leadership on this side of the aisle.

Mr. KINDNESS. The gentleman from Pennsylvania has expressed a concern in this regard.

I yield to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

I think it is important to recognize that we have established two things at this time with respect to legal services and the block grant. First of all, it has status under the social services block grant which means it is a fully authorized activity at the State level.

Second, because of the decision of the OMB and the administration, we have put \$100 million into the social service block grants with the idea that that would help fund legal services.

Now I think it is important also to recognize that the administration has said in addition that if the program is reauthorized in this form it is going to be vetoed.

Therefore, it seems to me that some people who favor legal services ought to take a look at the opportunity to have legal services funded.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. KINDNESS) has expired.

(At the request of Mr. WALKER and by unanimous consent, Mr. KINDNESS was allowed to proceed for 4 additional minutes.)

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

Mr. KINDNESS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I think it is important, given the possibilities of veto, to recognize that under the block grant approach, which is not a fiscal approach, it is an administrative approach, you would have an opportunity for legal services programs which are working well at the local level to be continued and not face the threat of a zero funding should that veto be sustained.

So, in large part, the block grant proposal which will be offered on the floor does give an opportunity for those of us who believe in legal services at the local level to see those programs continued but continued under a local authority.

I thank the gentleman for taking this time so that we can assure people that the block grant is real. It is being supported by the administration. It has money in it and it is the kind of thing that we can assure will bring about continued legal services for the poor.

Mr. KINDNESS. Will the gentleman concur that in the event that the block grant programs were to pass, for social services, with legal services included, that there would not be a limitation by any means of the State amount attributable to the \$100 million for legal services, in fact, there would be a possibility or the potential of more?

Mr. WALKER. If the gentleman will yield further, I would say that the gentleman has just made one of the most important points. We have heard the proponents on the floor arguing for a couple of days how valuable this program is.

Yet, the funding that was coming out of the committee is limited funding.

Under the block grant approach, if this is one of the more important programs for poor people, it can be funded up to the full level of the block grant, if that were the choice of the States and localities. That is \$3.9 billion.

Now no one expects it would get that much money, but the chances for getting more money than would be available

ble under the authorization are substantial. So, therefore, I think the gentleman's point is very, very much appreciated because that is exactly the thing that the block grant allows, the kinds of flexibility to administer this program and allow it more money if it merits it.

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

Mr. KINDNESS. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

I heard the gentleman's statement in the well the other day and I thought it was very accurate. I think there is a very important point to be made here and that is that of all the debate we have heard over the last 3 days, we have learned in some districts it seems to work well and in some districts it does not seem to work well.

In my district, it seems to work reasonably well and I would like to see it continued, but I do not want to impress my will on other Members from across the country who do not think the program works well in their district. I am interested in getting some funds so that our operation in central Arkansas particularly can continue.

It occurs to me that the political reality is—and I have checked with people from the entire hierarchy at the administration—that the reality is the President will veto the bill upon the advice of all the senior staff if indeed the authorization measures passes which means there will be zero dollars for the central Arkansas legal services and the good work they are doing.

It occurs to me, the practical, political thing to do here, the reality of life is that we should go with this block grant approach. There will be additional money put into the block and as the gentleman from Pennsylvania so eloquently stated, there would be no limitation on the amount they could get from the block if the State wanted to give it to them.

I thank the gentleman for assisting me in working this out.

Mr. KINDNESS. The gentleman from Illinois (Mr. McCLORY) will be offering a motion to recommit at a later time at the conclusion of the work of the Committee of the Whole.

The gentleman from Illinois (Mr. McCLORY) might care to explain a bit about what that motion would be.

I would yield to the gentleman for that purpose if he desires.

Mr. McCLORY. I thank the gentleman for yielding.

At the appropriate time, I will be offering a motion to recommit with instructions in the expectation that a bill would be reported back embodying a block grant program to provide legal services without limitation as to amount except for the appropriation for the social services block grant program.

I do have assurance, as the gentleman stated, that the administration is

in support of that, in support of funding it and including it within the overall social service block grant program.

I thank the gentleman for his explanation.

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

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

Mr. SAWYER. Well, it is kind of interesting that at the last hour, this campaign now emerges on the floor with this \$100 million bait. I may say I have talked any number of times with Dave Stockman. First, they were dedicated to absolutely zeroing out this program. Now that they see some considerable support for the program building, they are willing to put another \$100 million into the block grant, not for Legal Services, but just add another \$100 million.

Now, bear I mind, we have 11 other programs that are bound into this block grant and they are all taking a 25-percent cut and they all have State bureaucracies in place that have been administering all those other programs.

Here we are putting a new kid on the block in there with no bureaucracy because no State has ever administered a legal agency aid program. If we put in another \$100 million thrown into the block grant program, where do we think it is going to go? Certainly not to that program that has no bureaucracy in place and no constituency.

□1700

Also, let us just look at the bigger picture of what we do. We have one very small, very minute Federal bureaucracy, if we want to call it that, that delivers direct, without any middle men, to some 223 locally controlled, locally governed programs all over the country. What we are going to do is eliminate that small Federal bureaucracy and in turn cause the creation of 50 new State bureaucracies that do not exist today. Now, what kind of economic sense does that make?

If the States had bureaucracies in place, like they do in these other programs in the block grant, sure, it may make some sense to get rid of some Federal bureaucracy. Here, we are getting rid of a bureaucracy that cost less than 3 percent of the whole fund they are administering direct to locally controlled programs all over the country, but we immediately, if there is going to be any legal services money out of this block grant, the States have to put into place programs they administer. So, we say, "Look, we got rid of one, and now we sprouted a 50 hydra-headed creature out there, one in each State."

That does not make any sense to me. You might say you might get more than your share, but that is like saying, "Yes, I have got a bridge to sell."

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

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

Mr. RAILSBACK. Mr. Chairman, the gentleman is right on target. The \$100 million they are talking about, they have quite properly said is not even earmarked for legal aid. They come in at the very last minute. I do not happen to think that President Reagan himself knows exactly what he is going to do if we pass the Legal Services Corporation authorization. That is the information I get. I do know that some of his advisers are going to recommend—I know they are going to recommend—a veto. I was also told by David Stockman that we would have an opportunity to go down to talk the President into not vetoing it.

What the gentleman said about 50 State bureaucracies is right on target. Right now, in the case of juvenile justice, there are some States that have offices that deal with the Federal Government relating to juvenile justice. The same is true with some of the other social services. That is not true with respect to legal aid. We would literally not have anything in some States, or some States would have to create a brandnew bureaucratic apparatus.

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

Mr. SAWYER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding because I think his statement indicates that he does not understand how block grants work. Block grants do not necessarily bring about creation of bureaucracies at State level. They can be run at local levels. As the gentleman has pointed out, these programs are run at local levels. There is no reason why the State cannot pass the money through to these Legal Service offices at the local level. There is no need for individual bureaucracy.

There are full service agencies at State levels because we do recognize what the needs of the poor are. In fact, I think they can recognize better what the needs of the poor are than we can here in Washington.

So, I think the gentleman really does not understand how a block grant works if he makes the kind of statement he just made in the well.

Mr. SAWYER. The gentleman has difficulty understanding many things, but I think he does understand that one.

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

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

Mr. BUTLER. Mr. Chairman, I would say to the gentleman that maybe one of the reasons he does not understand about block grants is that we really have not got the program in place. We do not have legislation

before us, so we do not know exactly how it is going to fit into the whole program.

We do know, though, that no portion of the money is going to be earmarked for legal services. So, when it goes to my State the competition I know is going to be there. The vested interests there will compete for the money, already with a 25-percent cut out of them and the constituency developed over the years to compete for the funds. I have very real doubts about whether there will be a Legal Services program administered by my State if it is put in the block grant program.

There is a possibility with a reasonable transition period, and I would favor this. After we have had an opportunity to develop a State program, to supervise it, then maybe would be the time for a block grant program, but to pull the rug out from under now would be wrong.

The CHAIRMAN. The time of the gentleman from Michigan has expired. (By unanimous consent Mr. SAWYER was allowed to proceed for 3 additional minutes.)

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

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

Mr. DANIELSON. Mr. Chairman, I thank the gentleman for yielding. I wish also to thank the gentleman for having an absolutely perfect analysis of what would happen here. This program would die the death of 50 bureaucracies just as surely as I am standing here.

I commend the gentleman's position. I thank him for making it, and I certainly commend it to my friends who might otherwise be tempted to vote for block grant. Do not be enamored of this new theory which has not even yet come into being. I would say the gentleman has hit it right on the head. I thank him for making his argument.

Mr. SAWYER. I may say that States have block grants on other things, and I have yet to see one that is not administered by a State bureaucracy. They do not just clip the check up into pieces and mail it out. They all have to have in place a bureaucracy.

Now, on these other programs they already have one, but in no State I am aware of has or ever has had any program administering anything that looked like a legal aid society. So, God help them if they do not get a bureaucracy because the other bureaucracies already in place are going to make up the 25-percent cuts out of that extra \$100 million. If they do, they have got a new bureaucracy, so you are getting 50 new ones for one small old one, and that does not seem to me like a very good trade.

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

Mr. SAWYER. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Chairman, I thank the gentleman for yielding. I have a great deal of respect for the gentleman from Michigan's ability to analyze and deal with very complex subjects, and we work together on a lot of them, but I think we are seeing this one very differently in that there are in place the offices of attorneys general in all of the States that could serve in some cases. In other cases, one would hate to see them serve as the mechanism of the block grant moneys to be distributed.

In other States, there are other mechanisms that would be employed at the determination of the State legislature or Governor, however the block grant program is worked out. I think we are all a little bit concerned or uneasy about the uncertainty of what will occur with a block grant approach, but one thing that is rather certain is that there is not going to be a piece of legislation that gets to be law authorizing the Legal Services Corporation to continue unless this Congress overrides a veto if this bill passes both Houses. That is a kind of a more certain thing.

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

Mr. SAWYER. I yield to my colleague from Michigan.

Mr. TRAXLER. Mr. Chairman, I thank my colleague from Michigan for yielding. The gentleman is exactly on point, and I wish to associate myself with his remarks. I think they are marvelous observations, and I commend him for them.

Mr. SAWYER. I thank the gentleman.

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

Mr. SAWYER. I yield.

Mr. WALKER. I thank the gentleman for yielding, because I think perhaps it is interesting to point out in the gentleman's statement, as well as in the statement of the gentleman from Virginia, the point was made that these programs would not survive in competition with other programs.

I have heard an awful lot of statements made by the proponents of Legal Services Corporation over the last couple of days on the floor which indicate that this is a very fine program, working very well. I cannot imagine such a program, if it has that kind of merit, not surviving in competition.

Mr. SAWYER. If I may recapture my time, the reason it will not survive is because you already have big bureaucracies in place administering the other 11 programs that are going into the block grant, and other bureaucracies are already taking a 25 percent cut. Now, they would be very, very unusual bureaucracies if they did not dip into any extra money coming there, not represented or protected by any bureaucracy already in place in the State. That is the reason. It is not a question of the merit of the program vis-a-vis the merit of another program.

People are very parochial about their programs, particularly bureaucrats whose jobs and those of their friends depend on the funding of their programs.

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

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

Mr. JOHNSTON. Mr. Chairman, I have here a letter from a distinguished member of the bar from the State of North Carolina, and one of the founders of the Legal Services Corporation of North Carolina.

Now, we have an expression down there, "He who pays the piper calls the tune." I am assured that it is alive and well in its applicability to the Legal Services Corporation of North Carolina.

I would like to quote the letter at this point.

Mr. Chairman, the letter follows:

CLARK, WHARTON,
SHARP & MARAGHY,
ATTORNEYS AT LAW,

Greensboro, N.C., April 22, 1981.

Re Legal Services of North Carolina, Inc.
Mr. LAWRENCE MCN. JOHNSON,
Chairman, General Practice Committee,
North Carolina Bar Association, Aberdeen, N.C.

DEAR LARRY: Thank you for inviting me to participate in the discussion of the General Practice Committee of the North Carolina Bar Association with regard to that Committee's recommendations to the Board of Governors of the Bar Association concerning the future of Legal Services of North Carolina, Inc. (LSNC). The give and take in that discussion enabled me to crystallize my own thinking with regard to LSNC and the provision of legal services to the poor in North Carolina generally.

I was on the North Carolina Bar Association Special Committee on Indigent Legal Services Delivery Systems which recommended the establishment of LSNC to the Board of Governors of the Association and was one of the drafters of the original charter and bylaws of LSNC. I have been a member of the Board of Directors of LSNC since its inception. In this letter, however, I do not purport to speak for the Board of Directors of LSNC or for any other member of that Board, and in fact other members of that Board may well be in strong disagreement with what I have to say herein. I write this letter strictly as a private citizen, albeit one who has had a better opportunity than most to observe the provision of legal services to the poor through LSNC.

