

BOARD OF DIRECTORS

RESOLUTION

On Proposing Changes to the LSC FY 2013 Appropriation Language to Reflect New Poverty Data from the U.S. Census Bureau and Related Distribution of LSC Funds

WHEREAS,

The Legal Services Corporation (“LSC”) receives annual appropriations from Congress to provide grants to legal aid programs throughout the United States, including its possessions and territories; and

WHEREAS,

Since FY 1996, the LSC annual appropriation has required LSC to distribute almost all of the appropriated basic field funds among LSC designated geographic areas on a “per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within [each] geographic area”¹ with an allocation of funds so as to provide “an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population;”² and

WHEREAS,

The 2010 decennial census (“2010 Census”) did not collect information on the number of Americans in poverty in the fifty states and the District of Columbia, and the U.S. Census Bureau uses other data sources to determine the number of individuals in poverty for these areas; and

¹ The U.S. Bureau of the Census now refers to itself officially as the U.S. Census Bureau.

² Pub. L. No. 104-134, § 501(a), 110 Stat. 1321, 1351, Omnibus Consolidated Rescissions and Appropriations Act of 1996 (April 26, 1996) (incorporated by reference thereafter). The statutory funding distribution formula contains exceptions for some Native American communities and for certain areas in which adjusted population counts have been used. Those exceptions would continue unchanged under the proposed revisions in this resolution.

WHEREAS,

Changes in the LSC appropriation are thus needed starting in FY 2013 regarding both the determination of the number of individuals in poverty and the recurring period for reallocation of basic field funds; and

WHEREAS,

Current LSC funding is distributed based on 2000 Census data (implemented in 2003) and the next redistribution will result in significant reallocations resulting in some LSC service areas losing up to 30% of their funding; and

WHEREAS,

The Operations and Regulations Committee has recommended to the Board of Directors the recommendations of LSC Management for proposing changes to the LSC FY 2013 appropriation to address these issues, which the Committee considered along with public comments.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Directors adopts Management's recommendation to propose to President and to Congress changes to LSC's appropriation language for FY 2013 so that:

- (1) the determination of the number of individuals in poverty in each geographic area will be made by the U.S. Census Bureau, without any reference to the decennial census as the basis for that determination;
- 2) LSC funding will be reallocated among geographic areas every three years based on updated poverty population determinations by the Census Bureau; and
- (3) the first reallocation will be phased in over two years, in FY 2013 and FY 2014.

BE IT FURTHER RESOLVED THAT:

The Board of Directors authorizes Management to take all steps appropriate to implement this resolution, including determining the best process and proposed language for doing so.

Adopted by the Board of Directors
On September 19, 2011

A handwritten signature in black ink, appearing to read "John G. Levi". The signature is written in a cursive style with a large initial "J".

John G. Levi
Chairman

A handwritten signature in black ink, appearing to read "Victor M. Fortuno". The signature is written in a cursive style with a large initial "V".

Victor M. Fortuno
Vice President, General Counsel &
Corporate Secretary