At the outset let me say unequivocally that there must be some mechanism for the provision of legal services in civil matters to the truly indigent in this country. The time has past when the private bar can handle the need for these services on a pro bono basis. The question, then, is not whether there should be legal services in civil matters available to poor people, but how those services can best be rendered in a manner which is cost effective.

I am told that after our discussion your General Practice Committee voted to recommend to the Board of Governors of the Bar Association the continuation of "reasonable" funding for LSNC, provided the Act of Congress establishing the national Legal Services Corporation (LSC) was

amended to prohibit recipients of federal funds (such as LSNLC) from engaging in certain activities. I understand your committee also passed a resolution exhorting the private bar of North Carolina to become more involved in the affairs of LSNLC in an attempt to exercise a greater degree of influence and control over its activities. Since I believe that a strong private bar is essential to the maintenance of our freedoms in this country I share your concern that the private bar maintain a substantial degree of control over a governmentally funded agency which is also in the business of rendering legal services to the public.

The purpose of this letter is to comment on two of the concerns of your committee. The first deals with the concern for control of the activities of LSNLC. The second deals with the questions of "reasonable" funding.

CONTROL OF LSNLC

The only really effective control over LSNLC is that exerted by the corporation's Executive Director and staff. There are several reasons for this.

First, while lawyers (who do not have to be private practitioners) are required by the Act to make up 60% of the membership of the Board of Directors, the remaining 40% of the membership is chosen from persons who are or could be eligible clients of LSNLC. For a number of reasons, any Executive Director of the corporation who desires to do so can influence greatly the vote of the client members of the Board. Since all lawyers never agree on anything, and quite frequently the lawyer members of the Board for one reason or another cannot attend Board meetings, it is generally a rather easy matter for the point of view of the Executive Director and staff to prevail. Obviously, this does not always have to be true, but to prevent it the lawyer Board members have to be eternally diligent. Since they have to make a living, lawyer Board members of LSNLC do not have time for eternal diligence as to its affairs.

Second, any mechanism which seeks to provide a degree of control at the state level can always be overridden by federal regulations and federal bureaucrats. This was most clearly illustrated by the recent effort of the Executive Director and staff to make the composition of the lawyer members of the Board of Directors of LSNLC more to their liking through a bylaw amendment. The charter of LSNLC provides that the membership of that nonprofit corporation shall be the Board of Governors of the North Carolina Bar Association, and any bylaw amendment had to be approved by that Board of Governors. When the Board of Governors refused to approve the proposed bylaw amendment we were informed by the Executive Director of LSNLC for the first time of a ruling by staff of LSC in Washington that the Board of Governors of the Bar Association could not, in compliance with LSC regulations, serve as the membership of LSNLC and thus control is charter and bylaw amendments. There the matter stands at present, in a stalemate I presume. The Executive Director of LSNLC stated before your General Practice Committee that the controversy over the composition of the lawyer members of the Board was a "dead" issue, and I trust that he is accurate in this. However, to my recollection (which could be wrong) no new lawyer Board members have been elected since 1978, despite a bylaw which requires an election of one-third of the Board each year. In any event, you should know that so far as the federal regulations are concerned the only power the Board of Governors of the Bar Association has with regard to LSNLC is the power to appoint four of a fifteen member Board of Directors.

Third, lawyers are busy people. They do not get paid for services on the LSNLC Board. And those on the Board of LSNLC meet approximately once each quarter to consider matters brought before them by the Executive Director and staff. (Obviously, many matters never get brought to the Board's attention.) In the very nature of things the recommendations of staff must necessarily be followed (this is particularly true as to budgetary matters), since staff members should have the expertise and detailed knowledge to provide the guidance necessary to the Board of Directors.

By reason of all of these things it is apparent that the staff of LSNLC, with the backing of the Staff of LSC in Washington, is the dominant controlling force in the operation of LSNLC. With a staff of several hundred spread across the state, and a budget of nearly \$7,000,000 (not counting around \$2,000,000 spent on legal services offices in Winston-Salem, Charlotte and Durham), it is apparent that LSNLC is a force in and of itself which will not effectively be controlled except through the political process. For this reason, if a degree of local control over legal services to the poor is deemed important, it seems to me the proposal of the Reagan administration for block grants to be administered by the states may have considerable merit. The states, so far as I know, have carried out their constitutional duty to provide legal services to indigents in criminal cases. I see no reason they could not adequately do so in civil matters.

FUNDING FOR LSNLC

The other aspect of LSNLC upon which I would like to comment concerns its funding. It is, in my view, inflationary and not cost effective. Funding for the current fiscal year for LSNLC is close to \$7,000,000, not counting Winston-Salem, Charlotte and Durham. The Board of Directors approved a budget for the central office, which does not put a single lawyer in court, of over \$900,000, allocated to the Greensboro office is a budget of over \$800,000. Lesser, though substantially similar amounts, are scheduled to be spent in other major cities of the state. Thousands of dollars have been spent each year on consultants, on studies of various kinds, on financing attendance at a myriad of meetings for staff members and clients, and on the purchase of real property for LSNLC offices. Salaries, to the best of my knowledge, are generally greater that can be offered by all but the larger firms in private practice and automatic increases are built in each year not to mention the regular governmental cost of living increases. Non-lawyer salaries in the central office seem to me clearly excessive. Moreover, the demand by the existing LSNLC offices (central and field offices) is insatiable. Increases are scheduled in the budget each year for every office and despite increases every year in the amount of LSC funds sent to LSNLC (present funding is over triple what it was in 1976-77), it has been difficult to get the existing offices to give up increases in order to open offices in the smaller cities and towns of the state.

I, for one, do not believe that effective legal services for poor people has to cost this much. That it does not, is best illustrated by the vastly lower cost per case to the State of North Carolina in carrying out its constitutional duty to provide counsel for indigents in criminal cases as opposed to the per case cost of the operation of LSNLC. I do not have these figures at my fingertips, but the difference in cost is startling. Legal Services attorneys constantly argue that they do not have enough dollars to spend per poor person. The argument is that their budgets should be based upon the number

of poor persons in the area they purport to cover—not upon the number of poor persons they actually serve.

This argument could have validity only if you concede that LSNLC should be what its staff leadership apparently conceives it to be. That is a powerfully funded statewide organization whose purpose is not just to serve poor persons in specific cases, but is to bring about social changes which staff members conceive to be beneficial through education and organization of the poor community (called champerty if done by the private bar), lobbying, and political activity. If there is any doubt about whether the staff of LSNLC conceives this to be its purpose, the doubter should review one of LSNLC's many "studies," this one entitled "The State of the State, A Legal Services Perspective on the State of North Carolina," prepared for use at a statewide meeting of project directors, staff representatives and clients on October 30, 1979. This is a document which is not consecutively paginated, so is difficult to say how many pages it contains, but I would guess well over 2,000 typewritten 8 x 11 pages, at least two inches high. The introduction to the document indicates that it represents the "critical first step" in the strategic planning by which LSNLC determines its mission, goals and objectives. It contains numerous papers in large part hostile to North Carolina and its institutions and deals primarily with called for social, political, judicial and legislative changes. Of some passing interest to you is the article in the volume entitled, "Analysis of Judicial System and the Organized Bar in North Carolina, which terms "lucky" the legislative defeat of the Bar Association's proposal for revision of the laws dealing with the collection of money judgments and exemptions.

For one staff member, writing in A Legal Services Perspective, accomplishment of an appropriate "long term goal would require a thorough re-examination of the present decision-making process in the United States and in the State of North Carolina. That decision-making process is based upon the concept of private property and profit. . . . [A]s legal services workers we want to be free to help organize and represent our client community in any and all helpful ways without having to play the 'legal services game.' Issue Paper Relating to the Food Stamp Program, etc.", by Steven R. Edelstein, Farm Workers Legal Services of North Carolina. This rather extreme view, I assume, is not typical of all staff members.

As a result of the October 30, 1979, meeting the LSNLC staff presented to the Board for ratification the following statement of the missions and goals of LSNLC:

"Mission: To enable poor persons to obtain and exert power in order to effect systemic change.

"Goals:

"1. Network of poor people throughout the State to engage in self-advocacy.

"2. Clients made aware of their own potential for self-advocacy and learn from us the skills and knowledge necessary to practice it.

"3. Legal Services staff acquire the motivation, competency and resources necessary to work with clients in order to achieve the mission.

"4. Clients have a more meaningful role in the governance and operations of Legal Services programs.

"5. Capability to develop alliances with non-poor people in order to attain the particular objectives being sought.

"Implicit goals:

"Certain steps were identified and discussed which the group understood would

have to take place in any event in order for the mission and goals to have the best chance of succeeding. These are:

"Establish a process by which, from time to time, systemic change issues can be chosen.

"Make whatever changes are necessary in the composition and structure of programs in order to facilitate accomplishment of both this mission and the one adopted by the given field program.

"Increase the overall resources of Legal Services in North Carolina."

I could not attend the January 25, 1980, meeting at which the foregoing statement was presented for ratification, but I called in by telephone my objection thereto. At the January 25, 1980, Board meeting, the Board adopted the foregoing statement of goals, but changed the statement of LSNC's mission to read as follows:

"To represent poor persons within the legal system in order for poor persons to assert their rights and to obtain and exert power to effect institutional change."

I will not attempt to attack or defend the goals of LSNC which go beyond representation of individual indigent clients. The matter has never been adequately debated by the Board of Directors. There may be two sides to the question, at least so far as concerns lobbying and reasonable community education, but it seems to me that the use of tax dollars supplied by all the people in an aggressive attempt by legal services attorneys to change social institutions in a way they (and not necessarily their clients) deem appropriate is open to serious debate.

I do not have to get into this subject, because for me the program still costs far more than it should. As a taxpayer, I am tired of seeing money spent for community education specialists, legislative specialists, consultants and administrators who never go to court or see a client, for assistants to assistants of practically everything, for constant meetings and travel of doubtful utility to anybody, and for every other conceivable purpose the fertile minds of LSNC staff can conceive. And, notwithstanding what I deem to be excessive expenditure of funds, the money which has been made available to LSNC by LSC still cannot be spent. Every year, the Board of Directors have been called upon to fund some "one time" projects in order to use up surplus funds. At present LSNC has over \$1,500,000 in the bank still unused. The Executive Director says that these funds have been "allocated," although I forget for what. One thing is for sure: No excess funds of LSNC allocated or unallocated have ever been used to reduce budget requests for the coming year.

In a time when government spending has pushed the cost of food, clothing and other necessities out of the reach of many poor people (and made totally impossible the heretofore American dream of home acquisition), it seems absurd to allow a program which is supposed to help poor people to proliferate and accelerate the trend.

CONCLUSION

I recognize that this letter has been critical and has not proposed much in the way of constructive change. That is because I do not know that all the answers are at this time. As one of the founders of LSNC I am obviously disappointed in its performance. It has, I believe, performed some good service to poor people in this state. But in so doing it has too often for no good reasons sought to turn blacks against whites, poor against middle class and LSNC clients against the organized Bar. And the cost that is incurred in its activity cannot, in my view, be justified. If allowed to continue at the present rate, it will remain another govern-

mental agency whose costs are out of control and continuing to escalate.

As indicated, I do not know the answers to the questions I raise. Perhaps, as Mr. Reagan apparently believes, the states can do a better job. Perhaps greater efficiency can be obtained through the use of private attorneys through a system of *judicare*. Or perhaps LSNC should continue, with legislative changes providing better control at the local level or prohibiting activities deemed inappropriate, with reduced funding. Reduced funding alone will cause LSNC staff and Board members to rethink priorities and pay attention to what its real purposes are and should be.

Yours very truly,

DAVID M. CLARK.

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

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. DENARDIS).

Mr. DENARDIS. Mr. Chairman, I thank the gentleman from Illinois for yielding.

I rise in strong support of H.R. 3480, the legislation that is now before us, to reauthorize the Legal Services Corporation.

Mr. Chairman, I believe we have spent a great deal of time discussing this matter. I have listened carefully. I think it comes down to a division of opinion in this Chamber between those who fundamentally support this program and say so, those who do not and say it, and those who do not but will not say so, but have a series of amendments to try to weaken or destroy it.

I support this legislation because it achieves two goals which I believe are extremely important at this time in our history. First, passage of this bill will insure that the opportunity of legal assistance will continue for millions of low-income Americans who otherwise would not have access to our legal system. Second, we have taken action to continue this important program, while at the same time we have provided some needed reductions in Federal spending.

Mr. Chairman, in a Nation where the rule of law and the workings of the legal system play such an important role, we dare not risk denying the opportunity to those in society who need and deserve assistance the chance to obtain legal aid simply because they lack sufficient financial resources. There is no denying the fact that the Legal Services Corporation has generated significant controversy by its past actions, but we have taken, I believe, the necessary steps yesterday and today to place needed restrictions on those activities in the bill before us.

I urge support for reauthorization.

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

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

Mr. ASHBROOK. Mr. Chairman, I rise in strong opposition to this legislation.

President Reagan has requested zero funding for the Legal Services Corporation. The Judiciary Committee has recommended that the Congress rebuke the President and authorize funding of \$520 million for the next 2 fiscal years. I support the President's recommendation and oppose this legislation and would strongly urge that he veto this mistake if it is passed by the Congress and sent to his desk.

Several arguments are offered by proponents of this bill. Some suggest that by refusing to fund the Legal Services Corporation, we are in fact, denying legal aid to the poor. That is simply untrue. My colleagues fully understand that not one, single nickel of that \$520 million is going to go to a poor person. The money is slated to go to thousands of Legal Services Corporation lawyers and support personnel who will undoubtedly continue to undermine, sidestep, and misinterpret the actions of the Congress of the United States.

Frankly, I am surprised at some of my colleagues who know full well that Legal Services Corporation is a genuine Federal boondoggle yet will vote to extend the life of the Corporation anyway, simply because it is considered in some circles to be a symbol of "aid to the poor." My colleagues understand that under the President's block grant program, legal services could be funded at the State level, at the direction of State officials, not at the direction of professional bureaucrat/political activists in Washington. Those who intend to vote for the reauthorization of this agency simply because some in the news media may categorize a "no" vote as a vote against the poor, I must say, are taking the easy way out. And they are undermining the President's efforts to restore some sense of responsibility to the Federal Government. A defeat for the President today could prove to be very damaging. If we are to buck the administration on this social program, why not on the next program slated for extinction? How many Legal Services Corporations must we vote to fund before the entire concept of block grants and local control goes right down the drain?

Some of my colleagues who intend to support reauthorization today suggest that the bill is well written, that Legal Services Corporation personnel will be outlawed from engaging in activities prohibited by the Congress. Mr. Chairman, in the past, Congress has voted to prohibit LSC involvement in a number of areas; yet each time we debate the future of this agency, we have to close more loopholes which the Corporation uses to promote its unpopular causes. Why should we believe that LSC will react any differently in the future? I, for one, believe that it will be business as usual for the Legal Services Corporation once the Congress finally reauthorizes it. Nothing.

ing I have seen leads me to believe differently.

As a member of the House Judiciary Committee, I have firsthand knowledge of the Legal Services Corporation's efforts to seek political change outside of the electoral process. It is a program which is fundamentally flawed. It is a program—taxpayer financed—of social activism.

In 1977, when the House was considering a bill to extend the life of the Legal Services Corporation, I urged my colleagues, as I am doing now, to defeat the legislation. I then pointed out that employees of the Corporation had been taxpayer-funded advocates and organizers of causes such as quotas in jobs and schooling, welfare rights, student protests, homosexual demands, proposals for graduated State income taxes, ERA, voting rights for prison inmates, rent strikes, anti-business regulation, no-growth environmentalism, massive expansion of the food stamp program, Naderite "consumerism" State takeovers of local education, land use controls, and more. We lost that battle and today, we are again debating the fate of the Corporation. Little has changed.

To those of my colleagues who believe that the Legal Services Corporation has changed its ways, I would call attention to the views expressed by Congressmen SENSENBRENNER and HALL and myself in the Judiciary Committee report on H.R. 3480. Little, if anything, has changed. JIM SENSENBRENNER correctly points out that officials in the LSC were guilty, last year, of illegal lobbying. The General Accounting Office supports his charges. He points out that loopholes exist within the law, and within this legislation, which allow the Corporation to go its merry way. He is correct.

Perhaps the most sensational of LSC abuses are recorded by my colleague, SAM HALL, in his dissenting views on H.R. 3480:

Litigation to compel payment of SSI benefits to alcoholics;

Litigation to compel the New York City Transit Authority to hire former heroin addicts;

Successful Federal district court suit to compel New York to pay State welfare benefits to an illegal alien parent;

Successful Louisiana class action compelling Department of Corrections to pay inmate compensation to inmates of a State prison which has no income-producing programs;

In addition, Congressman HALL cites a suit against a California grower and perhaps the wildest yet—a lawsuit filed by the Hartford Neighborhood Legal Services in an effort to get payment from the State of Connecticut for a welfare recipient's sex change operation. And today, we are considering a bill to reauthorize the Legal Services Corporation.

Mr. Chairman, we have an opportunity today to defeat this authorization legislation. I would urge my colleagues to vote "no" and if the Congress should vote to reauthorize the Legal

Services Corporation for another 2 years, at a cost to the taxpayers of \$520 million, I would urge the President to veto the bill.

I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to this part of the bill?

If not, the Clerk will read.

The Clerk read as follows:

FINANCING

SEC. 13. (a) Section 1010(a) of the Legal Services Corporation Act (42 U.S.C. 2996i(a)) is amended by inserting immediately after the second sentence the following new sentence: "There are authorized to be appropriated for purposes of carrying out the activities of the Corporation \$260,000,000 for the fiscal year 1982, and \$260,000,000 for the fiscal year 1983."

(b) Section 1010(d) of such Act is amended to read as follows:

"(d) Not more than seven percent of the amounts appropriated pursuant to subsection (a) of this section for the fiscal year 1982 and any fiscal year thereafter shall be available in any such fiscal year for grants or contracts under section 1006(a)(3) of this title."

□ 1715

Mr. VOLKMER (during the reading). Mr. Chairman, I ask unanimous consent that section 13 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 Missouri?

There was no objection.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. 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. 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 13 strike lines 15 and 16 and insert in lieu thereof: "\$241,000,000 for the fiscal year 1982".

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

Mr. VOLKMER. Mr. Chairman, in the previous comments that just preceded the offering of this amendment and following the vote on the last amendment, I would like to say that we heard discussion as to whether or not we should have a block grant proposal or whether we should have a reauthorization bill. Personally I feel that we need to have a reauthorization bill, not a block grant proposal.

I also feel that on the proposal, as the gentleman from Michigan (Mr. SAWYER) has stated so well on the floor, for the first time now we hear that if we have a block grant proposal, we would have \$100 million, and I do not feel that that is adequate. However, I do feel that the amount that is presently provided in the legislation is not needed. I feel that with the reductions that have been made through

amendments on the scope of the activities of the recipients of the Legal Services Corporation, such as lobbying efforts, with full-time lobbyists, such as class action suits, and such as representation of illegal aliens and others, it is no longer necessary to have that full amount of \$260 million.

I have offered this amendment, which provides for \$241 million and which is a 25-percent reduction in the amount that was appropriated for the current fiscal year. I know that to some people that sounds very harsh. That means that a lot of people that they feel should be represented will not be represented.

However, I disagree, and I do not believe that that will be necessary. I believe, with the full amount of \$241 million in the scope of services that the Legal Services Corporation has now to offer to the poor, that they can do an adequate job for that amount of money. Otherwise I would not offer the amendment.

I also feel that at this time, with the budget restrictions that we have and the reductions that must be made, in light of other reductions that are going to be made, it is appropriate that this amount be the amount authorized.

This amendment also restricts the authorization to a 1-year authorization. I provide that because I, too, believe that we have to get a handle on the Legal Services Corporation. There is no question about the fact that there have been abuses in the past. Some of us feel very strongly that those abuses should be corrected. Amendments have been adopted that I believe will assure that those abuses are corrected, and that the Legal Services Corporation does provide proper representation for the poor.

However, I question whether we should permit an authorization for 2 years. My feeling personally is that we should be willing to come back next year, and then let us take a look and let us see what they have actually done and let us see whether or not we should continue to fund it at this level or whether we need additional levels. This is what we call oversight. I think we need to have strong oversight of the Legal Services Corporation.

I think we also, on the other hand, need to see this in the event that this matter does become law, because I think there is that possibility. I believe that the President, if the House and the Senate do pass it with the corrections that are made in it, should at least be given the opportunity to sign it, and I am sure that there are Members from his own party who will try to impress upon him the need to sign this legislation. In the event that has been done, the administration then will be the one that will be administering it, and I think we need to look at it again in that light as to how it will be administered.

Therefore, I feel strongly that we should have a 1-year authorization, and that the amount of \$241 million is appropriate. I feel that that is an adequate amount, as I said before.

I do disagree very, very strongly with those who will tell us, when we get back in the full House, that we need the block grant proposal. The gentleman from Illinois, as I understand it, will offer the block grant proposal, and I feel very strongly that that is the wrong way to go.

In the first place, they say that if we pass the authorization bill, then the President will veto it and we are not going to have anything. Well, if we pass what the gentleman from Illinois proposes that we pass, we are not going to have anything either, for the simple reason that there is no question—and I think every Member in here, at least the majority, will agree—that there will be no social services block grant legislation enacted into law by October 1, 1981, and I am sure that probably will not be enacted into law maybe by next Spring, by a year from now.

So, Mr. Chairman, if we defeat this legislation and then put in a block grant social program, we are not going to have anything, and we would not have any money out there in any way at all to represent the poor.

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

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

Mr. McCLOSKEY. Mr. Chairman, this program started in 1965, when then-Attorney Lewis F. Powell, now a Supreme Court Justice but then head of the American Bar Association's House of Delegates, successfully appealed to the Federal Government to commence a legal services program for the poor. We did so. Now, as of this year, we are proposing to spend \$321 million in assistance to the several hundred local legal aid societies that administer the program.

The program works fairly well in my district, but it seems to me that at a time when we are asking for a 20-percent budget cut across the board, it is entirely appropriate that the legal profession bear a 25-percent cut such as the gentleman from Missouri (Mr. VOLKMER) is offering.

I want to cite to the committee the facts suggesting that a 25-percent cut should easily be absorbed by one of the wealthiest professions in the country—a profession which both of my grandfathers practiced, which my father practiced, which I have practiced, and which my son practices today. I would like to describe the actual circumstances of the two counties I represent in California, San Mateo and Santa Clara Counties.

San Mateo County has a population of just under 600,000 with 35,000 people living below the poverty level. We have 1,330 lawyers, one for every 443 people and one for every 26 poor

people in the area. Our county ranks in the top 1 percent of per capita income. Our Legal Aid Society, founded in 1954 with a budget of \$25,000 as late as 1965, has grown until today its budget is almost \$750,000, with nearly \$600,000, or 80 percent, coming from the Federal Government.

If there is a 25-percent cut in that Federal assistance to this one bar association, we reduce by \$150,000 the Federal funding. This means that if every lawyer in San Mateo contributed \$120 worth of legal services or \$120 in cash to the Legal Aid Society, the private bar could pick up the entire 25 percent cut.

In Santa Clara County the figures are similar. There we have 1.3 million people, with 3,300 lawyers. If each Lawyer contributed only \$60 to the Legal Aid Society in cash or in free legal services, the bar association itself could pick up the entire 25-percent cut.

No one questions the need for legal services to the poor. But at a time of national crisis, who should provide those services, the Federal Government or the legal profession? And in what proportion?

The Code of Professional Responsibility of the American Bar Association states:

Every lawyer, regardless of professional prominence or professional workload, should find some time to participate in serving the disadvantaged.

Sixteen years ago in 1965, there was no Federal program for legal assistance to the poor. There were, however, 248 private legal aid societies in the United States, entirely funded by the legal profession or by private donations. In the community where I practiced law, Palo Alto, Calif., the bar association as early as 1960 had set up its own legal aid office. A person unable to pay for legal services was referred to this office by any number of civic or charitable organizations, and from that office referred, in rotation, to the next attorney on a list of those members of the bar (about half) who had agreed to participate in the service. The legal aid office called the attorney in question, made an appointment, and the individual involved presented himself at the appointed time with a slip from the legal aid office and \$5. The attorney's responsibility in the process was to give whatever advice as might be warranted and to follow through with the representation required at no further fee. If costs were to be incurred, the attorney had no obligation; this remained the client's choice and obligation.

Admittedly, the system worked imperfectly, as today local legal aid societies, funded partially with Federal money, may not reach all potential members of the public who need legal help nor give each case the perfect attention and skill we would like to see.

In 1965, the Nation, for two decades, save for the Korean war years, had en-

joyed a relatively balanced budget and a reasonably low rate of inflation.

In 1974, Congress created the Legal Service Corporation (LSC). Appropriations for legal services through the corporation started with an initial \$71.5 million in 1975 million in 1975, and increased to \$321 million in 1981.

During this same 7 years, however, Federal budget deficits skyrocketed, averaging roughly 13 percent of Federal revenues for the next 6 years. During those 6 years of average 13 percent budget deficits, inflation also became an increasingly grave problem. For the last 3 years, 1978, 1979, and 1980, inflation averaged over 11 percent per year. The figures are as follows:

Year	Deficit	Percent	
		Federal Revenues	Inflation rate
1975	45	16	7
1976	66	22	5
1977	45	13	7
1978	49	12	9
1979	28	6	13
1980	60	11	12

Inflation, to at least some degree, is caused by Government spending policies. Deficit spending of 10 percent or more each year may not be the sole cause of double-digit inflation, but if Government spending can't be controlled, it seems fair to state that inflation cannot be controlled either. If Federal spending is to be controlled it seems clear that social services such as legal aid will have to take their share of cuts.

In the last 20 years Federal spending in the form of social service benefits, such as legal aid, has increased from 25 to 48 percent of the total budget. It is these benefits which have led to the budget deficits. To cut them back only one fifth would balance the Federal budget.

I would then start with that principle: that we must cut at least 20 percent from the total of all social benefits if we are to balance the budget and remove deficit spending as a contributor to inflation.

We have had 3 straight years of inflation over 10 percent. Ten-percent inflation means to a family of four the loss of purchasing power of about \$800 a year. The lawyers and the bar associations of many States have spoken out almost unanimously against these cuts, but the cut in purchasing power to an average lawyer in California is at least \$4,000 a year if we continue an annual inflation rate of 10 percent.

Therefore, this profession, one of the wealthiest in the country, in my judgment, ought to cheerfully bear a 25-percent cut in Federal assistance and be willing to pick up what has historically been recognized as a professional responsibility.

Mr. Chairman, let me quote the Code of Professional Responsibility of

the American Bar Association, which states that, "every lawyer, regardless of professional prominence or professional workload, should find some time to participate in serving the disadvantaged."

If we want to save Federal support for local legal aid societies, in my judgment, we should accept the amendment offered by the gentleman from Missouri (Mr. VOLKMER) and have the private bar associations pick up the \$80 million cut, from \$321 million to \$241 million. That is the least the legal profession can do for the country at this time of fiscal emergency.

Mr. Chairman, I do not speak in favor of the 1-year authorization. I would rather see a 2-year authorization bill. But I think the gentleman's amendment in every other respect is sound and ought to be accepted by the committee.

AMENDMENT OFFERED BY MR. SAWYER TO THE
AMENDMENT OFFERED BY MR. VOLKMER

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

The Clerk read as follows:

Amendment offered by Mr. SAWYER to the amendment offered by Mr. VOLKMER: Insert before the period: "and \$241,000,000 for fiscal year 1983".

Mr. SAWYER. Mr. Chairman, the purpose of this amendment is obvious. I am inclined to accept the reduction figure of the gentleman from Missouri (Mr. VOLKMER), though I do it with some reluctance.

We had already cut 25 percent or approximately \$61 million off the Carter 1982 budget, which has been the base mark for all of these 25-percent cuts, bringing it down to \$260 million.

On the other hand, we did consider taking the current year, which is \$321 million, and reducing that 25 percent, which would get us down to the \$241 million. While that is an additional \$19 million to the \$60 million we had cut, we feel frankly that we are going to have a fight downtown, assuming that this House sees fit to pass the bill and that the Senate does, too. Quite obviously, based on the numbers they are talking about in the Senate, we are also going to have to compromise further.

Nevertheless, I am willing to go along with the \$241 million, and I do not attempt to change that. But the gentleman does, in addition, reduce the time period down to 1 year. Now, we had already reduced it from 3 to 2 years, but to take it down to 1 year means we are all going to have the pleasure of being back in here 6 months from now and going through this entire same exercise.

I think that is unfruitful. I think it is a mistake, and, therefore, my amendment restores a like amount for the year 1983 so that we preserve the 2-year funding.

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

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

Mr. RAILSBACK. Mr. Chairman, I think the gentleman once again is right. I think we can accept what really amounts to a 25-percent reduction of \$321 million, which was the actual figure rather than the Carter proposal, which was something like \$361 million.

I personally do not like to see it cut back the way that we have had to cut it back. I certainly favor the 2-year authorization at the \$241 million level.

So, Mr. Chairman, I think the gentleman from Michigan is right.

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

Mr. SAWYER. I yield to the chairman of the subcommittee.

Mr. KASTENMEIER. Mr. Chairman, the gentleman from Michigan (Mr. SAWYER) is correct in describing the subcommittee action on the \$241 million and the \$260 million. We figured on \$260 million because we thought that would be the minimum amount required.

I understand what the gentleman has said about the difficulty of selling \$260 million downtown, and I do agree that 2 years is absolutely essential, not only because in the past we have had it for 3 years, from 1974 to 1977 and then from 1977 to 1980, but, more importantly, we this year in this bill have made enormous changes. And they are enormous changes.

□ 1730

You cannot expect an independent agency of this sort in 1 year to try to adapt to all this and then be subject to a whole flock more of amendments a year hence. A 2-year program has to be a minimum reasonably for any agency such as this Corporation to try to digest; so with some reluctance, but nonetheless with good sense expressed by the gentleman from Michigan, I support his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SAWYER) to the amendment offered by the gentleman from Missouri (Mr. VOLKMER).

The amendment to the amendment was agreed to.

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

The amendment, as amended, was agreed to.

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

Mr. Chairman, I am sure this is no surprise to anybody, but I rise in opposition to H.R. 3480, a bill to authorize the Legal Service Corporation. The Legal Services Corporation at its inception in 1974 was designed to provide legal counsel for the poor.

It has not done so.

By giving the Legal Services Corporation more or less a free reign on spending and activity the Federal Government has involuntarily funded a galaxy of social projects with little or no attention paid to individual services, especially for the poor.

The Legal Services Corporation is fundamentally flawed and should be terminated. Legal Services has not been a poor people's program. It is not a program to impartially seek justice, but one which uses public funds to seek political change outside the electoral process—not just in courts, but through grassroots lobbying organizations, paid legislative agents, political publications, and lobbying the personnel of State and Federal agencies.

The LSC was suppose to take care of client problems concerning various civil problems; divorce, rent problems, counseling to people who want to sue or are being sued, and so forth. Instead, since its inception, employees of the Federal Legal Services Corporation have become taxpayer-funded advocates and organizers of such political causes as quotas in jobs and schooling, welfare rights, unions of the unemployed, student protests, Indian land claims, homosexual demands, voting rights for prison inmates, rent strikes and massive expansion of various Federal programs. All of these issues are important and must be debated in the future, but that is the job of the U.S. Congress, not the Legal Services Corporation.

There are more than a few documented cases of blatant misuse of public time and money by the LSC.

Just last January the LSC argued a case in Hartford, Conn., claiming that the State had an obligation to foot the \$10,000 bill of a client's sex change operation.

In 1980 the West Texas Legal Services represented Iranian students at Texas Tech in Fort Worth to overturn a local denial of permit to march past the home of the Crown Prince of Iran.

Shortly after the election last November, a conference was held in Puerto Rico. It was financed to the tune of \$100,000 by the LSC for 100 key officials and supporters to develop lobbying strategies against anticipated Reagan administration policies.

A former member of the Ku Klux Klan is being defended in Tennessee by the Legal Service Corporation. The case stems from the shooting of five elderly black women last spring.

The LSC has now organized an analyzing committee regarding Members of Congress and their attitudes, statements and voting records where they concern the Legal Services Corporation.

There are currently cases being argued that involve bilingual education, the acceptance of "Black English" as a foreign language and the inclusion of drug addiction and alcoholism as diseases that would qualify someone as being "handicapped" and thus protected from job discrimination.

Mr. Speaker, the list goes on and on. The Legal Services Corporation lawyers are not helping the poor, they are using them as a means to achieve a political end that suits their own politi-

cal philosophy. If lawyers are hired by and report to the boards of directors of nonprofit corporations—as is the case with Legal Services lawyers—they are inevitably accountable to the members of those boards. Unlike the members of the board of the National Legal Services Corporation, who are appointed by the President, members of local boards are hired by local project attorneys and have no such accountability. They are, by and large, self-chosen and self-perpetuating. They adhere to local priorities. This is one reason why President Reagan's appointees to the Board of Directors will not change the direction of LSC activities. The other reason is that, by law, not one of the 320-plus grantee programs may be closed down merely because of policy differences with the LSC board.

Previous debates on this floor have centered on the need for more regulations to limit abuses in the Federal Legal Services Corporation. Such restrictions, even if tightly worded and enforced with integrity have not eliminated the kinds of abuses inherent to this program. As LSC president Dan J. Bradley said: "Even though the legal services community objects to restrictions, we have learned to live with them." It seems to me that the way the LSC lives with these prohibitions is simply to ignore them or to rationalize why the LSC does not comply with them. I have been listening to colleagues who once again are arguing for more restrictions. Certainly then the problems will go away. I would remind those who argue this that Congress attempted to correct certain oversights and various abuses on two occasions in the last 7 years, the last time being just last year. Neither one of these reform packages helped the situation. Why should we believe that 1981 will be any different?

For instance, the projects continue to provide legal services to illegal aliens in spite of congressional prohibitions of such activity. To justify their disregard for the law, the LSC's Clearinghouse Review stated in November 1979:

The effects of this legislation will be very limited. It is apparent that the intent of Congress was to limit services only to aliens who have received a final judicial determination that they are not legally present in the United States.

To me, the LSC says, "go ahead and take the case; ask questions later."

It is not in the best interests of the poor for an attorney to devote a month's time researching a fine point of law, rather than representing 10 clients. If we take away the Legal Services Corporation's guaranteed Federal subsidy it is going to have to compete with other groups for State money. To survive, the LSC will have to become more cost efficient and will have to conform to reality and do the job they were intended to do. States will not be as lenient with their money as Washington tends to be. Also, it is going to

be easier for State authorities to monitor the activities of local legal assistance programs.

According to a recent, 3-year overdue investigation done by Appropriations Committee staff, the GAO and the LSC delivery systems study LSC programs have expanded into many new areas of the country in disregard for existing locally funded programs, causing resentment in many States. According to the GAO, approximately 60 percent of all eligible poor people surveyed were unaware that free legal services were available in their communities. It appears that coordination between LSC projects and other local providers of legal services is inadequate.

Legal assistance to the poor is a sound ideal consistent with the American values of equal justice for all, but the LSC does not promote the ideals it was set up to do. I find it hard to believe that sex-change operations, the rights of anti-Shah demonstrators, Indian land claims, or bilingual education are of major concern to the majority of this Nation's poor. As publications as diverse as the *New Republic* and the *Wall Street Journal* agree, Mr. Speaker, the LSC as it is presently set up has failed—it is not doing the job it was set up to do. For that reason I believe it should be abolished in favor of State or private run legal assistance programs. I urge my colleagues to vote against H.R. 3480.

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

Mr. ROUSSELOT. I would be delighted to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I would like to commend the gentleman from California for his statement.

There is one additional reason to vote against this bill and to support the motion to recommit which will be offered by the gentleman from Illinois (Mr. McCLOY). That reason is that the authorization contained in this bill is still \$141 million above the conference report on the first budget resolution.

Mr. ROUSSELOT. How much is that again?

Mr. SENSENBRENNER. \$141 million.

Mr. ROUSSELOT. Above the budget?

Mr. SENSENBRENNER. Above the budget resolution that this House agreed to no less than 6 weeks ago.

Mr. ROUSSELOT. I cannot believe that. This committee would come in with that kind of an authorization?

Mr. SENSENBRENNER. Yes, sir.

Mr. ROUSSELOT. Incredible. Well, that gives me another good reason to vote against it.

I appreciate the gentleman's comments.

Mr. SENSENBRENNER. If I may continue to have some of the time of the gentleman from California.

Mr. ROUSSELOT. Oh, absolutely.

Mr. SENSENBRENNER. I will be very brief. Seriously, coming in with an authorization that is \$141 million above the budget resolution is inconsistent with that resolution. If the House wishes to be consistent with its earlier action, the motion to recommit by the gentleman from Illinois so that a block grant program for \$100 million should be adopted. If the gentleman's motion is not adopted, then this bill should be rejected so that the budget is not busted.

Mr. ROUSSELOT. So we need to vote for the motion to recommit to stay within the budget.

Mr. SENSENBRENNER. Yes, sir.

Mr. ROUSSELOT. Well, I know many people ran on the thesis in the last campaign to keep the budget within trim; so I am sure that all those who supported the recent budget will vote for the motion to recommit.

Mr. SENSENBRENNER. They should.

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

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

Mr. SEIBERLING. Well, of course, the budget resolution, the only binding part of the budget resolution is the ceiling on total expenditures that each committee was directed to impose, or rather the reduction from the base level. As long as the Judiciary Committee has met that, then they have complied with the budget resolution.

The assumptions under which the Gramm-Latta bill was based are not binding on the committees. As a matter of fact, most of us when we voted did not even know what they were.

Mr. ROUSSELOT. Well, I will say to my colleague that is what a lot of our colleagues are saying from different committees. Hold everybody else's expenditures down but ours; so what I am saying to my colleague is if you want to help reduce the unwarranted increases in deficit, you will support the motion to recommit, because that keeps it more within line of the Gramm-Latta substitute.

Mr. SEIBERLING. That is not what I am saying.

Mr. ROUSSELOT. Did the gentleman vote for the Gramm-Latta substitute?

Mr. SEIBERLING. Certainly not.

Mr. ROUSSELOT. Oh, well, then I can understand why the gentleman would be opposed to it. The gentleman should vote against the motion to recommit.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words. I will not take 5 minutes.

I simply want to say that the Judiciary Committee has met the requirements of the Gramm-Latta substitute when it has made the cuts from the base line that the Gramm-Latta substitute mandated. Whether it took them out of this program or some

other program within the jurisdiction of the subcommittee does not change that result, as long as they complied with the cuts; so that is the only point I am making.

I am willing to say one other thing, though. I doubt very much if the majority of the Members of the House, including a lot who voted for the Gramm-Latta substitute, had any idea what the premises were on which the figures were determined.

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

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

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

Budget issues have been raised here and I want to make it very clear as far as the Budget Committee is concerned in the budget process, that is not an issue and it should not be an issue. The fact is that this is an authorization bill, now targeted at \$260 million. It then moves over to the appropriations process and in the Appropriations Committee you then deal with what are called 302 limitations which have been established as a result of the resolution that was adopted by the Congress. That resolution in the Appropriations Committee envisions funding at a \$260 million level; so the reality is that that is not a problem in terms of the budget. Members are invited to vote their conscience.

Mr. SEIBERLING. I thank the gentleman.

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

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

Mr. GORE. Mr. Chairman, I rise in support of the bill, and I will be brief.

Most of the public debate on reductions in Federal spending has centered on the philosophical issue of the proper role of Government in improving the lives of citizens. Program cuts are weighed against our desire to see Government play a positive role in society. These questions are of grave importance and our resolution of them will have profound implications for the living standards of all Americans.

But today the Members of the House consider a question that is even more fundamental. Simply put, the issue is whether we are going to allow basic constitutional rights to be swept away in the rush of current events. In debating whether and at what level to reauthorize the Legal Services Corporation, we are also debating whether and to what extent the constitutionally protected rights of due process and equal protection under law will be afforded millions of indigent individuals.

Our former colleague and current Director of OMB, David Stockman, has stated that poor persons do not have a constitutional right to the services of a lawyer. His statement indicates a misunderstanding of the Constitution and a disregard for the human needs of the less fortunate

members of society. Such an attitude, which regrettably is now the official administration position, means that the administration is, at least in this case, turning its back on the poor.

Despite the compelling reasons for maintaining a strong and viable Legal Services Corporation, this legislation reduces funding for the Corporation drastically. Legal Services will bear its portion of the budget cuts. There will be needs that will go unmet as a result of these cuts, but there will at least be some mechanism for handling the most serious cases. Legal Services' burdens should not be unduly harsh, because those burdens become the burdens of the people who are served.

The underprivileged have unique legal needs. As beneficiaries of Government assistance, these individuals have close contact with Government and the services it provides. They are particularly vulnerable to unfair treatment.

Recognizing these special needs, the administration has suggested that the private bar can greatly expand its pro bono work to handle cases for the poor. History, however, flatly contradicts such an assertion. Without a strong Legal Services Corporation, our judicial system will only pay lip service to "due process" and "equal protection" guarantees. I urge my colleagues to consider the progress that has been made. We shall cut Federal spending, but we must not forsake the underprivileged.

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

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

Mr. FOGLIETTA. Mr. Chairman, I rise to support H.R. 3480. I have three reasons for supporting the continued funding of the Legal Services Corporation.

First, as an attorney, I have long been committed to the concept that every individual should be assured an opportunity to vindicate their legal rights.

Second, as a representative of my constituents, I have a responsibility to support their concerns. I have received a large volume of mail urging my support for the Legal Services Corporation. These letters have come from all elements of the community: from the bar association, individual attorneys, public spirited citizens, and Legal Services' clients.

Third, as a legislator, I feel that I have a direct interest in the continuation of a program which provides legal representation to implement the Constitution, which I am sworn to uphold, and the laws which Congress has enacted.

The present bill does not represent the Legal Services legislation which I had hoped to support. It makes severe reductions from present funding levels. It also imposes restrictions upon the scope of legal services which I find objectionable.

However, the issue in the present debate is the very survival of the Legal Services Corporation, and the nationwide system of Legal Services programs which it administers. President Reagan has recommended that the program be abolished. Conservative critics of the program are seizing this opportunity to put it out of business entirely, or so hamstringing its operations that it ceases to be an effective force in advocating the rights of the poor and oppressed in our society.

H.R. 3480 is the result of extensive hearings before the House Judiciary Committee, and efforts to reconcile opposing views. While I do not agree with many of its provisions, I am supporting it because I believe that this is the best strategy to insure that free legal services will continue to be made available to those who cannot afford to pay an attorney.

Opponents of H.R. 3480 claim that they support the provision of legal services for the poor. They contend that the poor will have an opportunity to have their needs for legal services fulfilled through block grants. However, there is nothing in the block grant proposal which lends any support to this argument.

Under the President's block grant proposal, States will receive 75 percent of the current Federal funding for every program designated for inclusion in block grants, except legal services. Consequently, a State which wished to maintain a legal services program would have to further reduce other programs whose Federal funds have been cut by 25 percent, or support it through general revenue. Most States will find either option difficult or impossible.

State funding would make legal services programs subservient to governmental officials who are sometimes in an adversary relationship with its clients. The Legal Services Corporation Act of 1974 (Public Law 93-355) established the Corporation as an independent, nonprofit corporation so that it would be insulated from partisan pressures and deliver assistance solely on the basis of professional judgment. I believe that this independence must be maintained.

Our recent experience in Pennsylvania is a good example of why this is necessary. Pennsylvania is presently one of the few States which devotes a major share of its title XX funds to supporting legal services. About half of the financial support of Legal Services programs in the State are derived from title XX, which is essentially a Federal social service block grant.

Just this week, the legislature enacted a budget which cut the allocation for legal services in half, and put the program on a 6-month basis. This decision may have been made in anticipation of Federal reductions in social services programs. It has also been seen as retaliation for a lawsuit filed by Legal Services attorneys on

behalf of the State's welfare recipients, when welfare payments were cut off as the result of a legislative feud unrelated to welfare funding, which resulted in a delay in the passage of a supplemental appropriation for the department of public welfare. In either event, the result is that the funding for legal services in the Commonwealth of Pennsylvania is in double jeopardy—while the State has passed a budget which would terminate its title XX funding of legal services in 6 months, Congress is considering elimination of Federal funding for legal services, and passing the responsibility on to the States.

Poor people need lawyers as much, and often more desperately, than do those in higher income brackets. Legal protection from an abusing spouse can mean the difference between life and death. The resolution of a consumer problem can prevent a life threatening situation for a poor person facing eviction or a utility shutoff in winter. Resolution of a welfare eligibility determination may also be a life or death issue for a family with no other means of support. The overwhelming majority of matters handled by Legal Services attorneys involve services which appear routine, but have enormous importance to the individuals involved.

Often, the legal services which the Government require involve access to Government programs. Attorneys may merely advise their clients of their eligibility for assistance under these programs, and make an appropriate referral. They may also have occasion to represent an individual client in eligibility determination. This type of representation will continue. However, we have passed an amendment which would prohibit Legal Service attorneys from litigating eligibility issues which involve a class of clients who are denied benefits under a Government program.

Returning to the example of the recent welfare cutoff in Pennsylvania, this means that Legal Services attorneys could do nothing when all of the welfare recipients in the State were denied their welfare benefits. I am totally opposed to such restrictions. They are unfair to the poor, and they also tend to undermine the power of Congress. After all, the Federal rights involved are rights which we in Congress created. If we deny the truly needy the opportunity to vindicate these rights, we are providing them with a very insecure safety net.

AMENDMENT OFFERED BY MR. MINISH

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

The CHAIRMAN. The Chair would inquire if the amendment has been printed in the RECORD for 2 legislative days.

Mr. MINISH. It has been.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MINISH: Page 13, add the following after line 23 and redesignate the succeeding section accordingly:

INFORMATION TO CONGRESS

SEC. 14. The Legal Services Corporation Act (42 U.S.C. 2996 et seq.) is amended by redesignating sections 1013 and 1014 as section 1014 and 1015, respectively, and by inserting after section 1012 the following new section:

"INFORMATION TO CONGRESS

"SEC. 1013. The Corporation, any recipient, and any employee of a recipient shall make available upon request to any committee or subcommittee of the Congress or to any Member of Congress any information which is not subject to the attorney-client privilege and which relates to the operations of the Corporation or such recipient, as the case may be."

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state it.

Mr. HARTNETT. Mr. Chairman, was the amendment presently under consideration printed in the Journal for 2 days prior to its introduction here this afternoon?

The CHAIRMAN. The Chair addressed that question to the gentleman who is proposing the amendment and the answer was yes.

Mr. MINISH. Mr. Chairman, I have an amendment. It is a rather simple amendment which is intended to insure that the Congress and its individual Members can receive sufficient information on the Legal Services Corporation in order to make informed decisions about its usefulness and its future.

The amendment provides that the Corporation, or a recipient or employee of a recipient of Corporation funds, must make available to committees, subcommittees, or Members of Congress routine information which is not subject to the attorney-client privilege.

I propose this amendment because of an experience I recently had with the Legal Services Corporation in my own district. As many of my colleagues know, I am a supporter of legal services and, in fact, I am a cosponsor of the authorizing legislation before us now. Recently, in an effort to evaluate the costs and benefits of legal services in my district, I asked our local director for some very routine information. Specifically, I asked for the names of employees, their salaries and the number of cases presently being worked on. I was under the impression that this was public information. I made this request for the first time on May 29; I repeated it many times after that, by telephone and by telegram. After an incredible amount of foot dragging and doubletalk by the local office, I finally got the information 2½ weeks later.

One of the things I try to do as a Member of Congress who has to vote on large authorizing and appropriating budgets, is to see how the specific programs affect my own district. This

may provide somewhat imperfect information, but I think, in general, it gives me a good idea of how a program works throughout the country. When I am unable to obtain this information, and especially when it is withheld for no good reason, it makes my job of evaluation much, much more difficult. Therefore, I propose this amendment simply to make it clear that routine information of the type I requested should be available to Members of Congress.

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

Mr. MINISH. I would be pleased to yield to the chairman.

Mr. KASTENMEIER. I am familiar with the problem the gentleman had with respect to gaining certain information to which he was entitled as a Member of Congress from one of the local programs.

I would say that I do not believe the amendment is necessary because current regulations require that local programs disclose information that is "a valid subject of public interest in the activities of a recipient."

In addition, the Legal Services Corporation itself is covered by the Freedom of Information Act, and the materials which the gentleman requested would have been available from either source the local program or the corporation.

The gentleman is quite right to be outraged at the denial of such materials.

Mr. MINISH. Well, inasmuch as the distinguished committee chairman assures me that that information can be gotten without the amendment, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

The CHAIRMAN. Are there further amendments?

The Clerk will read.

The Clerk read as follows:

TECHNICAL AMENDMENTS

SEC. 14. Section 1006(b) of the Legal Services Corporation Act (42 U.S.C. 299e(b)) is amended—

(1) in paragraph (1)(A) by striking out "section 1011" and inserting in lieu thereof "paragraph (5) of this subsection"; and

(2) in paragraph (2) by striking out "the provisions of section 1011" and inserting in lieu thereof "regulations promulgated pursuant to the last sentence of paragraph (5) of this subsection".

● Mr. SMITH of Iowa. Mr. Chairman, the issue before us today—of whether to continue to maintain a decently funded program of Legal Services. This issue separates the true constitutional conservatives from those who use the conservative label for conscience. True constitutional conservatives support legal services for the poor because they believe that where government is based on laws rather than the edicts of a few men, there

must be access for all to the application of those laws to resolve conflicts and the poor must have a chance to use the laws, a requirement that one must comply with a law in order to assert certain rights can become an obstacle unless there is access to assistance in complying.

Accusations have been leveled against legal services lawyers that are based on inaccurate information, hearsay and sheer prejudice. They have been called "self-appointed social engineers" and "do-good troublemakers." They have been accused, usually erroneously, for illegal lobbying activities on behalf of social causes.

No one contends that the lawyers in the more than 300 locally controlled legal services programs are uniformly perfect. But is this reason to abolish the Legal Services Corporation or to cut it back to the point of ineffectiveness? It is no exaggeration to say that not all lawyers are above reproach, but no one is suggesting abolishing the profession or the bar. There have been examples, on occasion, of corrupt judges, but nobody is suggesting abolishing the courts.

The truth is that, as far as the poor are concerned, if we abolish legal services, as far as the poor people served are concerned, we might as well abolish the courts. Without lawyers to provide access to the courts and the law, the poor are, for all practical purposes, without legal rights.

Powerful corporations command the best that is available in legal talent and pays for them with funds that are deductible as business expenses. These tax losses amount to billions of dollars a year. Yet this bill would authorize no more than \$260 million in funding of legal services for the poor.

There is little point in refuting every false accusation made against legal services. In most instances when asked for concrete examples of violations of law or propriety by Legal Services lawyers, the accusers can cite none. In the few instances where the accusers deal with specifics, there is usually another more convincing side of the story.

In contradiction of the charge that LSC uses public funds for social engineering crusades, I would point out that 95 percent of Legal Services litigation in Iowa in the past year involved routine, noncontroversial matters such as traditional family-law problems, social security and income maintenance issues, consumer fraud and housing-law problems, civil rights, unemployment and health matters. Those matters which did not, would be largely if not entirely prohibited by the limitations in the bill.

There is an illusion on the part of some critics that no American citizen has the right to legal services that he or she cannot pay for. There is a further misconception that this system of providing legal help to poor people is unique to our country.

The truth of the matter is that a number of other western democracies

do a much better job than we do of providing equal justice to the poor. England, the Netherlands, Canada and Sweden finance their systems much more adequately than we do. In countries such as Switzerland, England, France and Sweden, access of the poor to a free legal services is a legal right—either by statute or Constitution. To renege on our own limited commitment to the LSC at this time would be to send a signal to the other nations of the free world that this country—the oldest of the world's functioning democracies—no longer cares whether or not the poor in our society have equal justice.

Mr. President, the Preamble to the U.S. Constitution sets forth our Nation's four basic priorities—one of which is "to establish justice." If we deny equal justice to even "the least of these" in our society, we have failed in our sacred commitment. Even the right to vote is a hollow mockery if access to the justice system to protect it is denied to large numbers of Americans. ●

● Mr. MATSUI. Mr. Chairman, 7 years ago, Congress with the authorization of the Legal Services Corporation, took a truly historic and courageous step in mandating the right to equal access for all Americans to our judicial system. Then, as now, deliberations over the status of the LSC represented a test case over this country's resolve in assuring equal justice for all citizens, including the financially needy, of this Nation. We stand today in judgment on the performance of this Corporation. It is my firm belief that this performance more than warrants the reauthorization of the Corporation. During the past 7 years, the Corporation's lawyers have assured the poor, the elderly, and the disabled representation in civil legal matters. Without these lawyers, these individuals could easily have become the victims of fraud, governmental abuse, and exploitation. The Legal Services Corporation has proved itself effective in meeting both the needs of its clients and performing in the selfless, public-oriented spirit on which it was founded.

In this period of budgetary restraint, what more could we ask of a program that spends less than 2 percent of its budget for central administration, and 90 percent of its funds on direct legal representation? Moreover, it pays its lawyers, on the average, less than \$16,000 per year.

In these time of increasing family instability and child neglect, is it not essential that the Congress endorse a program that places significant emphasis on the handling of cases of adoption, parental rights, and spouse abuse for the economically disadvantaged?

During a time when many American people are clearly concerned with federally run programs and unresponsive Federal bureaucracies, what sense would it make to terminate a program

controlled entirely by local boards of directors, made up of residents of the very communities they serve?

H.R. 3480 manages to coordinate all of these positive aspects of the Legal Services Corporation, while addressing legitimate complaints concerning aspects of the program. In the spirit of compromise, four major prohibitions on Legal Services Corporation activity have been incorporated into the bill. These include prohibitions against Legal Services Corporation lobbying and actions concerning class action suits, political and abortion related activities, and work strikes. The members of the House Judiciary Committee should be commended for presenting a bipartisan compromise, responsive to public suggestions both on the strengths and weaknesses of the Corporation.

The Legal Services Corporation stands as a symbol of the ideals and aspirations of equality and justice that are so uniquely American. While Soviet dissidents are denied fair legal protection from persecution and exile, this Government has chosen to guarantee affordable means of civil legal representation for all its citizens. Passage of H.R. 3480 would affirm this Nation's commitment to the simple proposition of due process and equal protection. To reject the continued funds of the Legal Services Corporation would constitute a congressional betrayal of our judicial system and the principle of equal access which serves as its foundation. ●

● Mr. LAGOMARSINO. Mr. Chairman, we have been debating this bill for 3 days now, and despite the amendments which have been offered and adopted, and the rhetoric which has filled this Chamber, the bill is not much improved since we first took it up. The fact remains that the Legal Services Corporation, under this bill, will likely continue to be dominated by social activists, funded with Federal tax dollars.

Advocates of this program seem determined to test the taxpayers' tolerance to the limit. It has become not just an instrument for helping the poor but also one for hindering Government. It is the equivalent of a CETA program for activist law school graduates. And to judge from some of the arguments LSC attorneys have propounded, perhaps they should go back for more study. A good example is the suit LSC lawyers brought against the University of California, to stop research on labor saving farm machinery. How this helps the poor—who also eat—escapes me.

Like many Government programs, this one started out with a laudable goal: to provide needed legal services to those who could not otherwise afford it. Unfortunately, like many Government programs, it not only strayed from its mission but actually, in some cases even worsened the plight of those it was intended to help.

As a result of the LSC program, pro bono work by private attorneys has become virtually a thing of the past. We are not speaking here of indigent defendants in criminal cases. Their right to competent legal representation is guaranteed in the courts and would continue; LSC, in any event, does not represent persons in criminal cases nor do I believe that ending the LSC program would disadvantage low income civil litigants. The surfeit of law school graduates in recent years has brought about profound changes in the legal profession. Low-cost legal clinics, group insurance and other innovations in law practice have placed the courts within much easier access of all. And where a client is truly indigent, pro bono service is a time-tested method of insuring quality representation. Indeed, the Congressional Budget Office estimates that if every attorney donated just 1 hour of services per week, the entire workload of the LSC could be handled. Legislation introduced by our colleague from Illinois (Mr. HYDE) which I have cosponsored, would allow attorneys to receive a tax credit for such services, which should provide adequate incentive to restore this time-tested and effective tradition.

The idea that the Federal Government needs a Federal program to meet every imagined social need is an idea whose time has passed. This is an area where voluntary or private efforts can be more effective than Federal programs. And for cases where the need remains unmet, the President has proposed that this service be funded through block grants provided to the States. I support that approach and sincerely believe it to be superior to the LSC approach.

The Federal program has become a bureaucracy and like any bureaucracy, it holds the potential for abuse and waste of public funds, as earlier this year when LSC attorneys from all over the country flew to the Caribbean for a "conference" on how to organize support for this very bill—with the travel and conference expenses paid for by the taxpayers. This is a program to help the poor?

Mr. Chairman, I urge a "no" vote. ●

● Mr. CROCKETT. Mr. Chairman, I rise in strong support of the pending legislation on the floor, H.R. 3480, to reauthorize the Legal Services Corporation.

Access to the judicial system in our country is one of the most basic of American rights, and must be available to every citizen, regardless of economic situation or other criteria.

As a judge on the Detroit Recorders' Court for 12 years, I have substantial experience in the workings of our judicial system, and know the difference the Legal Services Corporation has made in making justice and good legal information available to the poor and disadvantaged. I urge my colleagues to vote for H.R. 3480, and against the

weakening amendments being proposed to it.

The Reagan administration has proposed that the Legal Services Corporation get no funding for fiscal year 1982, thereby destroying this institution as a means of redressing the civil complaints of the poor. Critics of the programs use many tactics to attempt to dismantle the legal services programs, and charge that it is used for political purposes by "liberal" lawyers. This is a very distorted view of what the Legal Services Corporation does.

Legal Services programs are designed to help the indigent client protect his legal rights—no more, no less. These are not legal rights that have been determined to exist by a "liberal legal services attorney." These are rights that are embodied in the Constitution, and the statutes enacted through our history at the Federal, State and local level. The role of the Legal Services attorneys is to insure that those legal rights are protected.

I have received numerous communications of support for this legislation, from individual attorneys, local and State Bar Associations, and the American Bar Association. In addition, numerous individual citizens have written me about their concerns that this program be continued.

Attorneys employed by the Legal Services Corporation's funded programs in Michigan currently provide representation to over 70,000 individuals each year. Most of those cases involve the resolution of disputes that are basic to the survival of the clients, including housing, food, clothing and income maintenance as well as domestic relations matters. Court intervention in these disputes can provide the basic level of justice the law requires.

Continued funding of the Legal Services Corporation as a categorical program at the Federal level is, I believe, absolutely crucial for the survival of these rights and services to the poor. It is clear from the historical record that States have been unwilling and the private bar unable to meet these needs in a consistent, substantial way. Indeed, in some cases the legal problems of the poor involve disputes with public officials at the State and local levels who make decisions about their housing, their income, their health care, their children and other vital areas of their lives. Effective, meaningful legal representation for these people sometimes necessitates legal action against State officials and programs. Certainly we cannot expect States to provide this legal representation.

Mr. Chairman, it is imperative that the needs of the poor be defended in our system or justice.

I implore my colleagues not to accept the false economy inherent in the Reagan administration's plan. I urge instead passage of H.R. 3480. ●

● Mr. FINDLEY. Mr. Chairman, except for the rule on advance print-

ing of amendments, I would have offered this amendment:

On page 14 add a new section 15 as follows:

"SEC. 15. Any client who is furnished legal assistance under the provisions of this Act and is not deemed exempt under the terms of this section shall be required to accept an offer from any political subdivision within which he or she resides to perform work on its behalf, or may seek an offer to perform work, with each hour of such work entitling the person to a portion of the legal assistance performed, or to be performed, equal in value to 100 per centum of the higher of the applicable State minimum wage or the Federal minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)). The Corporation shall promulgate such rules and regulations as may be required to permit political subdivisions, if such deem it appropriate, to tender offers of employment to nonexempt clients, and the Corporation shall establish a reasonable schedule of charges and/or an hourly charge for services provided to clients. Work shall not be required under this section to the extent that it either exceeds twenty hours a week or would, together with any other hours worked in any other compensated capacity by such person on a regular or predictable part-time basis, exceed thirty hours a week. Such work shall not include any that has the effect of replacing or preventing the employment of an individual not participating in the workforce program or that does not provide the same benefits and working conditions that are provided by the political subdivision to employees performing comparable work for comparable hours. In the event that any person fails to comply with the requirements of this section, that person shall not be eligible for legal assistance. Persons exempt from the workforce requirement are those who are (a) mentally or physically unfit; (b) under eighteen years of age; (c) sixty years of age or over; (d) subject to and currently involved for at least twenty hours a week in a work training program under a work registration requirement pursuant to Title IV of the Social Security Act, as amended (32 U.S.C. 602); (e) a parent or other member of a household with responsibility for the care of a child under age six or of an incapacitated person; (f) a parent or other caretaker of a child in a household where there is another person who is subject to the requirements of this subsection or is employed full time; (g) a regular participant in a drug addiction or alcoholic treatment and rehabilitation program; (h) a bona fide student enrolled at least half time in any recognized school, training program, or institution of higher education; or (i) anyone employed a minimum of thirty hours per week or receiving weekly earnings which equal the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(a)(1)), multiplied by thirty hours."

Mr. Chairman, language of this amendment almost identical to workfare requirement contained in the Food Stamp Act, which was approved by Republicans and Democrats alike.

A work requirement is also being added as a condition for eligibility for AFDC, so extending it to the legal services program is consistent with administration program and with the mood of America.

Because of the broad administrative structure that will result from the

work requirement under food stamps and AFDC, this additional requirement—so small in comparison—should not add any further administrative cost or burden.

Like the work requirement under food stamps, this one is optional for political subdivisions. They need not impose the work requirement if they choose not to.

The value of the legal services provided should be whatever amount is determined to be reasonable, and such amount can be set, if it is deemed appropriate, in consultation with State and national bar associations. Fees allowed to doctors for medical services provided to the poor have long been established, and it should not be any more difficult to determine a standard fee for a divorce than it is for the removal of a gall bladder.

The list of those exempt from this work requirement is broad and generous, including the young, the old, the disabled, those with small dependent children, and several other categories.

Whenever we talk about a Government program which provides services at taxpayer expense, somebody comes up with the criticism that this is just another Government handout. Perhaps it is. This is why placing a work requirement into the Legal Services Act is one way we can remove the "handout" stigma from yet another Federal program. It allows Government to get something in return for its money, but—even better—it gives those receiving the services the incentive to improve themselves, to provide society with help in return for aid. The community would also benefit, both from the work such a program would provide and from an improvement of attitude in those who participate. The communities which have tried programs with a work requirement tell us all parties benefit from workfare. It is a case of Government helping those who help themselves. When we help people this way, it is not a handout. ●

The CHAIRMAN. Are there amendments to section 14? If not, the question is on the Committee amendment in the nature of a substitute, as amended.

The Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

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, pursuant to House Resolution 148, he reported the bill back to the House with an amendment

adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. McCLORY

Mr. McCLORY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McCLORY. In its present form, yes, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

□ 1745

The Clerk read as follows:

Mr. McCLORY moves to recommit the bill, H.R. 3480, jointly to the Committee on Education and Labor and to 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.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, while the debate on this legislation has been lengthy, the issues have not yet been fully joined. Proponents have stressed the necessity and propriety of providing legal aid to the poor, implying somewhat ingeniously that opponents oppose such legal aid. Opponents have recounted the difficulties of the program, and some have sought to remedy them by amendment, thereby likewise implying that this legislation is the only viable means for providing legal aid to the poor.

In such a debate, it is easy for the real issue to become obscured. That issue is not whether we will provide legal aid to the poor but how.

The administration has requested that the legal aid program be offered as part of social services block grants. In order to foil the administration's program, the leadership has scheduled its preferred legislation at this time so as to deny you the choice between the two means of delivering legal aid that are pending in the Congress. Must we accept an inherently defective framework for delivering legal services simply because it is the only item on the leadership's agenda for June 18—or is there a better way? Indeed, this legislation is beset with problems as is attested by the fact that 18 amendments were adopted in committee and 10 more on the floor.

My motion to recommit offers you the choice that you have been hereto-

fore denied. I urge you to vote "aye" so that this legislation be referred to the same forum that is considering the administration's alternative.

That alternative deserves a chance. The fatal flaw of the program before us is the lack of accountability. We have in years past already issued a code of restrictions, which has been all too often ignored. Rewording those restrictions—as we have done once again in H.R. 3480—will not change a thing as long as the recipients of taxpayer dollars remain accountable to no one.

The administration's block grant program would go a long way in making those recipients accountable to someone close at hand. It is virtually impossible for a board of 11 to supervise the errant behavior or thousands of lawyers in hundreds of localities. But the solution is not the cancellation of legal aid; the solution is local control of legal aid. That is the administration proposal.

In a democracy, there is no greater wrong than the lack of accountability to the people. That is the wrong that H.R. 3480 proudly perpetuates. That is the wrong I wish to right.

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

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

Mr. SAM B. HALL, JR. I would like to join with my colleague on this committee to recommend to my colleagues that this matter be recommitted to the committees that were indicated. I think it has been discussed adequately on all sides. I think the amendments have been fully discussed, and I would urge that this matter be recommitted.

Mr. McCLORY. Mr. Speaker, I would like to emphasize there would be no limitation on funds for Legal Services while there would be \$100 million added in the block grant program as a further accommodation to including Legal Services as part of the social service block grant program.

Let me emphasize that the local communities could allocate such sums as they want.

I do not think the debates here have demonstrated any great success of Legal Services Corporation. Inherent in it has been the conceptual defects I referred to, and I believe the direction in which we are moving is toward greater local control with more decisionmaking at the local level where the decisions are best made. The block grant program would provide that.

I am sure the two committees that are included in my motion to recommit would be able to come forward with the kind of block grant program that we could overwhelmingly support which in turn the President would sign and from which the American people could benefit.

I urge my colleagues' favorable vote on the motion to recommit.

Mr. KASTENMEIER. Mr. Speaker, I rise in opposition to the motion to recommit.

The motion to recommit says that the bill shall be committed jointly to the Committee on Education and Labor and the Committee on Ways and Means with an instruction to consider said bill in relation to the President's Legal Services proposals and to promptly hold hearings thereon. I do not suppose anything could be more surprising to those committees than this motion to recommit. I do not think there could be anything more insulting to this Committee—when I say this Committee I am talking about the House of Representatives—for them to work 3 long days, long days in perfecting H.R. 3480, to work the will of the House in the form of a Legal Services Corporation, that they want to operate for the next 2 years and to take the bill at this point in time and to consign it to two other committees. Incidentally, both committees, I understand, have rejected at least the President's block grant proposal. This is nothing more than a straight motion to recommit to kill the bill, up or down. That is all it is. It is not a vehicle for any plausible, reasonable consideration of this measure. We have already devoted ourselves to that and I hope, Mr. Speaker, the House will reject this motion to recommit out of hand.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the distinguished chairman of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSTENKOWSKI).

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

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in opposition to the motion of the gentleman from Illinois (Mr. McCLOY).

As I understand it, under the gentleman's recommittal motion the bill would be referred to the Committee on Ways and Means and to the Committee on Education and Labor, instructing both committees to determine whether legal services should be included in the administration's proposed social services block grant.

In the first place, such a referral is inappropriate because it violates the established legislative jurisdiction of the Judiciary Committee. The legal services program is under jurisdiction of the Judiciary Committee and, unless and until such time as the House takes the necessary steps to change this, it is highly inappropriate for any other committee to legislate in this area.

Procedurally it simply would not be possible for the Ways and Means Committee to respond to the instructions of the recommittal motion. We have already completed action on our reconciliation legislation, which included a careful review of the block grant measures proposed by the administration.

We are in the middle of markup on a tax bill and do not have the time to

undertake the necessary hearings, subcommittee and full committee consideration that compliance with the motion would require. Furthermore, referral to Ways and Means for the purpose stated in the motion would most likely be a waste of time.

Through our Subcommittee on Public Assistance and Unemployment Compensation, the President's social service block grant proposal was carefully evaluated. With bipartisan and virtually unanimous agreement, the proposed consolidation of the title XX, child welfare services, foster care and adoption assistance programs was rejected. It is highly unlikely that the committee would now reverse itself and consolidate legal services with title XX and the other social service programs under Ways and Means jurisdiction.

It should be understood that Ways and Means is not necessarily opposed to block grants. In fact, in recent months the committee has worked very closely with representatives of the Nation's Governors to develop legislation reauthorizing the low-income energy assistance program in the form of a block grant to States. With regard to the administration's social service block grant, however, the consolidation of a large number of disparate programs would not improve State programs—it would mixup, dilute, and confuse State programs.

The Ways and Means Committee has completed action on its budget reconciliation package. We have already acted on the President's block grant proposals and are now in the middle of tax markup.

The President has been challenging Congress to have both a budget bill and a tax bill on his desk. The diversion of any days from tax markup or final House action on the reconciliation bill reduces the chances of Congress meeting the President's challenge.

I urge the members to vote against the recommittal motion.

Mr. KASTENMEIER. I thank the distinguished chairman for his remarks.

Mr. Speaker, let us reject this motion to recommit, pass the bill, and then get on to other business of the House.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. WALKER) there were—yeas 55, nays 63.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 165, nays 221, not voting 45, as follows:

[Roll No. 90]

YEAS—165

Alexander	Ginn	Myers
Andrews	Goldwater	Napier
Archer	Goodling	Nelligan
Ashbrook	Gramm	Nelson
Bafalis	Gregg	Nichols
Bailey (MO)	Grisham	Parris
Barnard	Gunderson	Patman
Beard	Hagedorn	Paul
Benedict	Hall, Ralph	Petri
Bereuter	Hall, Sam	Quillen
Bethune	Hammerschmidt	Regula
Bevill	Hance	Rhodes
Billey	Hansen (ID)	Ritter
Brinkley	Hartnett	Roberts (KS)
Broomfield	Hefner	Roberts (SD)
Brown (CO)	Hendon	Robinson
Broyhill	Hiler	Rogers
Burgener	Hillis	Roth
Campbell	Holt	Roukema
Carman	Hopkins	Rousselot
Carney	Huckaby	Santini
Chappell	Hunter	Schulze
Cheney	Hutto	Sensenbrenner
Clausen	Hyde	Shaw
Clinger	Ireland	Shelby
Coats	Jeffries	Shumway
Coleman	Jenkins	Shuster
Collins (TX)	Kemp	Sijander
Conable	Kindness	Skeen
Corcoran	Kramer	Smith (AL)
Courter	Lagomarsino	Smith (NE)
Coyne, James	Latta	Smith (NJ)
Craig	Leath	Smith (OR)
Crane, Daniel	LeBoutillier	Snowe
Crane, Philip	Lee	Snyder
Daniel, Dan	Lent	Solomon
Daniel, R. W.	Lewis	Spence
Dannemeyer	Loeffler	Stangeland
Daub	Lott	Stanton
Derrick	Lowery	Staton
Derwinski	Lungren	Stenholm
Dornan	Madigan	Stump
Dougherty	Marriott	Taylor
Dreier	Martin (NC)	Tribe
Duncan	Martin (NY)	Vander Jagt
Edwards (AL)	McClory	Walker
Edwards (OK)	McEwen	Weber (MN)
Emerson	McGrath	Weber (OH)
Evans (IA)	Mica	Whitley
Fiedler	Michel	Whittaker
Fields	Miller (OH)	Winn
Flippo	Montgomery	Wolf
Forsythe	Moore	Wortley
Fountain	Moorhead	Young (AK)
Gingrich	Morrison	Young (FL)

NAYS—221

Addabbo	Coughlin	Ferraro
Akaka	Coyne, William	Findley
Anderson	Crockett	Fish
Annunzio	D'Amours	Fithian
Anthony	Danielson	Foglietta
Applegate	Daschle	Foley
Aspin	Davis	Ford (MI)
Atkinson	de la Garza	Ford (TN)
AuCoin	Deckard	Fowler
Bailey (PA)	Dellums	Frank
Barnes	DeNardis	Frost
Bellenson	Dicks	Fuqua
Benjamin	Dingell	Garcia
Bennett	Dixon	Gaydos
Biaggi	Dorgan	Gejdenson
Bingham	Downey	Gephardt
Blanchard	Dunn	Gilman
Boggs	Dwyer	Glickman
Boland	Dymally	Gonzalez
Bolling	Dyson	Gore
Bonior	Eckart	Gradison
Bonker	Edgar	Green
Bouquard	Edwards (CA)	Guarini
Bowen	Emery	Hall (OH)
Brodhead	English	Hamilton
Brown (CA)	Erdahl	Hatcher
Burton, John	Erlenborn	Heckler
Burton, Phillip	Ertel	Hefelt
Butler	Evans (DE)	Hertel
Byron	Evans (GA)	Hightower
Chisholm	Evans (IN)	Holland
Clay	Fary	Hollenbeck
Coelho	Fascell	Horton
Collins (IL)	Fazio	Howard
Conte	Fenwick	Hoyer

Hubbard	Neal	Shannon
Hughes	Nowak	Sharp
Jacobs	O'Brien	Smith (IA)
Jones (NC)	Oakar	Solarz
Jones (OK)	Oberstar	St Germain
Jones (TN)	Obey	Stark
Kastenmeier	Ottinger	Stokes
Kazen	Panetta	Stratton
Kildee	Patterson	Studds
LaFalce	Pease	Swift
Leach	Pepper	Synar
Leland	Perkins	Tauke
Levitass	Pickle	Tauzin
Long (LA)	Porter	Traxler
Long (MD)	Pritchard	Udall
Lowry	Pursell	Vento
Lujan	Rahall	Volkmer
Lundine	Rallsback	Walgren
Markey	Rangel	Wampler
Marks	Ratchford	Washington
Marlenee	Reuss	Watkins
Martin (IL)	Richmond	Waxman
Matsui	Rinaldo	Weaver
Mattox	Rodino	Weiss
Mavroules	Roe	White
McCloskey	Roemer	Whitehurst
McColum	Rosenthal	Whitten
McCurdy	Rostenkowski	Williams (MT)
McHugh	Roybal	Williams (OH)
McKinney	Russo	Wilson
Mikulski	Sabo	Wirth
Miller (CA)	Savage	Wolpe
Mineta	Sawyer	Wyden
Minish	Scheuer	Wylie
Mitchell (MD)	Schneider	Yates
Mottl	Schroeder	Yatron
Murphy	Schumer	Young (MO)
Murtha	Seiberling	Zablocki
Natcher	Shamansky	

Mr. ANDREWS changed his vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. KASTENMEIER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 137, answered "present" 1, not voting 48, as follows:

[Roll No. 911]
YEAS—245

Addabbo	Fazio	Miller (CA)
Akaka	Fenwick	Mineta
Alexander	Ferraro	Minish
Anderson	Findley	Mitchell (MD)
Andrews	Fish	Moore
Annunzio	Fithian	Mottl
Anthony	Foglietta	Murphy
Applegate	Foley	Murtha
Aspin	Ford (MI)	Natcher
Atkinson	Forsythe	Neal
AuCoin	Fountain	Nowak
Bailey (PA)	Fowler	O'Brien
Barnard	Frank	Oakar
Barnes	Frank	Oberstar
Beard	Fuqua	Obey
Bellenson	Garcia	Ottinger
Benjamin	Gaydos	Panetta
Bennett	Gedjenson	Patterson
Biaggi	Gephardt	Pease
Bingham	Gilman	Pepper
Blanchard	Ginn	Perkins
Boggs	Glickman	Pickle
Boland	Gonzalez	Porter
Bolling	Gore	Pritchard
Bonior	Gradison	Pursell
Bonker	Green	Rahall
Bouquard	Guarini	Rallsback
Bowen	Hagedorn	Rangel
Brinkley	Hall (OH)	Ratchford
Brodhead	Hall, Ralph	Regula
Brown (CA)	Hamilton	Reuss
Burton, Phillip	Hatcher	Richmond
Butler	Heckler	Rinaldo
Byron	Hefner	Rodino
Chisholm	Heftel	Roe
Clausen	Hertel	Roemer
Clay	Hightower	Rosenthal
Clinger	Hollenbeck	Rostenkowski
Coelho	Hopkins	Roybal
Coleman	Horton	Russo
Collins (IL)	Howard	Sabo
Conte	Hoyer	Savage
Coighlin	Hubbard	Sawyer
Courter	Huckaby	Scheuer
Coyne, William	Hughes	Schneider
Crockett	Hunter	Schroeder
D'Amours	Jacobs	Schumer
Danielson	Jenkins	Seiberling
Daschle	Jones (NC)	Shamansky
Davis	Jones (OK)	Shannon
de la Garza	Jones (TN)	Sharp
Deckard	Kastenmeier	Skeen
Dellums	Kazen	Smith (IA)
DeNardis	Kildee	Solarz
Dicks	Leach	St Germain
Dingell	Leland	Stanton
Dixon	Lent	Stark
Dorgan	Levitass	Stokes
Downey	Long (MD)	Stratton
Duncan	Lowry	Studds
Dunn	Lujan	Swift
Dwyer	Lundine	Synar
Dymally	Markey	Tauke
Eckart	Marks	Tauzin
Edgar	Marlenee	Traxler
Edwards (CA)	Martin (IL)	Udall
Emery	Martin (NC)	Vento
English	Matsui	Volkmer
Erdahl	Mattox	Walgren
Erlenborn	Mavroules	Wampler
Ertel	McCloskey	Washington
Evans (DE)	McColum	Watkins
Evans (GA)	McCurdy	Waxman
Evans (IA)	McHugh	Weaver
Evans (IN)	McKinney	Weber (OH)
Fary	Mica	Weiss
Fascell	Mikulski	White

Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)

Wilson
Wirth
Wolpe
Wyden
Wylie

Yates
Yatron
Young (MO)
Zablocki

NAYS—137

Archer	Gregg	Parris
Ashbrook	Grisham	Patman
Bafalis	Gunderson	Paul
Bailey (MO)	Hall, Sam	Petri
Benedict	Hammerschmidt	Quillen
Bereuter	Hance	Rhodes
Bethune	Hansen (ID)	Ritter
Bevill	Hartnett	Roberts (KS)
Bliley	Hendon	Roberts (SD)
Broomfield	Hiler	Robinson
Brown (CO)	Hillis	Rogers
Broyhill	Holland	Roth
Burgener	Holt	Roukema
Campbell	Hutto	Rousselot
Carman	Hyde	Santini
Carney	Ireland	Schulze
Chappell	Jeffries	Sensenbrenner
Cheney	Kemp	Shaw
Coats	Kindness	Shelby
Collins (TX)	Kramer	Shumway
Conable	Lagomarsino	Shuster
Corcoran	Latta	Siljander
Coyne, James	Leath	Smith (AL)
Craig	LeBoutillier	Smith (NJ)
Crane, Daniel	Lee	Smith (NY)
Crane, Phillip	Lewis	Smith (OR)
Daniel, Dan	Loeffler	Snowe
Daniel, R. W.	Lott	Snyder
Dannemeyer	Lowery	Solomon
Daub	Lungren	Spence
Derrick	Madigan	Stangeland
Derwinski	Marriott	Staton
Dornan	Martin (NY)	Stenholm
Dougherty	McClory	Stump
Dreier	McEwen	Taylor
Dyson	McGrath	Trible
Edwards (AL)	Michel	Vander Jagt
Edwards (OK)	Miller (OH)	Walker
Emerson	Montgomery	Weber (MN)
Fiedler	Moorhead	Whittaker
Fields	Morrison	Winn
Flippo	Myers	Wolf
Gingrich	Napier	Wortley
Goldwater	Nelligan	Young (AK)
Goodling	Nelson	Young (FL)
Gramm	Nichols	

ANSWERED "PRESENT"—1

Burton, John

NOT VOTING—48

Albosta	Gibbons	McDonald
Badham	Gray	Mitchell (NY)
Bedell	Hansen (UT)	Moakley
Boner	Harkin	Moffett
Breaux	Hawkins	Mollinari
Brooks	Jeffords	Mollohan
Brown (OH)	Johnston	Pashayan
Chappie	Kogovsek	Peysar
Conyers	LaFalce	Price
Cotter	Lantos	Rose
Dickinson	Lehman	Rudd
Donnelly	Livingston	Simon
Early	Long (LA)	Skelton
Florio	Luken	Thomas
Ford (TN)	Mazzoli	Wright
Frenzel	McDade	Zeferetti

□ 1830

The Clerk announced the following pairs:

On this vote:

Mr. Mollohan for, with Mr. McDonald against.
Mr. Peyser for, with Mr. Badham against.
Mr. Wright for, with Mr. Chappie against.
Mr. Brooks for, with Mr. Dickinson against.
Mr. Zeferetti for, with Mr. Hansen of Utah against.
Mr. Conyers for, with Mr. Johnston against.
Mr. Moffett for, with Mr. Livingston against.
Mr. Frenzel for, with Mr. Rudd against.
Mr. McDade for, with Mr. Thomas against.

NOT VOTING—45

Albosta	Gibbons	Mitchell (NY)
Badham	Gray	Moakley
Bedell	Hansen (UT)	Moffett
Boner	Harkin	Mollinari
Breaux	Hawkins	Mollohan
Brooks	Jeffords	Pashayan
Brown (OH)	Johnston	Peysar
Chappie	Kogovsek	Price
Conyers	Lantos	Rose
Cotter	Lehman	Rudd
Dickinson	Livingston	Simon
Donnelly	Luken	Skelton
Early	Mazzoli	Thomas
Florio	McDade	Wright
Frenzel	McDonald	Zeferetti

□ 1800

The Clerk announced the following pairs:

On this vote:

Mr. McDonald for, with Mr. Mollohan against.
Mr. Badham for, with Mr. Gray against.
Mr. Chappie for, with Mr. Conyers against.
Mr. Dickinson for, with Mr. Zeferetti against.
Mr. Hansen of Utah for, with Mr. Kogovsek against.
Mr. Johnston for, with Mr. Wright against.
Mr. Livingston for, with Mr. Peyser against.
Mr. McDade for, with Mr. Moakley against.
Mr. Mitchell of New York for, with Mr. Lehman against.
Mr. Rudd for, with Mr. Hawkins against.
Mr. Thomas for, with Mr. Moffett against.
Until further notice:
Mr. Brooks with Mr. Jeffords.
Mr. Early with Mr. Mollinari.
Mr. Florio with Mr. Frenzel.
Mr. Lantos with Mr. Pashayan.
Mr. Price with Mr. Skelton.
Mr. Albosta with Mr. Rose.
Mr. Donnelly with Mr. Simon.
Mr. Mazzoli with Mr. Luken.
Mr. Breaux with Mr. Bedell.
Mr. Harkin with Mr. Boner of Tennessee.
Mr. PORTER changed his vote from "yea" to "nay."

Until further notice:

Mr. Early with Mr. Pashayan.
Mr. Florio with Mr. Molinari.
Mr. Breaux with Mr. Mitchell of New York.
Mr. Kogovsek with Mr. Jeffords.
Mr. Skelton with Mr. Bedell.
Mr. Moakley with Mr. Albosta.
Mr. Long of Louisiana with Mr. Boner of Tennessee.
Mr. LaFalce with Mr. Donnelly.
Mr. Hawkins with Mr. Ford of Tennessee.
Mr. Gray with Mr. Lantos.
Mr. Lehman with Mr. Luken.
Mr. Price with Mr. Mazzoli.
Mr. Harkin with Mr. Simon.

Mrs. ROUKEMA and Mrs. SNOWE changed their votes from "yea" to "nay."

Mr. COELHO and Mr. ROYBAL changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO MAKE CHANGES IN SECTION NUMBERS, CROSS REFERENCES, AND PUNCTUATION IN ENGROSSMENT OF H.R. 3480

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct punctuation marks, cross references, and section numbers as may be required in the engrossment 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. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the bill, H.R. 3480, just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON WAYS AND MEANS TO HAVE UNTIL 5 P.M., FRIDAY, JUNE 19, 1981, TO FILE REPORT ON H.R. 3603, FOOD AND AGRICULTURE ACT OF 1981

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means may have until 5 p.m., Friday, June 19, 1981, to file a report on H.R. 3603, the Food and Agriculture Act of 1981, which was sequentially referred to the committee for a period ending June 19, 1981.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE BUDGET TO HAVE UNTIL 5 P.M., FRIDAY, JUNE 19, 1981, TO FILE REPORT ON OMNIBUS RECONCILIATION ACT OF 1981

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until 5 p.m., Friday, June 19, 1981, to file a report on the bill entitled "The Omnibus Reconciliation Act of 1981."

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

Mr. LATTA. Reserving the right to object, Mr. Speaker, may I ask my chairman a question about this deadline?

Does this give the minority ample time to file a report?

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Yes, by 5 p.m., Friday, June 19, which is what we agreed to in the Budget Committee yesterday.

Mr. LATTA. That is what the gentleman and I agreed to.

Mr. JONES of Oklahoma. Yes; we agreed together.

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma (Mr. JONES)?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1257, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT, 1982

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 97-155) on the resolution (H. Res. 161) providing for the consideration of the bill (H.R. 1257) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3380, ARMED FORCES PAY ACT OF 1981

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 97-156) on the resolution (H. Res. 162) providing for the consideration of the bill (H.R. 3380) to increase the pay and allowances of members of the Armed Forces, which

was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3519, DEFENSE DEPARTMENT AUTHORIZATION ACT, 1982

Mr. BOLLING, from the Committee on Rules, submitted a privileged report (Rept. No. 97-157) on the resolution (H. Res. 163) providing for the consideration of the bill (H.R. 3519) to authorize appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF CONFEREES ON H.R. 3520, STEEL INDUSTRY COMPLIANCE EXTENSION ACT OF 1981

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3520) to amend the Clean Air Act to provide compliance date extensions for steel-making facilities on a case-by-case basis to facilitate modernization, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan? The Chair hears none and, without objection, appoints the following conferees: Messrs. DINGELL, WAXMAN, SCHEUER, LUKEN, WALGREN, BROYHILL, MADIGAN, and BROWN of Ohio.

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority whip the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, this concludes the business for this week. It would be my intention to ask unanimous consent that when the House adjourns tonight it adjourn to meet on Monday next.

On Monday, it is our intention to have general debate on H.R. 3238, the Public Broadcasting Act amendments. The rule has already been adopted, a